



INFORMATION ITEM MEMORANDUM

To: Mayor and Members of Council

From: Erika Vandenbrande, Director of Transportation and Mobility
Natalie Stiffler, Deputy Director of Transportation and Mobility
Gerrit Slater, Principal Transportation Projects Engineer
Lindsay Merz, Engineering Project Manager
Jenny Godwin, Transportation Planner 1

Date: July 20, 2021

Subject: Information Item: Andrus Road to Airport Road Multi-Use Path (Phase 2)

EXECUTIVE SUMMARY

The Andrus Road to Airport Road Multi-Use Path project is one of three City of Boulder transportation connections identified in the area of the confluence of Boulder Creek, South Boulder Creek and Fourmile Canyon Creek (Confluence Area), and the first of three discrete path projects to be built. The Andrus to Airport Multi-Use Path will provide a much-needed multimodal connection between Gunbarrel and the city. This missing link in the City and County off-street trail system has been identified since the 1980s in the City of Boulder's Transportation Master Plan (TMP) and was flagged as a priority in 2010, initiating stakeholder design conversations. The goal is to connect Gunbarrel with the network of Boulder Multi-Use Paths by linking the existing path along the west side of 63rd Street in Gunbarrel to the existing path at Airport Road.

The other two Confluence Area paths are the 61st Street Multi-Use Path and Valmont Road Multi-Use Path. The [61st Street Multi-Use Path](#) will span from the terminus of the Andrus Project to Valmont Road. The [Valmont Road Multi-Use Path](#) will provide a connection from 61st Street to the South Boulder Creek Trail along an RTD rail alignment north of Valmont Road. Staff have been engaged in the work of implementing the Airport to Andrus path connection as it had the strongest support from the community for providing a direct "off-street" connection from Gunbarrel to the central city.

The path will be a new 10-foot wide, 5,200-foot (0.98 mile) long, 6-inch-thick concrete trail. In addition, the project will include an at-grade roadway crossing, pedestrian bridge, culverts, and fencing. The path will be maintained by the City of Boulder Transportation & Mobility Department. The [proposed conceptual project design](#) was created through the collaboration of the city's Transportation & Mobility and Open Space and Mountain Parks (OSMP) departments, Boulder County and community stakeholders.

In order to implement the proposed conceptual project design, the Transportation & Mobility Department requested a disposal of 2.75 acres of city open space from the Open Space Board of Trustees (OSBT) pursuant to the disposal procedures of Article XII, Section 177 of the Boulder City Charter in [September of 2017](#). This request was approved by the OSBT by a vote of four to one and subsequently by City Council in [October of 2017](#) by a vote of eight to zero. This approval included a simultaneous transfer of management responsibility for the 22-acre Pearl Parkway Right-of-Way from the Transportation & Mobility Department to OSMP. The 2.75 acres transferred to the Transportation & Mobility Department followed the alignment in the proposed conceptual project design and also included a section running south along 61st to connect to the Multi-Use Path system to be developed along Valmont Road west to the Boulder Creek Path.

As the project has progressed it has encountered some challenges with the proposed path alignment (see further info regarding the Federal Aviation Administration's (FAA) Runway Protection Zone ((RPZ)) below) and thus, the City of Boulder's Transportation and Mobility Department decided to segment implementation of the Andrus to Airport Road Multi-Use Path into two phases ([see phasing map here](#)). Phase 1 construction, which commenced in January 2021 and was completed in late June, built approximately half of the total trail length, from Andrus Road to the west side of the 61st Street at-grade crossing. Phase 1 construction included an at-grade pedestrian crossing of 61st Street, pedestrian bridge over Fourmile Canyon Creek and four drainage culverts with a wire fence and wooden posts along both sides of the path.

Phase 2 construction is currently on hold and is intended to complete the connection of the path between Gunbarrel and Boulder's urban center. Approximately 1,400 feet of the path's currently proposed alignment (out of 5,190 feet total), all within Phase 2, is located within the RPZ of the Boulder Municipal Airport which was found to overlay the 2.75 acres of city open space disposed of for the purpose of the path. City staff from OSMP, the City Attorney's Office and the Transportation & Mobility Department, along with an outside counsel attorney, appealed to the FAA to allow construction of this segment of path within the RPZ. The FAA ultimately denied this appeal, citing that the path was considering a "new, incompatible use within the RPZ [...] and create a hazard to people and property." The only way for the project to move forward successfully at this juncture is along a new alignment outside of the RPZ, which would place it further south into the Open Space property. A new alignment would require consideration for disposal of city open space pursuant to Section 177 of the City Charter by both the Open Space Board of Trustees and City Council and, based on OSMP staff's review, would have significant impacts to both the ecological and agricultural resources of the property.

