

AURORA STATE AIRPORT



FREQUENTLY ASKED QUESTIONS

We know you have questions, and we will be addressing them throughout the duration of the project. As this project progresses, the Oregon Department of Aviation (ODAV) will continue to add to this list of Frequently Asked Questions (FAQs). This list is not exhaustive but is intended to give you a basic understanding of airport planning.

ODAV only endorses/supports data and statements that are released from this study and posted to the project website. All other statements by members of the Planning Advisory Committee and public are personal opinions. Other documents may not be endorsed by the ODAV because they are out of date, unless otherwise noted.

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Airport Master Planning FAQs

Why is ODAV doing a master plan?

The Airport Master Plan (AMP) and process is guided by the FAA and ultimately results in projections of future activity and the preparation of an Airport Layout Plan (ALP).

- FAA funding requirement
- Plan for the future
- Reflects current FAA airport design standards
- Updated ALP plans set
- Final AMP will replace prior planning

AMPs are a 20-year document but are typically updated on a more frequent timeline as conditions change (often 7-10 years).

What is the public process for this project and will input be considered?

ODAV has invited a robust and varied membership to the Planning Advisory Committee (PAC), which is in accordance with their State Agency Coordination (SAC) agreement. Committee members represent a wide array of organizations, including interested cities/counties, various state agencies, potentially affected tribal communities, adjacent property and business owners, developers, residents and community groups. This diverse range of viewpoints will provide ODAV multiple perspectives at key decision points as a sounding board. No recommendations will be made by the committee; as it is highly unlikely this wide-ranging group would be able to form consensus. Rather, the group will be asked for feedback during PAC meetings through poll questions and break out room discussions. All PAC members, as well as members of the public, are welcome to submit written comments at any point of the project.

ODAV only endorses/supports data and statements that are released from this study and posted to the project website. All other statements by members of the Planning Advisory Committee and public are personal opinions.

All PAC members have the opportunity to assign an official Alternate, in the event the primary PAC member is unable to attend a meeting. It is requested this Alternate attend all PAC meetings, so as to stay well-informed of the project. However, while the primary PAC member is in attendance, it is requested the Alternate refrain from engaging. As the PAC is quite large, having two members from one organization speaking could impose upon other member's time.

As the airport sponsor, ODAV staff will be the final decision-making authority. This is necessary because ODAV is responsible for developing a plan that ensures that the facility safely accommodates airport operations, is financially sustainable, and complies with Local, State, and Federal standards. The Federal Aviation Administration (FAA) reviews all components of a Master Plan as it is prepared to provide input and guidance. However, the FAA only reviews and formally approves these components: Forecasts of aviation activity (based aircraft, operations, and peak activity); Selection of critical aircraft; and Airport Layout Plan (ALP). It is from these listed elements that the FAA makes a determination regarding eligibility of Airport Improvement Program (AIP) funding for any proposed development..

What is Airport Planning?

General airport planning is a systematic process used to establish guidelines for the efficient development of airports that is consistent with local, state and national goals. A key objective of airport planning is to assure the effective use of airport resources in order to satisfy aviation demand in a financially feasible manner.

Airport planning projects may be as broad based as the national system plan or more focused as an airport master plan for a specific airport. All airports that receive federal funding are required to perform Master Plan projects.

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What is an Airport Master Plan?

Airport Master Planning is conducted for a specific airport facility. It is a Federal Aviation Administration (FAA) requirement if an airport is listed in the National Plan of Integrated Airport System (NPIAS) and has received FAA Airport Improvement (AIP) funding. Airport Master Plans are prepared for an individual airport, and allow airport sponsors (owners) to more closely identify their airport facility and its needs. An airport master plan represents the airport's "blueprint" or plan for long-term development, mid-range and short term development on the airport. The Master Plan for the Aurora State Airport will have a 20-year planning horizon based on FAA-approved aviation activity forecasts. A few of the goals of a master plan are:

- To provide the framework needed to guide all future airport development that will keep safety at the forefront and cost-effectively satisfy aviation demand, while considering potential environmental and socioeconomic issues.
- To provide a graphic representation of existing airport features, future airport development, and anticipated specific land use as it pertains to the local governing jurisdiction.
- To establish a realistic schedule for implementation of the proposed development.
- To identify a realistic financial plan to support the development.
- To validate the plan technically through an overview investigation of concepts and alternatives on technical, economic and environmental grounds. (Specific project-related Environmental Studies are NOT part of an Airport Master Plan. However, Environmental Studies may be associated with projects that result from the master planning process.)
- To prepare and present a plan to the public (and interested parties) that adequately addresses all relevant issues that arise from the scope of work of the project and satisfies local, state and federal regulations related to the facility plan and the FAA-approved scope of work.
- To establish a framework for a continuous facility planning process.

