

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 150**

[Docket No. 25117; Amdt. No. 150-1]

**Expansion of Applicability of Part 150 to Heliports****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This rule expands the applicability of the rules governing the airport noise compatibility planning process to include free-standing public-use heliports and allows operators of those heliports to benefit from the Airport Improvement Program (AIP). The rule expansion is needed because the current rule only includes heliports that are located on public-use airports used by fixed-wing aircraft.

**DATE:** Effective date of this amendment is March 16, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert B. Hixson, Noise Policy and Regulatory Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591. Telephone: (202) 267-3565.

**SUPPLEMENTARY INFORMATION:****Background**

Part 150 of the Federal Aviation Regulations (14 CFR Part 150) contains standards for airport operators who volunteer to submit noise exposure maps and airport noise compatibility planning programs to the FAA. Operators of airports whose maps have been found to be in compliance with the applicable requirements of Part 150 and whose programs have been approved by the FAA in accordance with the provisions set forth under Part 150 are then eligible to apply for noise control project funding under the AIP. The Aviation Safety and Noise Abatement Act of 1979, as amended, (49 U.S.C. 2101 *et seq.*, "the ASNA Act") also provides certain legal protections for airport proprietors whose maps have been accepted by the FAA.

Operators of public-use airports have been able to avail themselves of the benefits of Part 150 since its original adoption on an interim basis on January 19, 1981 (46 FR 8316, January 26, 1981). However, in that interim rule and in the final rule adopted December 13, 1984 (49 FR 49260, December 18, 1984), access to Part 150 was denied to the operators of public-use heliports used exclusively by

heliports." The restriction was imposed because there were relatively few free-standing public-use heliports and because adequate computational tools for drawing noise contours around heliports were not available at that time. The recent opening of several prototype public-use heliports and the FAA's development of a Heliport Noise Model (HNM) computer program have prompted expansion of Part 150 to include free-standing public-use heliports.

**Discussion of the Comments and the Amendment**

On November 4, 1986, FAA issued a notice of proposed rulemaking (NPRM) to expand Part 150 to include free-standing public-use heliports. Interested parties were afforded the opportunity to participate in the development of this final rule by submitting written comments to the public regulatory docket on or before February 3, 1987. Six comments were received in response to Notice No. 86-17 (51 FR 40037; November 4, 1986) and all have been duly considered in promulgating this amendment. All of the comments supported expansion of the applicability of Part 150 to include free-standing public-use heliports. However, three of the comments also included specific suggestions about one or more of the FAA's proposed amendments.

The comments received in response to the notice were grouped by broad categories of issues and are discussed below.

**1. Applicability of Rule**

Based on his understanding that Part 150, the ASNA Act, and the Airport Improvement Program are related to "public airports" rather than "public-use airports," one commenter suggested that the expanded Part 150 program will not result in significant benefits to the public since the majority of heliports are privately owned and will not be eligible for funds through the ASNA Act and Part 150, even if these heliports are made available for public use.

In replying to this comment it is first necessary to clarify the applicability of the Part 150 program. The amended § 150.3 applies to "airport noise compatibility planning activities of the operators of 'public-use airports,' including heliports, as that term is used in section 101(1) of the ASNA Act as amended (49 U.S.C. 2101) and as defined in section 503(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2202)." Section 503(a)(17) of the Airport and Airway Improvement Act defines a public-use airport as "(a) any public airport, (b) any privately owned

reliever airport, and (c) any privately owned airport which is determined by the Secretary to enplane annually 2,500 or more passengers and receive scheduled passenger service of aircraft which is used or to be used for public purposes." Section 503(a)(16) of the Airport and Airway Improvement Act defines a public airport as "any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned." Thus, although the expansion of Part 150 to include heliport noise compatibility planning programs will not include privately owned heliports not used for public purposes, it will include those which are used for public purposes as defined in the Airport and Airway Improvement Act.