FISCAL IMPACT

Realignment of Phase 2 of the multi-use path would be funded by the Multi-Use Path Enhancement budget, which is an annual line item in the Capital Improvement Program from the

Transportation & Mobility Department. Redesign and permitting are estimated to be \$75,000 to \$100,000 and can begin once an alternative alignment is identified and agreed upon. Construction of Phase 2 would be planned to begin in January 2023 and would be funded by the Enhancement budget as well as any other funding opportunities pursued by the Transportation and Mobility Department.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

ECONOMIC

Since the 1980s, city staff has identified the need to provide a much-needed path connection between Gunbarrel and the city. Providing this essential missing link accommodates multimodal access for residents to reach both economic centers, whether commuting to work, running errands, or for pleasure/exercise.

To date, costs for the design, including easement acquisitions and utility relocations, plus preparation for the Phase 2 path tie-in at Airport Road have already been expended. Resources have been prioritized for this path alignment due to community preference. If there is a viable realigned Phase 2 segment of the path to connect at the original proposed tie-in at Airport Road, the benefit of these prior expenditures will be fully realized. If there is not a viable path alignment for Phase 2 that would satisfy both FAA and OSMP criteria, one option would be to focus on implementing the 61st Street path connection. This path would be located directly adjacent to 61st Street and would be considered “off-street.” It is not the direct connection favored by the community but would provide a continuous off-street path between Gunbarrel and the overall path network. See Fiscal Impact section above for further information.

ENVIRONMENTAL

This enhanced access between the city center and Gunbarrel aims to create a new, safe travel alternative to the automobile, allowing neighborhood residents opportunity to shift their mode choice, which is essential to meeting our City of Boulder mobility and climate commitment goals.

The entire length of the project was planned and designed to have as little impact as possible on the environment, to integrate with the surrounding landscape, and per the original path alignment, to not bifurcate the Straty/Cline property/parcel owned/managed by City of Boulder OSMP and used for ecological and agricultural purposes. This was accomplished by aligning the trail along the northern border of the property near the existing fence line where sensitive habitats and other natural features were not impacted, minimizing the amount of earthwork grading for the trail to minimize impact to surrounding area and to reduce the impact to scenic views, and selecting a surface material that is durable, and cost effective to maintain.

In considering a new path alignment for Phase 2, staff will continue to hold environmental considerations in high regard, while also acknowledging that the shift from the northern fence line to an alternative alignment means that meeting all of the above stated design preferences is no longer feasible. The only way to realize these preferences in their entirety was through the original, approved path alignment.

SOCIAL

Between 2016 and 2018, city staff hosted a number of info sessions and project meetings with adjacent stakeholders, in order to ensure broad participation. Community comments and path alignment preferences were noted and influential in the chosen design. The original alignments received strong community support in order to connect Gunbarrel with Boulder, including from Boulder County, the cycling community and other engaged residents. Should staff not be able to complete the Andrus to Airport Multi-Use Path, the successful fulfilment of this goal will remain unrealized.

For residents without reliable access to a vehicle, the Multi-Use Path system, should this link be completed, and transit system (RTD #205 being the only route with access to Gunbarrel) offer the most cost-effective alternatives to the automobile. Should the Transportation and Mobility Department be unable to complete a multi-use path linkage, a barrier to a low-stress connectivity and access between these two activity generators will continue to exist.

BACKGROUND

As mentioned above, the Andrus to Airport Road Multi-Use Path is one of three City of Boulder transportation multimodal connections identified in the Confluence Area. This project was designed through extensive collaboration between the city's Transportation and Mobility Department, OSMP, Boulder County and adjacent property owners. The project team [evaluated four alignments](#) for the Andrus to Airport Path project, including two alignments recommended by adjacent property owners. As a result of this analysis, which made an assessment of the impact to agriculture, recreation/visitor experience, real estate requirements, preservation of the environment, constructability and cost, the project team identified Alternative 1 as the top performing alignment.

Agreements between OSMP and Transportation and Mobility were made to coordinate and successfully build the intended bicycle and pedestrian connections. A memorandum of understanding (MOU) was signed with OSMP in August 2015, which stated that the existing Pearl Parkway right-of-way, an area of significant environmental value, was transferred to OSMP for a fair and equitable exchange, allowing for their contribution of land for the multi-use path. Transportation and Mobility has successfully transferred the right-of-way to OSMP and OSMP has made the identified alignment available for the path. The FAA, however, has subsequently communicated that alignment is not acceptable for airport safety reasons and they are unable to support the proposed route for the path. As a result, we would like to continue to explore an alternative alignment so that Phase 2 path construction can proceed. In spring 2016, the project team met with adjacent property owners to discuss project improvements. The project land use application was then reviewed and conditionally approved by the Boulder County Commissioners in winter 2016.