The recommendations contained in an Airport Master Plan do not necessarily represent the views of FAA, and acceptance of the Airport Master Plan by FAA does not constitute a commitment on the part of FAA to participate in any development depicted in the Airport Master Plan or indicate that the proposed development is environmentally acceptable. Rather, the Airport Master Plan is essentially a facility planning study that sets forth a conceptual framework for possible future airport development. An Airport Master Plan is NOT a Land Use Comprehensive Plan nor a Land Use Regional Plan. An Airport Master Plan IS an Airport Facility Plan.

What is the difference between an Airport Master Plan and an Airport Master Plan Update?

According to the FAA (Advisory Circular 150/5070-6B), an airport master plan is a comprehensive study of the airport and typically describes short-, medium-, and long-term plans for airport development. Master planning studies that address major revisions are commonly referred to as "Master Plans," while those that change only parts of the existing document and require a relatively low level of effort tend to be known as "Master Plan Updates." In common usage, however, the distinction refers to the relative levels of effort and detail of master planning studies.

ODAV is conducting an Airport Master Plan project for the Aurora State Airport.

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Does the FAA approve the Airport Master Plan?

FAA reviews all components of a Master Plan as it is prepared to provide input and guidance. However, the FAA only reviews and formally approves these components:

- Forecasts of aviation activity (based aircraft, operations, and peak activity)
- Selection of critical aircraft
- Airport Layout Plan (ALP)

It is from these listed elements that the FAA makes a determination regarding eligibility of AIP funding for any proposed development.

What Guidance will ODAV follow for preparation of the Master Plan?

There are many guiding documents used in the preparation of an FAA-driven Master Plan process. The most relevant federal guidance documents are:

- FAA Advisory Circular (AC) 150/5070-6B, Airport Master Plans
- FAA AC 150/5300-13, Airport Design
- FAA Order 5100.38D, Airport Improvement Program Handbook
- FAA Order 1050.1E, Environmental Impacts: Policies and Procedures

Additionally, state resources, such as the Oregon Aviation Plan and Land Use Compatibility Guidebook, will be consulted throughout the planning process. We encourage all participants to familiarize themselves with these documents.

Why is Aurora State Airport completing an Airport Master Plan?

The FAA requires Airport Master Plans and recommends that NPIAS public-use airports, such as Aurora State Airport, prepare a new Airport Master Plan approximately every 10 years or as local aviation conditions change. This Master Plan has been recommended to address the local aviation needs at the airport. It is also important to note that the statewide system of airports also plays a role in determining local aviation needs.

Throughout the last several years, the following area general aviation airport master plans have been completed: Scappoose, Troutdale, Mulino and Hillsboro.

What constitutes the Aurora State Airport?

The Aurora State Airport constitutes the land owned by the State of Oregon, and is operated by the Oregon Department of Aviation. Adjacent lands may operate aviation services and businesses, which gain access to the airport through agreements (known as Through the Fence). Through the Fence land is not considered part of the Aurora State Airport facility. In fact, “through the fence” property is privately owned property paid for and maintained by private ownership and adjacent to state owned airport facility property.

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Who is preparing the Airport Master Plan?

Following qualifications-based selection processes for the Aurora State Airport, Century West Engineering Corp. was selected as the general planning and engineering consultant for the airport. Century West Engineering Corp. will be responsible for the Planning deliverables of this project. JLA Public Involvement has been hired to facilitate the Planning Advisory Committee and Public Meetings and complete the deliverables associated with the public involvement portion of the scope of work.

What is a Scope of Work and who approved it for this project?

A Scope of Work (SOW) is a formal document that outlines what deliverables are to be prepared within a specific project. The scope of work is prescribed from the FAA Advisory Circular 150/5070-6B, Airport Master Plans, and each SOW is tailored to fit an airport's unique situation.

The FAA approves all Master Planning Project Scopes of Work. The Master Planning Project Scope of Work for the Aurora State AMP was approved by the FAA Seattle Airport District Office.

Who is funding the Airport Master Plan; is it taxpayer funded?

This project is fully funded by the FAA through the Airport and Airway Trust Fund (commonly known as the Aviation Trust Fund). The FAA typically provides 90 percent of all Airport Improvement Plan (AIP) project eligible funding, with the remaining 10 percent coming from the local sponsor (Oregon Department of Aviation for Aurora State Airport). However, in this case the FAA is providing 100% funding due to pandemic relief funding appropriations. The Aviation Trust Fund finances FAA investments in the airport and airway system by collecting aviation-related excise taxes on passengers, cargo, and fuel. Inasmuch, it is based on user fees rather than general taxpayer funds. Read more about the Trust Fund in the Airport & Airway Trust Fund (AATF) Fact Sheet (PDF).

