

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Transportation**
(DLS Control No. 14-243)

Overview and Legal and Fiscal Impact

These regulations incorporate by reference the new certified Baltimore/Washington International Thurgood Marshall Airport (BWI) Noise Zone reflecting the new base year of 2014 and new future years of 2019 and 2024.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Transportation:

Maryland Aviation Administration: Baltimore/Washington International Thurgood
Marshall Airport: COMAR 11.03.01.01-1 and .12

Legal Analysis

Background

For the purpose of minimizing the impact of aircraft noise, Maryland law requires the Executive Director of the Maryland Aviation Administration (MAA) to adopt regulations that establish limits for cumulative noise exposure for residential and other land uses on the basis of the noise sensitivity of a given land use. The establishment of noise zones is also required. A noise zone is defined as an area of land surrounding an airport within which the cumulative noise exposure (the measurement of aircraft noise over a 24-hour period) is equal to or greater than the lowest limit for cumulative noise exposure established by the Executive Director of the MAA.

Summary of Regulations

The regulations update references to maps and base and future years for purposes of the delineation of the certified Baltimore/Washington International Thurgood Marshall Airport (BWI) Noise Zone.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The Maryland Department of Transportation cites §§ 5-208, 5-805, 5-806, and 5-819 of the Transportation Article as authority for the regulations. Specifically, § 5-805 requires each airport operator to assess the noise environment created by the operation and projected future use of the airport. As part of the assessment, the operator must “delineate any noise zone and identify any impacted land use area.” This section also requires the submission of the assessment to the Executive Director for approval following the opportunity for comment by the board of any affected political subdivision. Section 5-806 further requires the Executive Director to certify and publish any noise zone that results from an approved assessment. Additionally, while not initially cited by the department, § 5-804 requires the Executive Director to adopt regulations that establish cumulative noise limits. With the addition of § 5-804, this authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections

The department has agreed to add § 5-804 of the Transportation Article as authority for the regulations.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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