Project staff was first made aware of the issue regarding the path's alignment through the RPZ when the Boulder Municipal Airport reached out in September 2019. Since then, city staff, including the Airport Manager, Transportation and Mobility and OSMP have communicated with the FAA, and proposed measures to ensure that this project accords with best practices for protection of RPZs, including conditions such as fencing the path, ensuring use of the path is subject to the City's rules and regulations for both use of multi-use paths and use of the Airport and executing a MOU setting forth the permissible uses in conjunction with construction and use of the path to ensure appropriate protection of the RPZ as set forth in applicable FAA guidance

and Advisory Circulars. The FAA's final response to these proposed conditions was delivered to staff in February 2021 (see Attachment C) and professed disagreement with the city's proposal, firmly denying construction of the path along its original alignment.

NEXT STEPS

This Informational Item will be shared with the Open Space Board of Trustees (OBST). Transportation and Mobility staff will continue working with OSMP staff to determine the feasibility of Confluence Area path alignment and implementation.

ATTACHMENTS

Attachment A: Andrus to Airport Multi-Use Path Map

Attachment B: Path Ownership Map

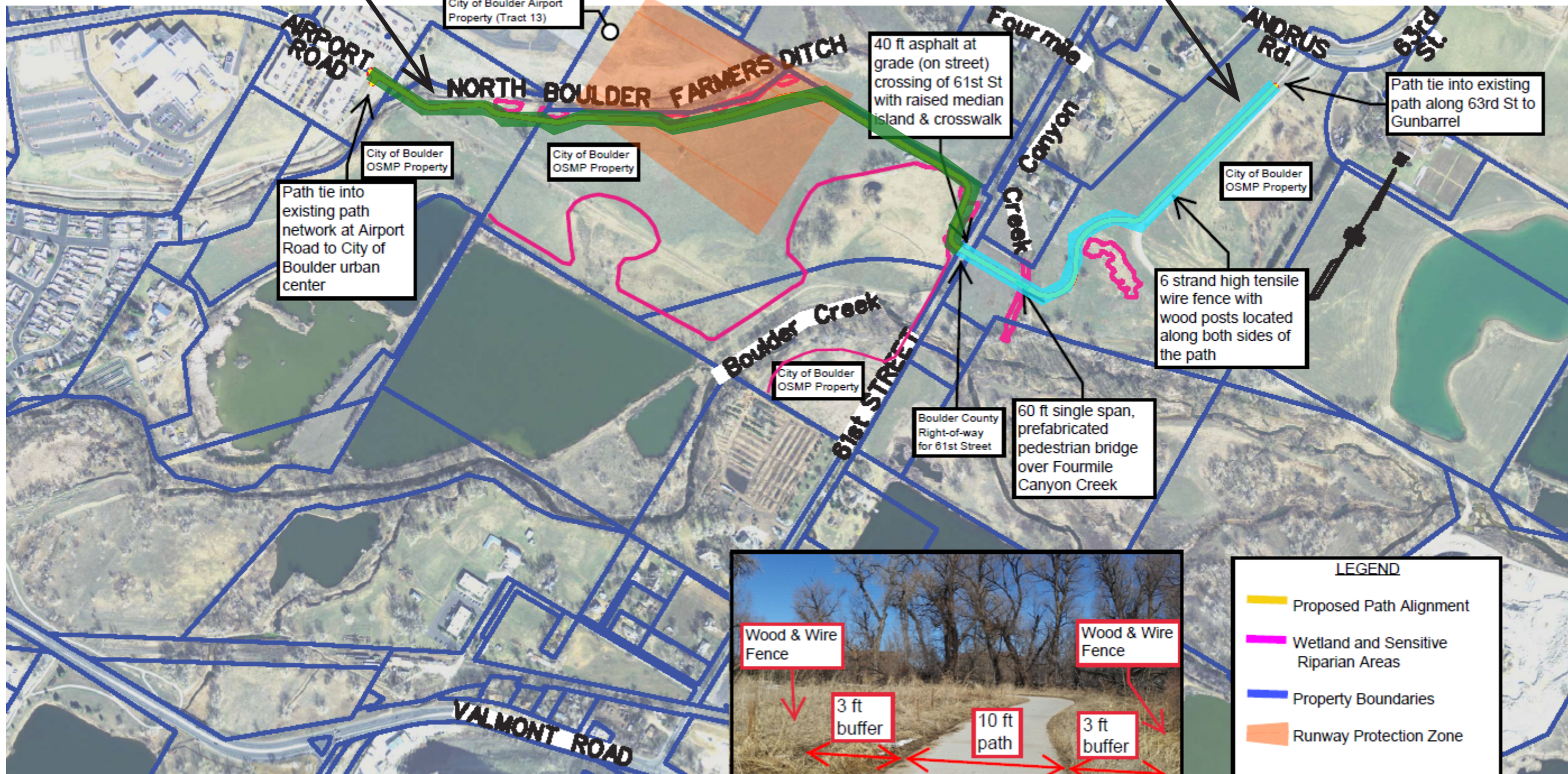
Attachment C: 2/19/21 FAA Final Response