As a note of clarity, while ODAV is not financing any portion of this project, ODAV receives all of its revenue from aviation system user fees and taxes. No General Fund revenue is used. Following is a list of funding sources:

- Other Funds (State)
 - 3 cent per-gallon tax on jet fuel
 - 11 cents-per gallon tax on aviation gasoline
 - Annual aircraft Registration Fees
 - Aircraft dealer license fees
 - Leases and agreements at state-owned airports
- Other Revenue (Federal)
 - 100% of the federal funds received for airport projects are from the FAA via the Aviation Trust Fund

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Is a runway extension being proposed?

As a result of previous planning studies, a Runway Extension has been proposed previously as a development alternative. If the current air traffic levels and capacity are still the same, it is likely that a Runway Extension could be proposed and justified in this plan as a development alternative and even considered as a preferred alternative. Any proposed runway pavement improvements considered in the alternative process to the north or the south, would be built on land already owned by the airport (ODAV). Any additional property needed would be used for the Runway Safety areas.

Will there be other infrastructure projects discussed?

There may be infrastructure projects discussed that will take place on the current airfield that may involve geometry improvements, reconstruction of existing pavement, or system upgrades.

Will vehicular surface transportation congestion around the Airport be addressed?

No, the Master Plan is a facility plan for the Airport. Any projects that may be proposed in the Plan will undergo Marion County permitting, which may require a traffic impact analysis. Funding for off-airport transportation facilities is the responsibility of the applicable City, County, or Oregon Department of Transportation (ODOT) and is beyond the scope of this project.

Future highway or local roadway improvements surrounding the airport are the responsibility of the jurisdiction that owns and maintains the road.

Oregon Department of Transportation (ODOT)

- Interstate 5 (I-5)
- Hubbard Highway (OR-551)

Marion County

- Airport Road NE
- Arndt Road
- Keil Road

Proposed development projects at the Airport may require transportation studies for permit approval based on Marion County code.

What is the Master Plan Process?

A master plan commonly includes these key elements: Inventory, Aviation Activity Forecasts, Facility Requirements, Alternatives, Recommended Development Concept, and Capital Improvement Program. The Scope of Work (SOW) for the Aurora State Airport Master Plan Project includes the elements listed above and many others (please see the final FAA approved scope of work as attached). As you will see in the SOW, the consultant will be presenting all information as it is prepared to the PAC and public during all meetings.

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1. Existing Conditions. The first element is an inventory of both the airside (runway and taxiway system, navigational aids) and landside (buildings, hangars, etc.) facilities. This is simply an information-gathering exercise to determine the current condition of the airport.
2. Aviation Activity Forecasts. Next are the aviation activity forecasts where data collected during the inventory is used to project the future condition of the airport in terms of based aircraft, operations, enplanements, and critical design aircraft. The FAA reviews and officially approves this work product.
3. Facility Goals and Requirements. The facility requirements element is a gap analysis of what facilities are needed in the future, per the activity forecasts, compared to what is currently available.
4. Development Alternatives. The Alternatives chapter explores different options and projects the airport could pursue to meet the projected facility requirements.
5. Development Concept. After an evaluation of all alternatives, a recommended development concept is put forth that outlines the long-range development plan for the airport.
6. Implementation Plan. Recommended projects are broken out individually so that a cost evaluation can be made and a Financial Plan developed within the capital improvement program element.
7. Airport Recycling, Reuse, and Waste Reduction. As a required Master Plan element, this chapter is specific to enhancing airport recycling, reuse, and waste reduction programs as core objectives of airport planning. All airports that have or plan to prepare a master plan, and that receive Airport Improvement Program (AIP) funding for an eligible project, must ensure that the new or updated master plan addresses issues related to solid waste recycling at the airport. This includes: the feasibility of solid waste recycling; minimizing the generation of solid waste; operation and maintenance requirements; review of waste management contracts; and the potential for cost savings or the generation of revenue.
8. Airport Layout Plan (ALP) Drawing Set. The ALP and associated drawings are a pictorial culmination of the planning process, prepared in accordance with FAA SOP 2.0 and 3.0. The FAA reviews and formally approves the ALP.

What comes after the master plan?

Once the master plan project is complete, ODAV will begin implementing the capital improvement plan (CIP). For each project on the CIP, there will be additional planning, identification of funding, environmental analysis, design, and ultimately construction.

Can you explain the validity of the 2012 Airport Master Plan (AMP)?

The 2012 AMP and Airport Layout Plan (ALP) were approved by FAA and therefore is the current planning document on record. It may be referenced for historical context.

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Environmental Considerations FAQs

Is the National Environmental Policy Act (NEPA) applicable to the Airport Master Plan?

No, however, environmental considerations are included in the Master Plan to aid in the analysis of development alternatives.

When is the NEPA applicable at the Aurora State Airport?

The NEPA nexus is determined for defined projects. All projects to be listed in the Master Plan's Capital Improvement Plan will undergo NEPA review/determination prior to full project design and construction. The Federal Aviation Administration (FAA) determines which NEPA analysis is required (i.e., Categorical Exclusion, Environmental Assessment, etc.). FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, serves as the FAA's policy and procedures for compliance with the NEPA and implementing regulations issued by the Council on Environmental Quality (CEQ).