**2. Availability of Heliport Noise Model**

One commenter recommended that reference to the Heliport Noise Model (HNM) not be included in the amendment because the HNM is not available and its ability to produce results which accurately reflect actual heliport noise conditions in its present stage of development may be in question. The commenter also stated that other less complicated methods of producing noise contours are now available to the user public.

The commenter is correct that the final HNM was not available when the NPRM was published; however, it is now available. The HNM represents the best method for obtaining helicopter noise contours. Since the date the docket closed, the HNM has been evaluated by a significant part of the helicopter industry and the FAA has approved the HNM for use in Part 150 heliport studies. It should be noted that the regulation permits the use of FAA approved methodologies or computer programs other than the HNM to obtain noise contours. However, FAA is not aware of any other methodologies applicable to helicopter noise that accurately reflect the noise impact. As with airport noise modeling, where FAA has approved more than one methodology, FAA will approve additional methodologies for heliport noise modeling when their effectiveness is demonstrated.

**3. Use of Heliport Noise Model**

One commenter suggested changing the wording of the third sentence of proposed section A150.103(c) from "For static operation (hover), identify helicopter type and duration in minutes shall be identified" to "For static operations (hover), identify the types of helicopters involved and the total

annual duration in minutes of the hover operation for each type." It should be noted that the NPRM contained a typographical error in this sentence.

Although the FAA agrees with the intent of the commenter in clarifying the wording of this sentence, the total annual duration in minutes of the hover operation is not used as input for the HNM. The HNM develops noise exposure contours by computing the noise exposure for a typical day, with the number of operations for the typical day being the average of the daily operations for a one year period. Thus, the HNM input for hover operations consists of (a) the helicopter type, (b) the duration in minutes of the hover operation for a particular helicopter type, and (c) the average number of daily operations for that helicopter type based on an annual average. The intent of this requirement is to put the data into its most useful form for input to the HNM. Should, at a future date, additional models for assessing heliport noise impacts be approved by the FAA for use in Part 150 studies, that approval will also take into account the date input requirements of those models. Therefore, the final rule retains the HNM inputs. However, to clarify the meaning of this sentence in the regulation, it has been reworded as follows: "For static operation (hover), the helicopter type, the number of daily operations based on an annual average, and the duration in minutes of the hover operation shall be identified."

#### Synopsis of the Final Rule

Sections 150.3 and 150.7 have been amended to include all public-use heliports. Section A150.103 has been amended to reference use of the HNM and to insert map scale and size requirements which are appropriate to heliports.

#### Regulatory Evaluation

The FAA evaluated the regulatory impact of removing the Part 150 restrictions which apply to the operators of heliports. It was determined that this rule is consistent with the objectives of Executive Order 12291 as part of the President's Regulatory Reform Program to reduce regulatory burdens on the public. Since Part 150 is a voluntary program, heliport operators, like other airport operators, will participate only when it is in their best interests. Since the new rule only increases the number of airport operators eligible to apply for Federal matching grants under the Airport Improvement Program (AIP) by

one-tenth of one percent, the incremental administrative costs to the FAA will be insignificant. Grant funds come from the AIP in which an 8% set-aside is held for noise mitigation purposes. AIP funding is derived from an 8% tax on passenger tickets and a general aviation fuel tax, as mandated by Congress. The expansion of the program to include heliports is not expected to adversely impact current AIP funding. In addition, this rule will have no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

#### Regulatory Flexibility Analysis

As explained in the background section, this amendment to Part 150 to include free-standing public-use heliports will broaden access to a voluntary Federal program. Heliport operators who submit maps or programs under the amendment will do so voluntarily and on the basis of self-interest. Since Part 150 is a voluntary program, this amendment will have no significant economic impact, either positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Moreover, as of June 1986, only six heliports would be eligible to participate in the Part 150 program; none are small entities.

#### Environmental Analysis

Pursuant to Department of Transportation "Policies and Procedures for Considering Environmental Impacts" (FAA Order 1050.1D), a Finding of No Significant Impact has been made. This amendment to Part 150 does not significantly affect the quality of the human environment.