Attachment D: Briefing Paper - Proposed Multi-Use Path Through RPZ

Andrus Rd to Airport Rd Multi-Use Path

CONSTRUCTION PHASE 2

CONSTRUCTION PHASE 1



Path tie into existing path network at Airport Road to City of Boulder urban center

City of Boulder Airport Property (Tract 13)

City of Boulder OSMP Property

City of Boulder OSMP Property

40 ft asphalt at grade (on street) crossing of 61st St with raised median island & crosswalk

Boulder Creek

City of Boulder OSMP Property

Boulder County Right-of-way for 61st Street

60 ft single span, prefabricated pedestrian bridge over Fourmile Canyon Creek

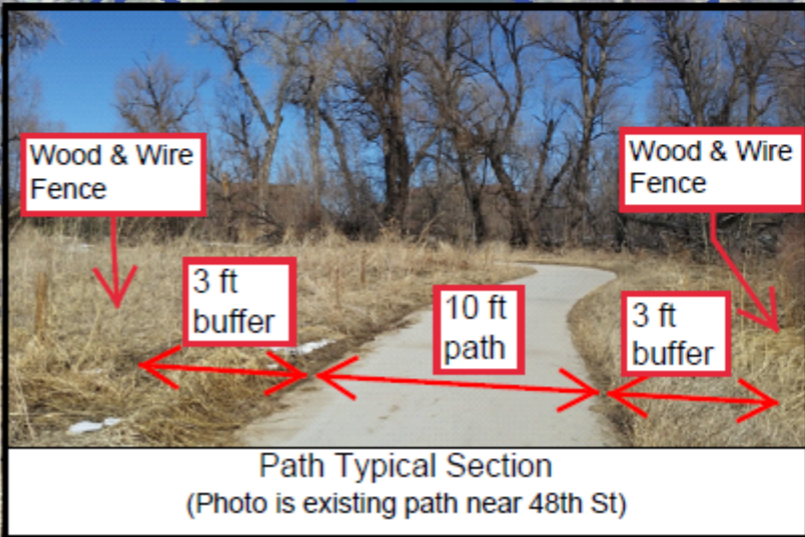
6 strand high tensile wire fence with wood posts located along both sides of the path

Path tie into existing path along 63rd St to Gunbarrel

City of Boulder OSMP Property

LEGEND

- Proposed Path Alignment
- Wetland and Sensitive Riparian Areas
- Property Boundaries
- Runway Protection Zone