I'm concerned about leaded fuel. Does the Master Plan address this?

The Environmental Protection Agency (EPA) currently plans to issue a proposed endangerment finding in 2022 regarding leaded fuel, which will undergo public notice and comment. After evaluating comments on the proposal, the EPA plans to issue a final endangerment finding in 2023. The FAA, together with government and industry stakeholders, is in the early stages of developing a multi-layered transition strategy to reduce and ultimately eliminate lead from aviation gasoline. More information about FAA's programs can be found here: <https://www.faa.gov/about/initiatives/avgas/>

Land Use FAQs

What land use processes and approvals are required for the Master Plan?

The Aurora State Airport is located in unincorporated Marion County. For this reason, no other jurisdiction has land use authority over the Aurora State Airport. Completion of the Aurora State AMP does not require a land use approval process with Marion County. Marion County does not approve the AMP.

However, ODAV will submit the Aurora State AMP to Marion County and request a statement of compatibility with the Marion County Comprehensive Plan. Marion County will identify whether any amendments to the Comprehensive Plan or Transportation System Plan are required for the AMP.

Following receipt of the statement of compatibility by Marion County, the Aurora State Airport AMP will next be submitted to the ODAV State Aviation Board for formal adoption.

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ODAV completes this coordination process in accordance with the Department of Land Conservation and Development's (DLCD) State Agency Coordination (SAC) Program. The SAC Program helps assure the Aurora State Airport AMP is completed in compliance with all applicable statewide planning goals and Marion County's comprehensive plan. (ORS 187.180; OAR 660-30 & 31). Oregon's Statewide Planning Program also emphasizes the importance of public involvement, which is a key component of the SAC Program. Accordingly, ODAV has established a Planning Advisory Committee (PAC) that includes members from all affected Federal, State, Local Special Districts, and Interested Parties. The PAC will meet up to nine times throughout the 18-month Aurora State Airport AMP project timeline. All PAC meetings are open to the public.

Are private heliports under ODAV jurisdiction?

No. Columbia Helicopters and Helicopter Transport Services (HTS) are independent of the Aurora State Airport and are located on private property. Those private heliports operate under Marion County Conditional Use Permits.

Noise FAQs

What noise abatement procedures are in place at Aurora State Airport?

Voluntary noise abatement procedures can be found on ODAV's website at <https://www.oregon.gov/aviation/Airports/Pages/AIRPORTS/UAO.aspx>. Noise abatement procedures are designed to minimize exposure of residential areas to aircraft noise, while ensuring safety of flight operations. There are communities surrounding the Airport that are noise sensitive, and ODAV wants to minimize the noise impacts on those communities. The procedures are intended for noise abatement and are subject to air traffic control and pilot discretion for reasons of safety.

What controls are there for aircraft in flight?

Aircraft in flight are regulated solely by the FAA. Pilots are responsible for the safe operation of their aircraft. Aircraft movements within the local controlled airspace associated with an operations air traffic control tower (ATCT) are under the control of the ATCT.

How is aircraft noise measured?

Aircraft noise is measured in A-weighted decibels (dBA) which approximates the way humans hear sound. The Federal Aviation Administration (FAA) and Environmental Protection Agency (EPA) both recognize and use the same metric for aircraft noise measurement. The industry standard for determining long-term aircraft noise exposure around airports is done using a methodology called Day/Night Average Noise Level (DNL), also known as LDN. The FAA has developed a computer model called the Integrated Noise Model (INM) which integrates the DNL metric to depict the noise exposure levels from aircraft around an airport onto a base map into noise contours of equal DNL, usually, into contour lines of 55, 60, 65, 70, and 75 DNL.

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Example: One aircraft event occurs and then another aircraft event occurs 10 minutes later with both events registering a maximum noise level of 75 decibels each. Using the DNL metric, each aircraft noise event is added up and averaged together along with the quiet time or background ambient noise in between the events to arrive at a total DNL. Thus, the total DNL measured will be less than 75 decibels during that time period.

To learn more about aircraft noise measurement, see the Federal Interagency Committee on Aviation Noise (FICAN) document:

<https://www.federalregister.gov/documents/2021/01/13/2021-00564/overview-of-faa-aircraft-noise-policy-and-research-efforts-request-for-input-on-research-activities>

What is the limit on aircraft noise? How loud is loud?

There is no specific limit on aircraft noise. Aircraft noise levels are federally regulated by the Federal Aviation Administration (FAA) under Federal Aviation Regulation (FAR) Part 36. This regulation proscribes the measurement criteria and records the noise level measurements taken on three phases of flight at three different measuring points for landing, takeoff and sideline noise on all manufactured aircraft.

