

[Docket No. 8669; Amdt. 98-12]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Lorain County Regional Airport, Ohio

The purpose of this amendment is to establish a special air traffic rule for the Lorain County Regional Airport, Lorain, Ohio.

The substance of this amendment was published as a notice of proposed rule-making in the FEDERAL REGISTER on January 19, 1968 (33 F.R. 700), and circulated as Notice 68-1. The comments were fairly evenly divided on the proposal with national associations, business and aviation interests tending to oppose, and with municipal and educational interests, and individuals tending to favor the proposal.

The Air Line Pilots Association opposed the airport traffic pattern stating that, although their members would not be operating from the airport they consider that a reversal of the normal flow of traffic where there is no control tower solely for noise abatement would be repugnant to safety in that procedures should be standardized for uniformity to the extent possible. This is true, however, other interests may require aviation to make accommodations in sharing an area, particularly where these interests have been established for a long time and aviation is encroaching upon their activities.

It is anticipated that the majority of users of the airport generally would be local pilots familiar with the rule, and even where the flight is not of a local nature, a pilot is still responsible for familiarizing himself with the applicable regulations and procedures. Information regarding the special traffic rule and patterns will be published in the Airman's Information Manual as well as the Federal Aviation Regulations, and appropriate markings will be displayed on the field.

The National Aviation Trades Association questioned whether the amount of noise from an airport 4 miles away would actually be a problem to Oberlin College. The FAA has conducted tests of the noise level in the area created by flights following normal traffic patterns at the proposed airport site, and found a noise level high enough to disrupt activities at the College and its Conservatory of Music. The National Aviation Trades Association also objected to the establishment of a regulation where a hazard is not involved. The FAA has taken regulatory action on many occasions to relieve noise problems. The Federal Aviation Regulation 91.87 provides for establishment of preferential runway use systems which are basically noise abatement procedures. Traffic patterns established by the FAA under §§ 91.87 and 91.89 frequently include a flight procedure designed to relieve a noise nuisance.

The Aircraft Owners and Pilots Association objected on the ground that the special rules in Part 93 presently are established only at a few large hub airports or military flight areas where unusual factors require a special rule for reasons of safety. Therefore they feared that a proliferation of special rules at many locations may be requested and adopted for convenience only, which would reduce the effectiveness of these regulations and would place pilots in jeopardy for violating the Federal Aviation Regulations with its consequences, merely to alleviate momentary disturbances to persons and property on the ground. The Administrator is directed to prescribe regulations for the protection of persons and property on the ground as well as the safe and efficient utilization of the airspace. In this case a careful evaluation of the situation existing around the Lorain County Airport has caused us to conclude that because of the severity of this noise problem, a special air traffic rule in Part 93 is necessary.

The Aircraft Owners and Pilots Association and the Lorain County Regional Airport Authority requested a public hearing prior to the issuance of a final rule. It has been determined that these requests should be denied because the issues involved are narrow in scope, and because they already have been explored in great detail, it is improbable that any additional information relative to the problem could be adduced from a public hearing. Accordingly it is determined that it would serve no useful purpose to convene a public hearing on this matter.

Additional comments were received from other associations, business and commercial interests, educators and individuals. Comments opposing this regulation were on a basis similar to those discussed heretofore. Favorable comments were either general in nature or reiterated the reasons stated in the NPRM.

The Administrator has determined that in view of the particular sensitivity to audible disturbances at the Oberlin College Conservatory of Music, irreparable harm would occur to persons and property on the ground if the Lorain County Regional Airport commenced operation without a permanent provision to route low flying terminal traffic away from this institution.

In consideration of the foregoing, Part 93 is amended, effective September 19, 1968, by adding the following new subpart:

Subpart I—Lorain County Regional Airport Traffic Rule

Sec.
93.117 Applicability.
93.119 Aircraft operations.

AUTHORITY: The provisions of this Subpart I issued under sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

§ 93.117 Applicability.

This subpart prescribes a special air traffic rule for the Lorain County Regional Airport, Lorain County, Ohio.

§ 93.119 Aircraft operations.

Each person piloting an airplane landing at the Lorain County Regional Airport shall enter the traffic pattern north of the airport and shall execute a right traffic pattern for a landing to the southwest or a left traffic pattern for a landing to the northeast. Each person taking off from the airport shall execute a departure turn to the north as soon as practicable after takeoff.

Issued in Washington, D.C., on August 9, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-9944; Filed, Aug. 19, 1968; 8:47 a.m.]

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