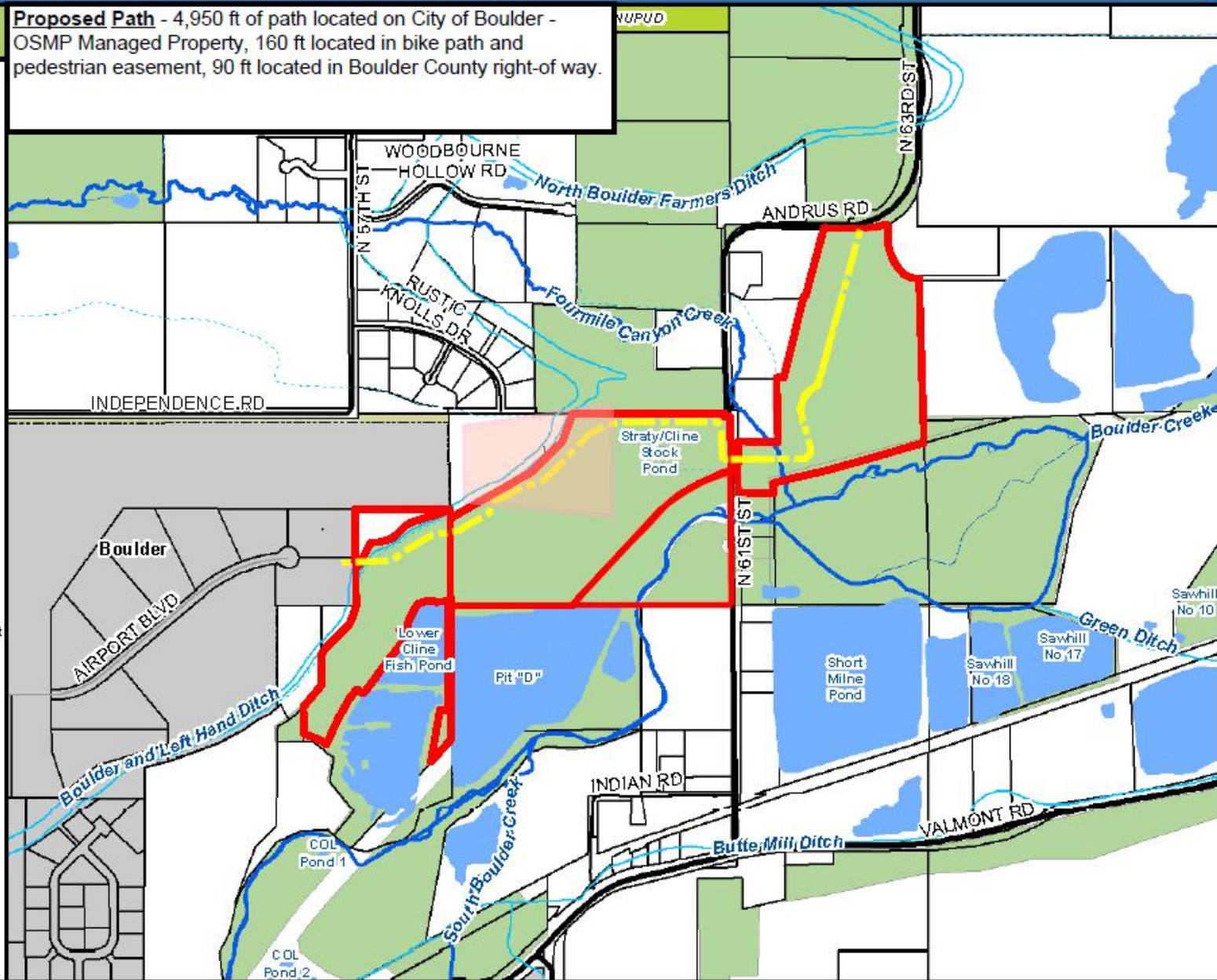


ANDRUS ROAD TO AIRPORT ROAD MULTI-USE PATH OPEN SPACE & MOUNTAIN PARK OWNERSHIP MAP

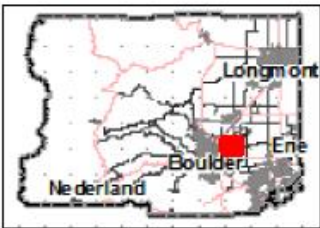
Legend

-  Subject Property
-  Municipalities
-  Intermittent Stream
-  Lateral Ditch
-  Main Ditch
-  Perennial Stream
-  County Conservation Easement
-  OSMP Properties
-  Runway Protection Zone
-  Proposed Path Alignment

Proposed Path - 4,950 ft of path located on City of Boulder - OSMP Managed Property, 160 ft located in bike path and pedestrian easement, 90 ft located in Boulder County right-of-way.



Area of Detail Date: 8/4/2016



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U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
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Utah, Washington, Wyoming

Denver Airports District Office
26805 East 68th Avenue, Suite 224
Denver, Colorado 80249

Phone: (303) 342-1254
Fax: (303) 342-1260

February 9, 2021

Peter J. Kirsch
Kaplan Kirsch & Rockwell LLP
1675 Broadway, Suite 2300
Denver, CO 80202

RE: Multi Use Path at Boulder Municipal Airport

Dear Mr. Kirsch:

The Federal Aviation Administration, Denver Airports District Office (FAA) appreciates the opportunity to comment on the proposed multi-use path at the Boulder Municipal Airport. The FAA does not agree with the assessment that this proposal is consistent with FAA policies on Runway Protection Zone (RPZ) uses and that the multi-use path would increase RPZ protection.

