



March 3, 2009

Request for Proposals: ACRP 11-01, Study Topic 3-01
Survey and Development of Model Fair Airport Disclosure Statements

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 100-150 hour level of effort and compensation in the \$11,000.00 to \$16,500.00 range for Phase 1. Overall, this project is expected to be in the \$40,000.00 - \$55,000.00 range, but this proposal should be only for Phase 1. TRB intends to negotiate a contract amendment for Phase 2 after completion of Phase 1 if the decision is to continue. 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 March 31 2009 to:

James B. McDaniel
Counsel for Legal Research Projects
Transportation Research Board
500 5th Street, NW, 4th Floor
Washington, DC 20001

Tel: (202) 334-3209
Fax: (202) 334-2003
Email: jmcdaniel@nas.edu

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 and ACRP staff consisting of individuals collectively knowledgeable in the problem area. 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.

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

Sincerely,
James B. McDaniel
Counsel for Legal Research Projects

Enclosure

ACRP 11-01, Study Topic 3-01
Survey and Development of Model Fair Disclosure Statements

Problem Statement

The purpose of fair disclosure laws is to provide prospective home buyers with sufficient information to make informed decisions about the purchase of property. Airport operators are particularly interested that home buyers obtain information about the noise and flight paths associated with airport operations before prospective buyers make decisions about purchasing property located near an airport. In too many cases property is purchased near airports without full disclosure of the nature of airport operations and thus the potential for purchaser remorse based on the lack of disclosure of airport noise and operations. In some cases, the adoption of fair disclosure laws that include the disclosure of the potential impacts of aviation operations has been impeded by the fear of some homeowners, local officials, and representatives of the real estate industry that such disclosure may provide an exaggerated impression of the significance of aviation related impacts and thereby impair property values. Proponents of such disclosure laws maintain that the real estate market takes account of any aviation related impacts regardless of fair disclosure laws. Still others argue that existing fair disclosure laws are adequate to address issues that arise regarding the disclosure of airport noise and operations in the area where a home is purchased

Objective

The intent of this ACRP Legal Topic is to survey existing fair disclosure laws among the states, determine if and how existing fair disclosure laws are meeting the need for a disclosure to prospective purchasers of airport-related conditions and operations, and to develop an annotated model fair disclosure law.

The model fair disclosure law developed for this topic should be in a form that is appropriate for consideration by state legislatures and local governments. The Consultant shall survey existing literature, research state laws, case law, and survey airport proprietors, trade associations, and other knowledgeable persons in order to identify circumstances and occurrences involving the issues described above. Of particular interest should be legislation or case law which specifically requires the disclosure of airport noise and operations in the area where a home is located. The report should synthesize the literature, statutes, regulations, and case law gathered by the Consultant's research efforts. The primary data collected through surveys and interviews should be tabulated and presented to supplement the legal synthesis.

The report shall include an analysis of the essential features required for effective fair disclosure of aviation related impacts. The report should also develop a model fair disclosure law and a set of best practices for use by airport operators and local government land use regulatory agencies in implementing fair disclosure laws and

ordinances in a manner that requires the full disclosure to prospective home buyers of airport-related conditions and operations.

Research Implementation

This research will be conducted in two (2) phases. Phase 1 will consist of Task 1. At the conclusion of Phase I, TRB will make a determination whether to proceed with Phase II. Both Phases will be pursuant to a firm fixed price agreement.

Phase 1

Task 1. Research Plan and Detailed Report Outline. The consultant will conduct background research and develop a complete research plan. This background research should include a comprehensive description of known Disclosure requirements and some knowledgeable estimate of the amount of case activity associated with implementation. The final step of this task will consist of a work plan including consultant's estimated length of time and hours needed to complete tasks in Phase 2, a questionnaire to collect information on real estate disclosure statutes, the results of a literature search identifying disclosure laws, and related litigation. Consultant will also develop a detailed outline for the report.) The outline should be about 10-20 pages, and contain sufficient detail to inform the committee of what a 100-150 page report (or report of appropriate length for the material) will contain. This outline should also contain the pagination for each proposed section and/or subsection. This material will be submitted to the Principal Investigator for Committee consideration.

Estimated length of time:	120 days
Estimated work effort:	100 - 150 hours

Phase 2

Task 2. Research. After TRB has approved the Task 1 report and a contract has been executed for Phase 2, the consultant should conduct thorough research, case and statutory/regulatory analysis, and collect additional primary data to the extent necessary

Estimated length of time:	To be determined
Estimated work effort:	To be determined

Task 3. Report Drafting. The consultant will draft report in accordance with the approved outline (including modifications required by TRB). The report should be adequately documented using footnotes as appropriate. The objective is to publish this report as an Airport Cooperative Research Program (ACRP) Legal Research Digest (LRD).

Estimated length of time:	To be determined
Estimated work effort:	To be determined

Task 4. Revisions. Revise report as necessary. The consultant should anticipate 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 been reviewed the report.

Estimated length of time:	To be determined
Estimated work effort:	To be determined

Total effort: Phase 1

Estimated length of time:	120 days
Estimated work effort:	100-150 hours
Estimated compensation	\$11,000 - \$16,500

Phase 2. To be determined.

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 on or before March 31, 2009 by email to (the proposal should be combined into one document not to exceed a total of 50 pages (including resumes, writing samples, etc)):

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