

Clear Zones (CZ) and Accident Potential Zones (APZ)

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Promote compatible land uses around civil airports and military airfields	Section 2 of the Housing Act of 1949 as amended, 42 U.S.C 1331, affirmed by Section 2 of the Housing and Urban Development Act of 1969, P.L. No 90-448; Section 7(d) of the Dept HUD Act of 1965, 42 U.S.C. 3535 (d).	24 CFR Part 51 Subpart D and 32 CFR Part 256

1. Is the Project located within 2,500 feet of a civil airport or 15,000 feet of a military airfield?

Maintain a map that identifies airports in your project ERR. The regulations only apply to military, primary and commercial service airports. The Federal Aviation Administration updates the list of applicable airports annually: <http://www.faa.gov/arp/planning/stats/2003/CY03EnplState.pdf>

- ☐ No: STOP here. Record your determination that the project is not within a CZ or APZ.
- ☐ Yes: PROCEED to #2.

2. *For Civil Airports:* Is the activity for new construction, major rehabilitation*, or any other activity which significantly prolongs the physical or economic life of existing facilities? *For Military Airfields:* Does the project change the use of a facility so that it becomes one which is no longer acceptable in accordance with Department of Defense standards (Please see 32 CFR Part 256 for *Land Use Compatibility Guidelines for Accident Potential Zones.*), significantly increase the density or number of people at the site, or introduces explosive, flammable or toxic materials to the area?

- ☐ No: STOP here. Record your determination that the project is not subject to the regulations.
- ☐ Yes: PROCEED to #3.

3. Is the Project in the CZ or APZ?

Contact the airport operator and obtain written documentation of the CZ and APZ and a determination of whether your project is in the APZ or CZ.

- ☐ No: STOP here. Record your determination that the project is not in a CZ or APZ.
- ☐ Yes: PROCEED TO #3.

4. Will the project frequently be used or occupied by people?

- ☐ Yes: **The project CANNOT be assisted with HUD funds. Stop here.**
- ☐ No: Obtain written assurance from the airport operator to the effect that there are no plans to purchase the land involved with the project as a portion of a Runway Clear Zone or Clear Zone acquisition program. Maintain copies of all documents you have used to make your determination

* *Rehabilitation is major when the estimated cost of the work is 75% or more of the total estimated cost of replacement after rehab (Please see 24 CFR 58.35(a) for complete definition of major rehabilitation thresholds.)*

DISCLAIMER: This document is intended as a tool to help grantees and HUD staff complete NEPA requirements. This document is subject to change. This is not a policy statement. Legislation and Regulations take precedence over any information found in this document.

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