The FAA has invested over \$12 million in development and planning grants for the Boulder Municipal Airport. This investment requires the City of Boulder, as the airport sponsor, to comply with specific Federal obligations, known as Federal grant assurances. Which requires the city to preserve and operate the Boulder Municipal Airport in accordance with FAA regulations and standards.

Specifically, the proposal is contrary to the FAA's *Interim Guidance on Land Uses Within a Runway Protection Zone*, dated September 27, 2012. The proposal to add a multi-use path within the RPZ is considered a new, incompatible use within the RPZ that does not currently exist. As proposed, the path would run through the entire RPZ. The proposed multi-use path would create a hazard to people and property on the ground that does not exist today. As such, we object to the proposal to construct the multi-use path through the RPZ.

The FAA understands and recognizes that the intent of this proposal is an attempt to fix the encumbrances associated with Tract 13, however, the City of Boulder, as the airport sponsor, has the responsibility to comply with all grant assurances. The encumbrance on Tract 13 is not consistent with Grant Assurances No. 5, *Preserving Rights and Powers* nor No. 22 *Compatible Land Use*.

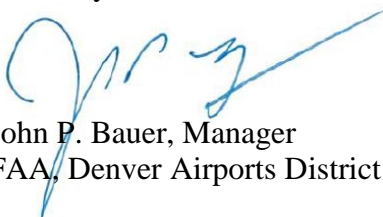
Your correspondence stated that Tract 14 is not part of Airport property as was previously represented to the Agency by the City on their Airport Layout Plan (ALP) and Exhibit "A" property map, but is actually open space under City control. Grant Assurance No. 29 *Airport Layout Plan*, requires the City to "...Keep an up to date airport layout plan showing boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto." The

City must update both your ALP and Exhibit "A" property map to represent the true airport boundary and to also reflect the encumbrance on Tract 13.

In light of the encumbrances identified on Tract 13, and the discrepancies on the ALP and Exhibit "A", we request that the Sponsor provide a plan addressing the path forward to resolve these issues.

If you have any additional questions or concerns please feel free to contact me.

Sincerely,



John P. Bauer, Manager
FAA, Denver Airports District Office

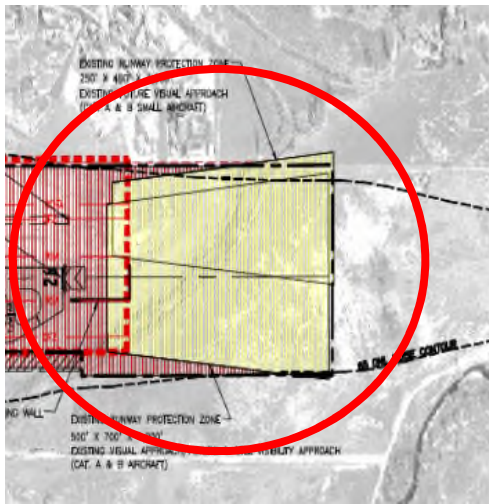
cc: Denis Godfrey, Airport Manager
Lindsay Merz, City of Boulder Public Works
Janet Michels, Esq., Boulder City Attorney's Office

Briefing Paper
Boulder Municipal Airport
Proposed Multi-Use Path Through RPZ

The City of Boulder, the sponsor of the Boulder Municipal Airport, is planning to create a paved multi-use path through a portion of the RPZ. This briefing paper provides background and explanation for why this proposal should not be objectionable to the FAA. In fact, the proposal includes measures that would *enhance* protection of property within the RPZ.

Background

- The property at issue is depicted on the latest Airport Layout Plan¹ as lying within the RPZ and within the Airport boundaries.²



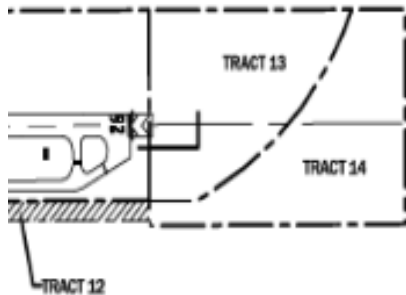
- A thorough review of the property records and acquisition history reveals that only about half of the RPZ is property is actually dedicated to Airport use and lies within Airport boundaries. The remainder is managed, subject to substantial legal and use restrictions, by the City of Boulder Open Space and Mountain Parks department.
 - Two parcels are depicted on the latest ALP. See below. Tract 13 is a roughly triangular 9-acre property located closest to the runway. Tract 14 is the remainder

¹¹ An Airport Layout Plan is a graphic depiction of an airport that shows (a) boundaries and proposed additions to all areas owned or controlled by the sponsor for airport purposes; (b) the location and nature of existing and proposed airport facilities and structures; and (c) the location on the airport of existing and proposed non-aviation areas and improvements thereon. An ALP has regulatory significance. Airport sponsors, such as the City of Boulder, are required to maintain an accurate ALP at all times and the submission of an ALP is the sponsor's representation that the property shown on the ALP is subject to FAA regulatory oversight. For that reason, whether a parcel of property is shown on an ALP is legally significant.