Part 36 also designates Stage ratings for helicopter and jet aircraft. In 1977, three "Stage" categories of jet ratings were developed, Stage 1, 2, 3 and Stage 4. A Stage 1 rating is considered the noisiest, Stage 2 rating less noisy, and a Stage 3 rated jet aircraft being the quieter and the Stage 4 standard adopted in 2006 being the quietest. Stage 1 category jets are pure jet aircraft, such as, military jet aircraft and/or early commercial and corporate jet aircraft built in the 1950's and 1960's. Stage 2 rated jets are also older manufactured jets primarily built in the 1970's and into the early 1980's.

Stage 3 rated jets are those built with the latest technology using quieter turbo-fan jet engines built in the late 1980's and since that time forward. Any jet aircraft certificated and manufactured after January 1, 2006 will have to meet Stage 4 noise standards. Today's modern jet aircraft have made major reductions in the noise they create on both takeoff and landing operations, which has helped to reduce their overall noise impacts to communities surrounding airports.

Under a 1990 Federal law, the Aircraft Noise and Capacity Act of 1990 (ANCA), the U.S. Congress mandated that all Stage 2 rated commercial turbojet aircraft of 75,000 lbs. or greater had to be phased out by Dec. 31, 1999. Thus, all U.S. airlines that operated Stage 2 rated jet aircraft in their fleets, had to replace, sell, or equip these aircraft with engine hush-kits to meet the more stringent and quieter Stage 3 jet rating requirements.

In Feb. 2012, President Obama signed into law the FAA Modernization and Reform Act of 2012. Under this law, the U.S. Congress has mandated the phase out and elimination of Stage 2 rated jet aircraft under 75,000 lbs. by Dec. 31, 2015. The law primarily affects private/corporate operators of older business jet aircraft who will now have to meet the current Stage 3 noise limits by either modifying or selling these aircraft.

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Can a loud aircraft be fined?

No, ODAV cannot levy a fine for noise or otherwise penalize an aircraft operator for the amount of noise an aircraft makes. We do not have the legal authority to do so regardless of how noisy it was. However, we can work with operators to assist them in reducing their noise levels, once a noise study is done. A formal study will include formal recommendations for implementation. This would be done through the use of an Airport Noise and Operations Monitoring System (ANOMS) which consists of a certain number of fixed noise monitors around the airport. An outcome of a noise study will recommend final protocols.

How can I report noise concerns?

For off-airport operations, daytime noise related issues can be reported to Code Enforcement at (503) 373-4333. Off-airport operations during nighttime hours can be reported to the Marion County Sheriff's non-emergency number (503) 588-5032. Marion County has a noise complaint website with additional information (<https://www.co.marion.or.us/SO/Operations/CodeEnforcement/Pages/NoiseComplaints>). The FAA Flight Standards District Office (FSDO) oversees pilots for in-flight activity concerns; Portland FSDO can be reached at (503) 615-3200. For on-airport noise, contact ODAV at (503) 378-2523.

Will a noise study be included in the AMP?

Yes, this plan will include an analysis of noise exposure both for current traffic and forecast periods

Will noise from private facilities be included in a noise study for the Aurora State Airport?

No. FAA has indicated that since the off-airport helicopter bases (HTS and Columbia) do not use airport facilities, the noise modeling should not include HTYS and Columbia activity for the Airport Master Plan.

Will I have noise monitors in my area if a noise study is done?

The airport and project will have noise monitors located within a prescribed radius of the airport as part of a noise study.

Has the airport ever done a Part 150 study?

No, the State or ODAV has never elected or been requested to do a CFR 14 Federal Aviation Regulation (FAR) Part 150 Airport Noise Planning and Land Use Compatibility Study. This is a voluntary program sponsored by the FAA that will provide some Federal funding for noise mitigation projects. If your Part 150 program is approved by the FAA, federal funding could be made available to pay for portions of approved noise mitigation projects around the airport including noise abatement programs and procedures along with any land use control measures.

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What can be done about low flying aircraft and helicopters?

Aircraft and helicopter altitudes are regulated by the FAA under Federal Aviation Regulation (FAR) Part 91. Regulation Part 91.119 mandates the minimum safe altitudes for aircraft and helicopters. 91.119 Minimum safe altitudes: General. Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- b) Over congested areas. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- d) Helicopters, powered parachutes, and weight-shift-control aircraft. If the operation is conducted without hazard to persons or property on the surface.

(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.

How does an airport get a curfew?

