

you consider that local communities have done all that they should do or are capable of doing to prevent residential encroachment upon existing airports?

Mr. BURNARD. Mr. Chairman, the local airport operators have done all of the things that they have found feasible to do so far.

Mr. FRIEDEL. Local communities I am talking about, not the airport operators. Do you consider that local communities have done all that they should do as far as zoning and other things?

Mr. BURNARD. Well the community is sometimes the airport operator and sometimes it isn't, so the community, when you use the term generally, I would say that they have sought suitable solutions locally wherever the local solution seemed to be feasible. With respect to zoning, there are many political and legal problems in connection with zoning.

One of the misunderstandings about zoning is that some people think that it is possible for a political jurisdiction to tell property-owners: "You can no longer live in that area because we are going to zone you out of it."

Zoning laws in general are protective for the user of the property. Where it has been feasible it has been done. It is most feasible of course near the airports that are in the least developed areas. In the highly built up areas, in the metropolitan communities, it is very difficult to achieve the kind of zoning which would tell people that they couldn't live in their homes where they now have them.

Mr. FRIEDEL. I can tell you one instance I am very familiar with and that is Friendship National Airport.

Mr. BURNARD. That is correct.

Mr. FRIEDEL. And there they provide zoning and no residential homes could be built within a designated radius of the airport. I know that they tried to get homes built in Anne Arundel County. They couldn't get an FHA loan because of the zoning laws. We don't have the problem to the degree of other airports because of the foresight the mayor and the city council of Baltimore City had when they authorized the building of the Friendship Airport.

Mr. BURNARD. That is true. Friendship is very fortunate in that respect. I might say that practically all airports and communities near airports have height restrictions zoning which is for safety purposes, but land use zoning is a far more difficult and questionable area.

It is not even permitted under the constitution of many States and it has been declared illegal where it has been tried in some instances.

Mr. FRIEDEL. Well, the area around the Friendship Airport is zoned commercial. They have height restrictions there.

Mr. BURNARD. Yes, sir.

Mr. FRIEDEL. And a lot of new industry and commercial warehouses and things are being built there.

You have dealt with the solution to the aircraft noise problem as being a "choice" between restricting the use of property near airports or restricting the noise generated by the aircraft. But does this not oversimplify the situation? Is it not more likely (and in contemplation more desirable) to restrict both land use near airports and the aircraft?

Mr. BURNARD. I think both are inevitable.

Mr. FRIEDEL. You speak of restriction. I am trying to find out are you trying to restrict both.