² Boulder Municipal Airport ALP Land Use Drawing (Dec. 2006)

of the RPZ (also approximately 9 acres). The ALP Airport Property Map shows both parcels owned in fee by the City.

- Tract 13 was acquired on October 25, 1990 by the City³ subject to two easements that were reserved by the seller: an easement for the construction, maintenance and repair of an irrigation ditch⁴ and an easement for a pedestrian, bicycle or equestrian trail.⁵ At the time of the acquisition, the Boulder County⁶ Land use Docket shows that the 9-acre parcel was divided from a larger tract and dedicated to Airport purposes as an RPZ.⁷



Tract 13
– Airport
property

- Tract 14 has never been subdivided into a separate parcel for land records purposes. It is part of a larger property that was acquired by the City by warranty deed in 1998⁸ in what was known as the “Straty-Cline Purchase.” The property was purchased subject to numerous easements.⁹ The 48-acre property was purchased not for Airport purposes but for open space purposes with tax dollars pledged and limited to those purposes, by the City of Boulder through its Open Space and Mountain Parks (OSMP), the municipal open space agency.¹⁰ Property that is purchased for open space purposes is limited by City ordinance and charter¹¹ to

³ Boulder County Recorder Document 01064282 (Sept. 17, 1990). While the Warranty Deed was recorded on September 17 (dated September 14), the ALP shows the acquisition date to be October 25, 1998.

⁴ *Id.* (“Grantor reserves herein to itself and to its successors and assigns an easement for the construction, reconstruction, maintenance and repair of an irrigation ditch lateral . . .”). Under Colorado law, the owner of an irrigation ditch has the right to construct a road for access and maintenance of the ditch. Colo. Rev. Stat. Title 37, Art. 86.

⁵ *Id.* (“Grantor also reserves to itself and to its successors and assigns an easement for a pedestrian, bicycle and equestrian trail connecting to a future public trail in a location to be determined by the parties hereto . . .”)

⁶ The property is owned by the City of Boulder but located outside the municipal boundaries in unincorporated Boulder County.

⁷ Boulder Board of County Commissioners Land Use Docket SE-90-030 (Aug. 28, 1990)

⁸ Boulder County Clerk Document 1806469 (May 28, 1998)

⁹ Boulder City Council Meeting, May 19, 1998, Agenda (Item 4 – Consent Agenda)

¹⁰ *Id.*

¹¹ City of Boulder Municipal Code §2-2-13; Boulder City Charter Art. XII

enumerated purposes¹² of which Airport use is not a permissible use. The City cannot dedicate OSMP property to other uses without going through a complex disposal process (and potentially voter approval) and consideration paid into the OSMP fund.¹³ There is no evidence that this Tract 14 was ever subdivided, disposed of by OSMP, or transferred to the Airport.

- Corrections to the ALP will be submitted to FAA approval in due course to reflect that (a) only a portion of the RPZ is actually Airport property and (b) Tract 13 is subject to a preexisting trail (and other) easements.

Proposed Multi-Use Path

- The City of Boulder is planning for the construction of the *Airport Road to Andrus Road Multi-Use Path* (the Path). The Path will be an off-street trail for bicyclists and pedestrians in an undeveloped natural and agricultural area known as the Boulder Creek Confluence. It completes a missing link in the City and County off-street trail system and provides regional connections between the Gunbarrel neighborhood and Boulder's urban center.
- The Path will cross the Straty-Cline property (Tract 14 on the ALP) adjacent to the boundary between that property and the RPZ property (Tract 13). The path is shown as yellow on the following map excerpt.
- The tract of land on which the path is proposed is currently accessible to the public for recreational uses such as walking and hiking. Because it is not airport property, the use of Tract 14 is not restricted to RPZ-compatible uses.
- As the map shows, the Path (yellow line) will be separated from the RPZ parcel by North Boulder Farmers Ditch (the blue line above the yellow line), which is located on Tract 13 (Airport property) within the RPZ.