In 1990, the U.S. Congress passed the Airport Noise and Capacity Act of 1990 (ANCA) which made it very difficult for any airport operator to impose a curfew or use restrictions in the future. All U.S. airports which had curfews or use restrictions in place at the time this law was passed were "Grandfathered" in and kept. The U.S. Congress would have to modify and change this law to allow airport owners to impose new restrictions. The airport could also choose to conduct a Part 161 Study (Notice and Approval of Airport Noise and Access Restrictions) under ANCA in an attempt to impose a use restriction pursuant to the Federal Aviation Regulations (FAR) Part 161. This is a legal process setup by the FAA which would require public notification, public input, scientific study, economic cost/benefit analysis and federal documentation. Any proposed changes would have to meet the approval of the FAA before the airport could implement any restriction. Since the ANCA law was passed, only Naples Airport in Naples, Florida has been successful in imposing a ban on Stage 2 noise rated business jets from operating, but only after many years of costly litigation with the FAA over this restriction.

For additional Aviation Industry Information and Best practices please see the following:

<https://www.aopa.org/-/media/files/aopa/home/supporting-general-aviation/get-involved/airport-support-network/aopa-resources-for-you/120112asn-airport-noise-compatible-land-use.pdf>

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Which State Agency regulates Noise?

In the State of Oregon, Noise is regulated by the Department of Environmental Quality (DEQ) through Oregon Administrative Rule (OAR) 340-035-0045, Noise Control Regulations for Airports. Full text of OAR:

340-035-0045

Noise Control Regulations for Airports

(1) Statement of Purpose:

(a) The Commission finds that noise pollution caused by Oregon airports threatens the public health and welfare of citizens residing in the vicinity of airports. To mitigate airport noise impacts a coordinated statewide program is desirable to ensure that effective Airport Noise Abatement Programs are developed and implemented where needed. An abatement program includes measures to prevent the creation of new noise impacts or the expansion of existing noise impacts to the extent necessary and practicable. Each abatement program will primarily focus on airport operational measures to prevent increased, and to lessen existing, noise levels. The program will also analyze the effects of aircraft noise emission regulations and land use controls;

(b) The principal goal of an airport proprietor who may be required to develop an Airport Noise Abatement program under this rule should be to reduce noise impacts caused by aircraft operations, and to address in an appropriate manner the conflicts which occur within the higher noise contours;

(c) The Airport Noise Criterion is established to define a perimeter for study and for noise sensitive use planning purposes. It is recognized that some or many means of addressing aircraft/airport noise at the Airport Noise Criterion Level may be beyond the control of the airport proprietor. It is therefore necessary that abatement programs be developed, whenever possible, with the cooperation of federal, state and local governments to ensure that all potential noise abatement measures are fully evaluated;

(d) This rule is designed to encourage the airport proprietor, aircraft operator, and government at all levels to cooperate to prevent and diminish noise and its impacts. These ends may be accomplished by encouraging compatible land uses and controlling and reducing the airport/aircraft noise impacts on communities in the vicinity of airports to acceptable levels.

(2) Airport Noise Criterion. The criterion for airport noise is an Annual Average Day-Night Airport Noise Level of 55 dBA. The Airport Noise Criterion is not designed to be a standard for imposing liability or any other legal obligation except as specifically designated within this section.

(3) Airport Noise Impact Boundary:

(a) Air Carrier Airports. Within 12 months of designation, the proprietor of any Air Carrier Airport shall submit for Department approval, the existing airport Noise Impact Boundary. The data and analysis used to determine the boundary shall also be submitted to the Department for evaluation;

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(b) Existing Non-Air Carrier Airports. After an unsuccessful effort to resolve a noise problem pursuant to section (5) of this rule, the Director may require the proprietor of any existing non-air carrier airport to submit for Department approval, all information reasonably necessary for the calculation of the existing airport Noise Impact Boundary. This information is specified in the Department's Airport Noise Control Procedure Manual (NPCS-37), as approved by the Commission. The proprietor shall submit the required information within twelve months of receipt of the Director's written notification;

(c) New Airports. Prior to the construction or operation and any required local government land-use approval of any New Airport, the proprietor shall submit for Department approval the projected airport Noise Impact Boundary for the first full calendar year of operation. The data and analysis used to determine the boundary shall also be submitted to the Department for evaluation. The Department shall notify the appropriate local planning unit of the results of their evaluation;

(d) Airport Master Planning. Any airport proprietor who obtains funding to develop an airport Master Plan shall submit for Department approval an existing noise impact boundary and projected noise impact boundaries at five, ten, and twenty years into the future. The data and analysis used to determine the boundaries shall also be submitted to the Department for evaluation;

(e) Impact Boundary Approval. Within 60 days of the receipt of a completed airport noise impact boundary, the Department shall either consider the boundary approved or provide written notification to the airport proprietor of deficiencies in the analysis.

