

#### **5.C.4 INTERLOCAL AGREEMENTS AND DEVELOPMENT ORDERS**

This section summarizes the Interlocal agreements between Broward County and the City of Dania Beach, City of Fort Lauderdale, and City of Hollywood; and local development orders (adopted by Broward County, the cities of Hollywood and Fort Lauderdale), pursuant to Chapter 380, Florida Statutes, *Developments of Regional Impact*. Copies of these documents are located in Appendix I, *Interlocal Agreements and Development Orders*.

To locally define the scope of airport expansion and operations, Interlocal Agreements and Development Orders have been established between Broward County and the surrounding cities. The Interlocal Agreements are between Broward County and the City of Dania Beach and the City of Fort Lauderdale; and the Development Orders are ordinances adopted pursuant to Chapter 380 of the Florida Statutes, Broward County, and the Cities of Fort Lauderdale and Hollywood, the jurisdictions within which the boundaries of FLL are located. *Although the FAA is not a party to, nor bound by, any these agreements or ordinances, the FAA has considered their content in the environmental analysis to the greatest extent practicable.*

Interlocal Agreements and Development Orders were developed and agreed upon based on Broward County's original proposed project. The current proposed project, as described in Chapter Two, *The Proposal*, is an extension to Runway 9R/27L to a full length of 8,000 feet.

The intent of these Interlocal agreements and Development Orders limits the use of, and operations on the south parallel runway (9R/27L) at FLL.

- Interlocal Agreement between Broward County and City of Fort Lauderdale for intergovernmental cooperation in the development and permitting of the Fort Lauderdale-Hollywood International Airport (08/20/1997)
- Interlocal Agreement between Broward County and City of Dania pertaining to expansion and jurisdiction of Fort Lauderdale-Hollywood International Airport (09/12/1995)
- An ordinance of the Board of County Commissioners of Broward County, Florida, amending and restating the Development Orders for the Fort Lauderdale-Hollywood International Airport Development of Regional Impact - providing for development identification; providing development approval for an expansion of the Fort Lauderdale-Hollywood International Airport subject to condition (07/14/1997)

- An ordinance of the City of Fort Lauderdale, amending and restating the Development Orders for the Fort Lauderdale-Hollywood International Airport Development of Regional Impact (“DRI”) - providing for development identification; providing development approval for an expansion of the Fort Lauderdale-Hollywood International Airport subject to conditions (approved 07/31/1997, effective upon execution of the Interlocal Agreement, 08/20/1997)
- An ordinance of the City of Hollywood, Florida, adopting a Development Order for the Fort Lauderdale-Hollywood International Airport Development of Regional Impact (“DRI”) - providing for development identification; providing development approval for an expansion of the Fort Lauderdale-Hollywood International Airport subject to conditions (09/24/1997)

#### **5.C.4.1 City of Dania Beach – Interlocal Agreement<sup>27</sup>**

Three “Phases” for the use of the proposed extension of Runway 9R/27L are defined in the Interlocal Agreement between Broward County and the City of Dania Beach. During each of the three phases, the extended Runway 9R/27L is to be used only for Stage 3 aircraft between the hours of 7:00 a.m. and 9:59 p.m. unless there is an emergency or closure of Runway 9L/27R. In each of the three phases listed below, Runway 9R/27L may be used in an unrestrained manner at any time in the event of an emergency or the closure of Runway 9L/27R.

- (1) Phase 1 would be initiated at the startup of operations on the proposed extended runway. It restricts aircraft exceeding 58,000 pounds to arrivals to the west and departures to the east.
- (2) To avoid delays,<sup>28</sup> Phase 2 would allow aircraft exceeding 58,000 pounds to land to the east or depart to the west only during Instrument Flight Rules (IFR) conditions during peak hours.<sup>29</sup>
- (3) Phase 3 would allow aircraft exceeding 58,000 pounds to land to the east or depart to the west only during peak hours to avoid delays.

To transition from Phase 1 to Phase 2 or from Phase 2 to Phase 3, Broward County agreed to substantially complete a noise mitigation program prior to moving to the next phase of operations. The noise mitigation program includes annual NEM updates with five-year projections. If the noise updates indicate impacted residential areas within the 65 DNL noise contour, the County agrees, in the Interlocal Agreement, to submit a proposed noise mitigation program to the City of Dania Beach Commission for review and comment. The County and city acknowledge they would negotiate agreed upon mitigation (in the event of an impasse, arbitration language is included in the agreement). Prior to moving to the next phase of runway use, the County agrees to ensure there is a fully-funded noise mitigation program and that such program has been substantially completed.

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<sup>27</sup> *Interlocal Agreement Between Broward County and City of Dania Pertaining to Expansion and Jurisdiction of Fort Lauderdale-Hollywood International Airport*, dated October 17, 1995.

<sup>28</sup> Delay was not defined in the City of Dania Beach Interlocal Agreement.

<sup>29</sup> The peak hours were not defined in the City of Dania Beach Interlocal Agreement.