¹² Boulder Charter Art. XII § 176

¹³ *Id.*

- The Path will not present any Part 77 obstructions.
- Use of the property for the Path is consistent with local zoning. The zoning jurisdiction is Boulder County whose Airport Overlay Zone¹⁴ would allow this type of use but otherwise protects Part 77 surfaces.
- The remainder the Tract 14 portion of the Straty-Cline Open Space property will remain vacant or used for agricultural purposes, without erection of any structures, all consistent with both the County Airport Overlay Zone and FAA standards for permissible land uses within an RPZ.¹⁵

City of Boulder Proposal

- The City proposes to construct the Path on the Straty-Cline Open Space property (including on the portion depicted as Tract 14 on the ALP).
- The remainder of the Tract 14 and most of the Straty-Cline property will remain in agricultural uses. Given the restrictions in place by the City of Boulder Charter and Boulder County land use regulations, the City will not erect any structures within the entire RPZ.
- The City proposes to work with the owner of the trail easement on Tract 13 (Lake Centre Partnership) in an effort to reach agreement to extinguish that easement upon the construction of the new Path.
- The Boulder Municipal Airport, Transportation and Mobility Department (Transportation), and Boulder OSMP will execute an MOU setting forth the permissible uses in conjunction with construction and use of the Path to ensure appropriate protection of the RPZ as required by applicable FAA guidance. The MOU will include the following provisions:
 - Use of the Path shall be subject to the City’s rules and regulations for both use of multi-use paths and use of the Airport;
 - Transportation will be responsible for maintaining the Path;
 - Transportation will be responsible for the cost of constructing the Path;
 - The Path may be subject to temporary closure at the direction of the Airport Manager for safety reasons; and
 - The Director of Transportation and Mobility (upon the advice of the Airport Manager) is authorized to require the removal or relocation of any portion of the Path if the Director reasonably determines that the property is being used in a

¹⁴ Boulder County Land Use Code §4-119 (Airport Overlay Zone); *see also* §18-107 (Airport Protection Surfaces) (incorporates Part 77)

¹⁵ FAA Order 5190.6B Appx. R §VIII. G.

manner that is inconsistent with the MOU or is creating an incompatible use within the RPZ, subject to a reasonable opportunity to first correct the situation.

- If Boulder is unable to secure FAA concurrence on the location for the Path across Tract 14, the only option will be to take advantage of the existing trail easement across Tract 13 and locate the Path on that property, closer to the Airport runway. That location is both less advantageous for Boulder and has a greater impact on the RPZ.

Consistency with FAA Policies on Use of RPZ

- The proposed Path is a compatible use within an RPZ according to applicable FAA orders and Advisory Circulars.
- While the FAA encourages sponsors to acquire RPZ property, sponsor ownership is not required. In this instance, while the same municipality owns both the Airport and the adjacent open space, legal restrictions on control of the property means that the Boulder Municipal Airport (a special revenue fund of the City of Boulder) cannot exercise effective control over the portion of the RPZ that was purchased with tax funds dedicated to open space purposes. In fact, use of the remaining portion of the RPZ for Airport purposes would require further municipal action (known as a ‘disposal’) and potential voter approval.
- The proposal will *enhance* the protection of the affected property because:
 - Boulder is proposing (subject to approval) to restrict use of its property within the RPZ in a manner consistent with the restrictions that would apply if Boulder Municipal Airport controlled the property.
 - The City proposes to negotiate with the easement owner to extinguish existing easements on the Airport-owned portion of the RPZ (Tract 13) to enhance its protection. Without this effort by the City, the easement owner could construct a path on Tract 13 – closer to the runway than is proposed.
 - By placing the Path on Tract 14, to the east of existing easements that currently allow construction of a path on Tract 13, the City is enhancing the area that will be protected as RPZ property and reducing the probability of further encroachment into the RPZ.
 - The City is proposing (subject to approval) to agree not to erect any structures on its property that lies within the entire RPZ.
 - The proposed MOU will enhance the control that the Boulder Municipal Airport has over Tract 14.

- While FAA encourages no intensive uses of property within an RPZ, certain uses are permitted where control of fee title is impractical.¹⁶ The use of the RPZ as a Path is consistent with other low intensity uses that FAA allows within an RPZ.
- Recreational paths have been allowed even within property that is owned and controlled by the Airport sponsor; this proposal is consistent with those precedents.

¹⁶ FAA Advisory Circular 150/5300-13A, *Airport Design* §§105.f., 310.d. See also, Interim Guidance on Land Uses within a Runway Protection Zone (2012) (“Although the FAA recognizes that in certain situations the Airport sponsor may not fully control land within the RPZ, the FAA expects Airport sponsors to take all possible measures to protect against and remove or mitigate incompatible land uses.”)