(4) Airport Noise Abatement Program and Methodology:

(a) Abatement Program. The proprietor of an existing or new airport whose airport Noise Impact Boundary includes Noise Sensitive Property, or may include Noise Sensitive Property, shall submit a proposed Airport Noise Abatement Program for Commission approval within 12 months of notification, in writing, by the Director. The Director shall give such notification when the Commission has reasonable cause to believe that an abatement program is necessary to protect the health, safety or welfare of the public following a public informational hearing on the question of such necessity. Reasonable cause shall be based upon a determination that:

(A) Present or planned airport operations cause or may cause noise impacts that interfere with noise sensitive use activities such as communication and sleep to the extent that the public health, safety or welfare is threatened;

(B) These noise impacts will occur on property presently used for noise sensitive purposes, or where noise sensitive use is permitted by zone or comprehensive plan; and

(C) It appears likely that a feasible noise abatement program may be developed.

(b) Program Elements. An Airport Noise Abatement Program shall consist of all of the following elements, but if it is determined by the Department that any element will not aid the development of the program, it may be excluded:

(A) Maps of the airport and its environs, and supplemental information, providing:

- (i) Projected airport noise contours from the Noise Impact Boundary to the airport property line in 5 dBA increments under current year of operations and at periods of five, ten, and twenty years into the future with proposed operational noise control measures designated in paragraph (4)(b)(B);
- (ii) All existing Noise Sensitive Property within the airport Noise Impact Boundary;
- (iii) Present zoning and comprehensive land use plan permitted uses and related policies;
- (iv) Physical layout of the airport including the size and location of the runways, taxiways, maintenance and parking areas;
- (v) Location of present and proposed future flight tracks;
- (vi) Number of aircraft flight operations used in the calculation of the airport noise levels. This information shall be characterized by flight track, aircraft type, flight operation, number of daytime and nighttime operations, and takeoff weight of commercial jet transports.

(B) An airport operational plan designed to reduce airport noise impacts at Noise Sensitive Property to the Airport Noise Criterion to the greatest extent practicable. The plan shall include an evaluation of the appropriateness and effectiveness of the following noise abatement operations by estimating potential reductions in the airport Noise Impact Boundary and numbers of Noise Sensitive Properties impacted within the boundary, incorporating such options to the fullest extent practicable into any proposed Airport Noise Abatement Program:

- (i) Takeoff and landing noise abatement procedures such as thrust reduction or maximum climb on takeoff;
- (ii) Preferential and priority runway use systems;
- (iii) Modification in approach and departure flight tracks;
- (iv) Rotational runway use systems;
- (v) Higher glide slope angles and glide slope intercept altitudes on approach;
- (vi) Displaced runway thresholds;
- (vii) Limitations on the operation of a particular type or class of aircraft, based upon aircraft noise emission characteristics;
- (viii) Limitations on operations at certain hours of the day;
- (ix) Limitations on the number of operations per day or year;
- (x) Establishment of landing fees based on aircraft noise emission characteristics or time of day;
- (xi) Rescheduling of operations by aircraft type or time of day;
- (xii) Shifting operations to neighboring airports;
- (xiii) Location of engine run-up areas;
- (xiv) Times when engine run-up for maintenance can be done;

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(xv) Acquisition of noise suppressing equipment and construction of physical barriers for the purpose of reducing aircraft noise impact;

(xvi) Development of new runways or extended runways that would shift noise away from populated areas or reduce the noise impact within the Airport Noise Impact Boundary.

(C) A proposed land use and development control plan, and evidence of good faith efforts by the proprietor to obtain its approval, to protect the area within the airport Noise Impact Boundary from encroachment by non-compatible noise sensitive uses and to resolve conflicts with existing unprotected noise sensitive uses within the boundary. The Plan is not intended to be a community-wide comprehensive plan; it should be airport-specific, and should be of a scope appropriate to the size of the airport facility and the nature of the land uses in the immediate area. Affected local governments shall have an opportunity to participate in the development of the plan, and any written comments offered by an affected local government shall be made available to the Commission. The Department shall review the comprehensive land use plan of the affected local governments to ensure that reasonable policies have been adopted recognizing the local government's responsibility to support the proprietor's efforts to protect the public from excessive airport noise. The plan may include, but not be limited to, the following actions within the specified noise impact zones:

(i) Changes in land use through non-noise sensitive zoning and revision of comprehensive plans, within the Noise Impact Boundary (55 dBA);

(ii) Influencing land use through the programming of public improvement projects within the Noise Impact Boundary (55 dBA);

(iii) Purchase assurance programs within the 65 dBA boundary;

(iv) Voluntary relocation programs within the 65 dBA boundary;

(v) Soundproofing programs within the 65 dBA boundary, or within the Noise Impact Boundary (55 dBA) if the governmental entity with land use planning responsibility desires, and will play a major role in implementation.

(vi) Purchase of land for airport use within the 65 dBA boundary;

(vii) Purchase of land for airport related uses within the 65 dBA boundary;

(viii) Purchase of land for non-noise sensitive public use within the Noise Impact Boundary (55 dBA);

(ix) Purchase of land for resale for airport noise compatible purposes within the 65 dBA boundary;

(x) Noise impact disclosure to purchaser within the Noise Impact Boundary (55 dBA);

(xi) Modifications to Uniform State Building Code for areas of airport noise impact within the Noise Impact Boundary (55 dBA).