#### **5.C.4.2 City of Fort Lauderdale – Interlocal Agreement<sup>30</sup>**

During the DRI process, the city raised concerns regarding the effect of the expansion of FLL on the city. The city and county entered into this Interlocal agreement to address local concerns, which include roadway improvements, the installation of buffers, an update to the airport's 1994 Part 150, etc. The Interlocal Agreement between Broward County and the City of Fort Lauderdale states that the County must update the airport Part 150 Study once the proposed extension of Runway 9R/27L is completed. The base year analysis in the Part 150 must be the year following the completion of the runway extension project. Thereafter, the noise exposure contours should be updated on an annual basis. If any residential land uses from the Edgewood neighborhood<sup>31</sup> fall within the 65 DNL noise contour, the airport will offer those residences noise mitigation, such as a purchase assurance program. If the proposed extension of Runway 9R/27L is not approved or under construction by January 1, 2000, the County should pursue an update of the FLL Part 150 Noise Compatibility Program to include the same recommendations for the Edgewood neighborhood as what was contained in the 1989 Noise Compatibility Program. The proposed extension was not approved, and therefore, not under construction by January 1, 2000; however, the County initiated an update to the Part 150, which was delayed due to community concerns and opposition to the earlier, ongoing EIS. Broward County subsequently initiated a comprehensive Part 150 Noise Compatibility Planning Study in May 2005.

#### **5.C.4.3 Broward County and City of Fort Lauderdale – Development Orders<sup>32</sup>**

- The Developer<sup>33</sup> complies with all applicable Federal noise regulations.
- The Developer must create a construction noise control program for each construction project resulting from the airport expansion. The program should include a haul road designation on non-residential streets, work hour limitations as established by local ordinance, and protection from noise levels greater than existing ambient noise levels at the airport.
- Evaluate, select, and continue to implement FAA Noise Abatement Departure Profile procedures pursuant to FAA regulations (FAA Advisory Circular 91-53A, *Noise Abatement Departure Profiles*, 1993).
- Continue the current preferential runway use program for both nighttime and daytime, defining Runway 9L/27R as the preferred runway.

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<sup>30</sup> *Interlocal Agreement Between Broward County and City of Fort Lauderdale for Intergovernmental Cooperation in the Development and Permitting of the Fort Lauderdale-Hollywood International Airport*, dated July 1, 1997 by the City of Fort Lauderdale City Commission and July 8, 1997 by the Broward County Board of County Commissioners.

<sup>31</sup> The Edgewood neighborhood is located north of the airport on the north side of Interstate-595.

<sup>32</sup> *Broward County Development Order*, Ordinance No. 1997-27, Enacted July 7, 1997, Effective July 14, 1997; *City of Fort Lauderdale Development Order*, Ordinance No. C-97-16, passed July 1, 1997.

<sup>33</sup> "The Developer," as defined in the Broward County and City of Fort Lauderdale Development Orders: Broward County, Florida, by and through the Broward County Aviation Department ("BCAD" or "Developer"), is the developer and the operator of the Fort Lauderdale-Hollywood International Airport.

- Not apply for an extension of the December 1999 deadline for 100 percent Stage 3 fleet compliance.
- Continue to offer eligible churches and schools sound insulation, pursuant to FAA regulations.
- Prohibit engine run-ups between the hours of 11:00 p.m. and 7:00 a.m. and restrict the location of full power run-ups to Runway 13/31 between Taxiways E1 and E2. The area may be moved provided the relocation does not create additional noise exposure to residential areas.
- Continue to perform annual noise monitoring comparable to the noise monitoring program at Fort Lauderdale Executive Airport.

#### **5.C.4.4 City of Hollywood – Development Order<sup>34</sup>**

- The Developer<sup>35</sup> complies with all applicable Federal noise regulations.
- Perform annual noise contour modeling based upon the prior year and current noise monitoring data.
- The proposed extension of Runway 9R/27L is restricted to aircraft in excess of 58,000 pounds from arriving from the west and departing to the west, except in the case of the closure of Runway 9L/27R, or due to an emergency condition. Operations are prohibited on Runway 9R/27L between 10:00 p.m. and 6:59 a.m., until the County modifies the operations of the south runway based upon airport requirements.
- Prohibit engine run-ups between the hours of 11:00 p.m. and 7:00 a.m. and limit the location of full power run-ups to Runway 13/31 between Taxiways E1 and E2.
- Encourage the FAA, as much as aircraft safety and airspace capacity permit, to limit aircraft departing to the east from turning until east of the coastlines.
- Stage 1 and Stage 2 aircraft are restricted from using the proposed extended Runway 9R/27L regardless of weight or direction.
- If the projected five-year NEM 65 DNL or greater noise contour includes residential land uses within the jurisdictional boundaries of the City of Hollywood, the Developer agrees to amend the NCP to include a noise mitigation program based on then current and applicable FAA guidelines.

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<sup>34</sup> *City of Hollywood Development Order*, passed and adopted September 24, 1997.

<sup>35</sup> "The Developer," as defined in the City of Hollywood Development Order: Broward County, Florida, by and through the Broward County Aviation Department ("BCAD" or "Developer"), is the developer and the operator of the Fort Lauderdale-Hollywood International Airport ("FLL" or "Airport").