



January 9, 2008

**Request for Proposals: ACRP 11-01, Study Topic 2-02,
Use and Success of Avigation Easements and Other Tools for Airport Compatible
Land Use and Development of Model Language**

Dear Attorney:

The Transportation Research Board (TRB), as part of its work with the Airport Cooperative Research Program (ACRP), plans to award a contract for a study and report. The research Problem Statement is enclosed for your consideration.

TRB anticipates an estimated 255-320 hour level of effort and compensation in the \$25,000.00 to \$35,000.00 range for this project. Research reports sponsored by this project are published in TRB's Legal Research Digests (LRD) series or in electronic format. Publications are made available to some libraries and to approximately 3000 transportation lawyers and officials through the TRB distribution network.

After reviewing the enclosed statement, if you are interested in being considered as the researcher and author, you should reply by mail or email on or before February 8, 2008 to:

James B. McDaniel Counsel for Legal Research Projects Transportation Research Board 500 5 th Street, NW, 4 th Floor Washington, DC 20001	Tel: (202) 334-3209 Fax: (202) 334-2003 Email: jmcdaniel@nas.edu
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Your reply should include: a statement of interest; a resume; a list of your prior publications (you may enclose one or two publications); a statement of resources you will allocate to this project; any additions, deletions, or changes you may wish to suggest for undertaking the work; and your requested compensation.

Offerors are evaluated by Project Panel members. Evaluations are based upon the offerors': 1) experience in the subject area; 2) understanding of the work (demonstrated by the commitment of resources); 3) prior relevant publications (including briefs); 4) schedule for completing the work; and 5) price. Funds are not presently available to award this contract, but we anticipate adequate funding by July 31, 2008. We are therefore requesting that a statement be included with each offer that it is valid for 6 months.

Feel free to call me at (202) 334-3209 if you have questions.

Sincerely,
James B. McDaniel
Counsel for Legal Research Projects

Enclosure

AIRPORT COOPERATIVE RESEARCH PROJECTS 11-01, STUDY TOPIC 2-02

Use and Success of Avigation Easements and Other Tools for Airport Compatible Land Use and Development of Model Language

PROBLEM STATEMENT

Airport owners are required to provide for the safe overflight of property surrounding airports. In addition, they are required to restrict surrounding land uses to those that are airport compatible as provided in FAA noise compatibility planning requirements. 14 CFR part 150. This rule refers to utilizing comprehensive, or master, land use planning, zoning, and building and site designing, as appropriate. Another tool used to meet these goals is the avigation easement that protects approaches and restricts surrounding land development. There may be other tools available such as restrictive covenants or contracts that will accomplish land use restrictions in addition to or in combination with appropriate airport zoning.

The easement terms required by the FAA are founded at all airport sponsors. However, an airport sponsor's acquisition and enforcement of easements or other instruments on encumbered property is based on locally applicable property laws and requirements. It would be useful to provide airport sponsors with consistent guidance and standard easement terms and conditions that may be incorporated into enforceable and durable local easements or other tools.

The object of this research is to review the use of existing avigation easements or other legally enforceable instruments, terms, or other tools for the above-described purposes in order to determine those that are most effective considering the wide variety of development challenges at airports. The research should identify or develop models for general use by airport owners to carry out FAA assisted airport programs. Special attention should be given to any state and local variations applicable to real estate use restrictions that may impact enforcement of the particular use restrictions.

Research Implementation

This research will be conducted in 4 tasks pursuant to a firm fixed price agreement. The tasks will be as follows:

Task 1. Research Plan and Detailed Report Outline. The consultant will conduct background research and collect relevant data. Based on the initial but complete review of the source material, consultant will propose a detailed report outline. The outline should be about 10-15 pages in length and contain sufficient detail to inform the committee of what a 75-100 page report will contain. This outline should also contain the estimated pagination for each proposed section and/or subsection. Also, draft questionnaires and/or interview questions should be submitted if there are plans to use that method of data collection. This material will be submitted to the Principal Investigator for committee consideration and approval.

Estimated Length of Time: 60-90 days
Estimated Work Effort: 100 hours

Task 2. After TRB approval of the detailed outline, the consultant should conduct additional research, case and statutory/regulatory analysis, and collect additional primary data to the extent necessary.

Estimated Length of Time: 30-45 days
Estimated Work Effort: 25-50 hours

Task 3. Draft report in accordance with the approved outline (including modifications required by TRB).

Estimated Length of Time: 60-90 days
Estimated Work Effort: 100-120 hours

Task 4. Revise report as necessary. The consultant should estimate that 2 revisions will be necessary. One revision may be required after review by the Principal Investigator and members of a select subcommittee. Additional revisions may be required after the full committee has reviewed the report.

Estimated Length of Time: 30 days
Estimated Work Effort: 30-50 hours

Total Estimated Length of Time: 180-255 days
Total Estimated Work Effort: 255-320 hours
Estimated Compensation: \$25,000.00 - \$35,000.00
25% paid upon submission and approval of the Task 1 Report
50% paid upon submission and approval of the Task 3 Report
25% paid upon submission and approval of the Final Report

If an offeror's estimation of length of time and estimated work effort differs from those above, the offeror should use his/her estimates.

An important factor in rating offers will be the offeror's commitment to promptly undertake and complete this study.

Submit Statements of Interest by mail or email on or before February 8, 2008 to:

James B. McDaniel
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Transportation Research Board
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202/334 3209
jmcdaniel@nas.edu