(c) Federal Aviation Administration Concurrence. The proprietor shall use good faith efforts to obtain concurrence or approval for any portions of the proposed Airport Noise Abatement Program for which the airport proprietor believes that Federal Aviation Administration concurrence or approval is required. Documentation of each such effort and a written statement from FAA containing its response shall be made available to the Commission;

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(d) Commission Approval. Not later than twelve months after notification by the Director pursuant to subsection (4)(a) of this rule, the proprietor shall submit a proposed Airport Noise Abatement Program to the Commission for approval. Upon approval, the abatement program shall have the force and effect of an order of the Commission. The Commission may direct the Department to distribute copies of the approved abatement program to interested federal, state and local governments, and to other interested persons, and may direct the Department to undertake such monitoring or compliance assurance work as the Commission deems necessary to ensure compliance with the terms of its order. The Commission shall base its approval or disapproval of a proposed Noise Abatement Program upon:

(A) The completeness of the information provided;

(B) The comprehensiveness and reasonableness of the proprietor's evaluation of the operational plan elements listed under paragraph (4)(b)(B) of this rule;

(C) The presence of an implementation scheme for the operational plan elements, to the extent feasible;

(D) The comprehensiveness and reasonableness of the proprietor's evaluation of land use and development plan elements listed under paragraph (4)(b)(C) of this rule;

(E) Evidence of good faith efforts to adopt the land use and development plan, or obtain its adoption by the responsible governmental body, to the extent feasible;

(F) The nature and magnitude of existing and potential noise impacts;

(G) Testimony of interested and affected persons; and

(H) Any other relevant factors.

(e) Program Renewal. No later than six months prior to the end of a five-year period following the Commission's approval, each current airport Noise Abatement Program shall be reviewed and revised by the proprietor, as necessary, and submitted to the Commission for consideration for renewal.

(f) Program Revisions. If the Director determines that circumstances warrant a program revision prior to the scheduled five year review, the Airport Proprietor shall submit to the Commission a revised program within 12 months of written notification by the Director. The Director shall make such determination based upon an expansion of airport capacity, increase in use, change in the types or mix of various aircraft utilizing the airport, or changes in land use and development in the impact area that were unforeseen in earlier abatement plans. Any program revision is subject to all requirements of this rule.

(5) Consultation. The Director shall consult with the airport proprietor, members of the public, the Oregon Departments of Transportation, Land Conservation and Development and any affected local government in an effort to resolve informally a noise problem prior to issuing a notification under subsections (3)(b), (4)(a) and (4)(f) of this rule.

(6) Noise Sensitive Use Deviations. The airport noise criterion is designed to provide adequate protection of noise sensitive uses based upon out-of-doors airport noise levels. Certain noise sensitive use classes may be acceptable within the airport Noise Impact Boundary if all measures necessary to protect interior activities are taken.

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(7) Airport Noise Monitoring. The Department may request certification of the airport Noise Impact Boundary by actual noise monitoring, where it is deemed necessary to approve the boundary pursuant to subsection (3)(e) of this rule.

(8) Exceptions. Upon written request from the Airport Proprietor, the Department may authorize exceptions to this rule, pursuant to OAR 340-035-0010, for:

- (a) Unusual or infrequent events;
- (b) Noise sensitive property owned or controlled by the airport;
- (c) Noise sensitive property located on land zoned exclusively for industrial or commercial use.

Statutory/Other Authority: ORS 467

Statutes/Other Implemented: ORS 467.030

History:

DEQ 24-2018, minor correction filed 04/02/2018, effective 04/02/2018

DEQ 5-2018, minor correction filed 02/14/2018, effective 02/14/2018

DEQ 14-2017, amend filed 10/30/2017, effective 11/02/2017

DEQ 7-1983, f. & ef. 4-22-83

DEQ 33-1979, f. & ef. 11-27-79

Which State Agency regulates Noise?

The validity of the AMPU (Aurora Master Plan Update, 2012) was recently questioned as part of a petition for review made to the Oregon Land Use Board of Appeals (LUBA). In that land use action, the petitioners sought review of a 2019 Oregon Aviation Board (OAB) Decision made pursuant to OAR 138-103-0055 in which the Board found that the AMPU was compatible with the Marion County Comprehensive Plan. Petitioners also filed in state Circuit Court as a precautionary measure in the event LUBA dismissed the matter for lack of jurisdiction. LUBA did conclude that it lacked jurisdiction to hear this matter, but was overturned on appeal on that issue. Following the instructions of the Court of Appeals, LUBA found that it did have jurisdiction and remanded the decision back to OAB, finding that it could not review the matter until certain records from the 2012 adoption process were provide to LUBA. The circuit court cases remain pending but are expected be dismissed or otherwise resolved consistent with LUBA's order of remand.

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