

[Docket No. 10245; Amdt. 101-30]

**PART 151—FEDERAL AID TO AIRPORTS****Replacement Housing for Persons Displaced Under FAAP Projects**

The purpose of these amendments to Part 151 of the Federal Aviation Regulations is to implement, with respect to the Federal-Aid Airport Program, the policy of the Secretary of the Department of Transportation that no DOT project involving displacement and relocation of persons will be approved unless and until adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, has already been provided for (built, if necessary) and offered on the same non-discriminatory basis to all affected persons.

To implement the Secretary's policy, these amendments make the following changes in Part 151:

(1) In § 151.21(a), require the eligible sponsor seeking Federal aid to accompany his request with: (i) A statement as to whether the proposed project involves the displacement and relocation of persons residing on land physically acquired or to be acquired for the project development; and (ii) the sponsor's written assurance that if the project involves displacement and relocation of such persons, adequate replacement housing will be available or provided for (built, if necessary), without regard to their race, color, religion, sex, or national origin, before the execution of a grant agreement for the project.

(2) In § 151.21(b), provide that a project may be selected for inclusion in a program only if the sponsor has submitted a written assurance when required by § 151.21(a)(2) or if the Administrator has determined that the project does not involve the displacement and relocation of affected persons; and provide further that tentative allocation of funds may be withdrawn if such an assurance has not been fulfilled.

(3) In § 151.26(b), require the sponsor to submit with his application a written statement showing that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to affected persons.

(4) In § 151.39(a), provide that a project for construction or land acquisition may not be approved unless the Administrator is satisfied that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to affected persons. Thus, a grant offer may not be tendered, after these amendments become effective, until he is satisfied that the housing problem in question has been alleviated in the manner required.

(5) In § 151.45(e)(2), provide that the Area Manager does not agree to the issuance of a notice to proceed with the work to the contractor unless he is satisfied that adequate replacement housing is

available and has been offered to affected persons, as required for project eligibility by § 151.39(a)(5). Under this, the policy implemented by these amendments applies to situations in which grant agreements have been entered into but construction has not been commenced before the issuance of these amendments, as well as to future projects.

These changes do not provide that the FAA will itself furnish funds for relocating or providing replacement housing for displaced persons, directly or by including the costs thereof in the United States' share of the allowable costs of a project except to the extent that the cost of land acquired from the owner is shared by the United States under the existing FAAP Program.

Since these amendments relate to public grants, benefits, and contracts, notice and public procedure thereon are not required, and they may be made effective in less than 30 days.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective April 3, 1970, as follows:

1. By amending paragraphs (a) and (b) of § 151.21 to read as follows:

**§ 151.21 Procedures: application: general information.**

(a) An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit to the Area Manager of the area in which the sponsor is located (hereinafter in this Part referred to as the "Area Manager"), a request on FAA Form 5100-3, accompanied by—

(1) The sponsor's written statement as to whether the proposed project involves the displacement and relocation of persons residing on land physically acquired or to be acquired for the project development; and

(2) The sponsor's written assurance, if the project involves displacement and relocation of such persons, that adequate replacement housing will be available or provided for (built, if necessary), without regard to their race, color, religion, sex, or national origin, before the execution of a grant agreement for the project.

(b) A proposed project is selected for inclusion in a program only if the sponsor has submitted a written assurance when required by paragraph (a)(2) of this section, or if the Administrator has determined that the project does not involve the displacement and relocation of persons residing on land to be physically acquired or to be acquired for the project development. If the Administrator selects a proposed project for inclusion in a program, a tentative allocation of funds is made for it and the sponsor is notified of the allocation. The tentative allocation may be withdrawn if the sponsor fails to submit an acceptable project application as provided in paragraph (c) of this section or fails to proceed diligently with the project, or if adequate replacement housing is not available or provided for in accordance with a written assurance when required by paragraph (a)(2) of this section.

2. By amending paragraph (b) of § 151.26 to read as follows:

**§ 151.26 Procedures: applications: compatible land use information; consideration of local community interest; relocation of displaced persons.**

(b) Each sponsor must submit with his application—

(1) A written statement—

(i) Specifying what consideration has been given to the interest of all communities in or near which the project is located; and

(ii) Containing the substance of any objection to, or approval of, the proposed project made known to the sponsor by any local individual, group or community; and

(2) A written statement showing that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to persons who have resided on land physically acquired or to be acquired for the project development and who will be displaced thereby.

3. By amending paragraph (a)(5) of § 151.39 to read as follows:

**§ 151.39 Project eligibility.**

(a) \* \* \*

(5) The Administrator is satisfied, after considering the pertinent information including the sponsor's statements required by § 151.26(b), that—

(i) Fair consideration has been given to the interest of all communities in or near which the project is located; and

(ii) Adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to persons who have resided on land physically acquired or to be acquired for the project development and have been or will be displaced thereby;

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4. By amending subparagraph (e)(2) of § 151.45 to read as follows:

**§ 151.45 Performance of construction work: general requirements.**

\* \* \* \* \*

(e) \* \* \*

(2) The Area Manager agrees to the issuance of a notice to proceed with the work to the contractor. However, the Area Manager does not agree to the issuance of such a notice unless he is satisfied that adequate replacement housing is available and has been offered to affected persons, as required for project eligibility by § 151.39(a)(5).

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(Federal Airport Act, as amended; 49 U.S.C. 1101-1120; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c); sec. 1.4(b)(1) of the regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on March 27, 1970.

J. H. SHAFFER,  
Administrator.