



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

# ADVISORY CIRCULAR

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**Subject: VISUAL FLIGHT RULES (VFR) FLIGHT NEAR NOISE-SENSITIVE AREAS**      **Date: September 17, 2004**      **AC No: 91-36D**

**Initiated by: ATO-R**

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**1. PURPOSE.** This Advisory Circular (AC) encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation and on flight paths that will reduce aircraft noise in such areas.

**2. EFFECTIVE DATE.** This advisory circular is effective on September 17, 2004.

**3. CANCELLATION.** Advisory Circular 91-36C, Visual Flight Rules (VFR) Flight Near Noise Sensitive Areas, dated October 19, 1984, is cancelled.

**4. AUTHORITY.** The FAA has authority to formulate policy regarding use of the navigable airspace (Title 49 United States Code, Section 40103).

**5. EXPLANATION OF CHANGES.** This AC has been updated to include a definition of “noise-sensitive” area and add references to Public Law 100-91; the FAA Noise Policy for Management of Airspace Over Federally Managed Lands, dated November 1996; and the National Parks Air Tour Management Act of 2000, with other minor wording changes.

## **6. BACKGROUND.**

a. Excessive aircraft noise can result in annoyance, inconvenience, or interference with the uses and enjoyment of property, and can adversely affect wildlife. It is particularly undesirable in areas where it interferes with normal activities associated with the area’s use, including residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute. Moreover, the FAA recognizes that there are locations in National Parks and other federally managed areas that have unique noise-sensitive values. The Noise Policy for Management of Airspace Over Federally Managed Areas, issued November 8, 1996, states that it is the policy of the FAA in its management of the navigable airspace over these locations to exercise leadership in achieving an appropriate balance between efficiency, technological practicability, and environmental concerns, while maintaining the highest level of safety.

b. The Federal Aviation Administration (FAA) receives complaints concerning low flying aircraft over noise sensitive areas such as National Parks, National Wildlife Refuges, Waterfowl Production Areas and Wilderness Areas. Congress addressed aircraft flights over Grand Canyon National Park in Public Law 100-91 and commercial air tour operations over other units of the National Park System (and tribal lands within or abutting such units) in the National Parks Air Tour Management Act of 2000.

c. Increased emphasis on improving the quality of the environment requires a continuing effort to provide relief and protection from low flying aircraft noise.

d. Potential noise impacts to noise-sensitive areas from low altitude aircraft flights can also be addressed

through application of the voluntary practices set forth in this AC. Adherence to these practices is a practical indication of pilot concern for the environment, which will build support for aviation and alleviate the need for any additional statutory or regulatory actions.

**7. DEFINITION.** For the purposes of this AC, an area is “noise-sensitive” if noise interferes with normal activities associated with the area’s use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

**8. VOLUNTARY PRACTICES.**

a. Avoidance of noise-sensitive areas, if practical, is preferable to overflight at relatively low altitudes.

b. Pilots operating noise producing aircraft (fixed-wing, rotary-wing and hot air balloons) over noise-sensitive areas should make every effort to fly not less than 2,000 feet above ground level (AGL), weather permitting. For the purpose of this AC, the ground level of noise-sensitive areas is defined to include the highest terrain within 2,000 feet AGL laterally of the route of flight, or the uppermost rim of a canyon or valley. The intent of the 2,000 feet AGL recommendation is to reduce potential interference with wildlife and complaints of noise disturbances caused by low flying aircraft over noise-sensitive areas.

c. Departure from or arrival to an airport, climb after take-off, and descent for landing should be made so as to avoid prolonged flight at low altitudes near noise-sensitive areas.

d. This advisory does not apply where it would conflict with Federal Aviation Regulations, air traffic control clearances or instructions, or where an altitude of less than 2,000 feet AGL is considered necessary by a pilot to operate safely.

**9. COOPERATIVE ACTIONS.** Aircraft operators, aviation associations, airport managers, and others are asked to assist in voluntary compliance with this AC by publicizing it and distributing information regarding known noise-sensitive areas.

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Director of System Operations & Safety