#### Reporting and Recordkeeping

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting and recordkeeping provisions in this regulation will be submitted for approval to the Office of Management and Budget (OMB). Participation in the voluntary noise compatibility planning process is estimated by the FAA to affect only six heliports and the reporting and recording impact is minimal. Submission to OMB of the reporting and recording provisions will be made as an amendment to the existing OMB approval for Part 150 (OMB control number 2120-0517). The revised reporting and recordkeeping provisions are not effective until OMB approval has been obtained and notice of the approval is published in the *Federal Register*. Pending OMB approval, FAA

will review any submission from an eligible heliport in accordance with the regulations implementing the provisions of the Paperwork Reduction Act of 1980, 5 CFR Part 1320.

#### Federalism Implications

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

#### Conclusion

The only costs associated with this amendment are (1) the voluntary costs incurred by a heliport operator for the initial preparation and submission of a noise exposure map and compatibility program and (2) the minimal FAA administrative costs. Therefore, the FAA has determined that this amendment involves a regulation that is not major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since no small entities will be affected by the rule, it is certified under the criteria of the Regulatory Flexibility Act that the rule will not have a significant economic impact, either positive or negative, on a substantial number of small entities. A copy of the final regulatory evaluation prepared for this project may be examined in the public docket or obtained from the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

#### List of Subjects in 14 CFR Part 150

Airports, Noise exposure maps, Noise compatibility programs, Land uses.

#### The Amendment

Accordingly, Part 150 of the Federal Aviation Regulations (14 CFR Part 150) is amended as follows:

#### PART 150—AIRPORT NOISE COMPATIBILITY PLANNING

1. The authority citation for Part 150 is revised to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, 1431, 2101, 2102, 2103(a), 2104 (a) and (b), 2201 *et seq.*; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

#### § 150.3 [Amended]

2. By running from § 150.3 the words "not used exclusively by helicopters" and substitution in their place the words "including heliports".

§ 150.7 [Amended]

3. By removing from the term "Airport" in § 150.7 the words "not exclusively used by helicopters" and substituting in their place the words "including helicopters".

Appendix A [Amended]

4. By amending paragraph (a) of section A150.103 of Appendix A to add the words "for airports or the Heliport Noise Model (HNM) for heliports" after the words "Integrated Noise Model (INM)".

5. By amending section A150.103(b) of Appendix A to insert at the beginning of the paragraph the words "Except as

provided in paragraph (c) of this section."

6. By amending section A150.103 of Appendix A to add a new paragraph (c) to read as follows:

**Sec. A150.103 Use of computer prediction model.**

\* \* \* \* \*  
(c) For heliports, the map scale required by paragraph (b)(1) of this section shall not be less than 1 inch to 2,000 feet and shall indicate heliport boundaries, takeoff and landing pads, and typical flight tracks out to at least 4,000 feet horizontally from the landing pad. Where these flight tracks cannot be determined, obstructions or other limitations on flight tracks in and out of the

heliport shall be identified within the map areas out to at least 4,000 feet horizontally from the landing pad. For static operation (hover), the helicopter type, the number of daily operations based on an annual average, and the duration in minutes of the hover operation shall be identified. The other information required in paragraph (b) shall be furnished in a form suitable for input to the HNM or other FAA approved methodology or computer program.

Issued in Washington, DC, on March 10 1988

T. Allan McArtor,

Administrator.

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 150****[Docket No. 25117; Amdt. No. 150-1]****Expansion of Applicability of Part 150  
to Heliports***Correction*

In rule document 88-5677 beginning on page 8722 in the issue of Wednesday, March 16, 1988, make the following corrections:

1. On page 8723, in the first column, in the first complete paragraph, in the 25th line, "date" should read "data".
2. On page 8724, in the first column, in amendatory instruction 3, in the last line, "helicopters" should read "heliports".

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