

103^D CONGRESS
1ST SESSION

H. R. 556

To provide for aviation noise management and reduction in residential areas.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. ZIMMER (for himself, Mr. GALLO, and Mr. TORRICELLI) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To provide for aviation noise management and reduction
in residential areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Noise Limit
5 Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The accurate assessment and control of
9 aviation noise impact is necessary to protect the

1 public health and welfare while increasing and im-
2 proving aviation capacity.

3 (2) Airspace management without noise impact
4 assessment and moderation can have a significant
5 impact on an area distant from an airport.

6 (3) The Federal system for determining noise
7 impact at airports, which currently serves as the
8 basis of noise compatibility programs receiving Fed-
9 eral assistance, does not adequately protect the pub-
10 lic health and welfare.

11 (4) The Federal system for determining noise
12 impact at airports does not take into account the
13 characteristics of an area, including the area's prox-
14 imity to an airport and the area's non-aircraft back-
15 ground noise.

16 (5) The Federal system for determining noise
17 impact at airports is less restrictive than the criteria
18 used by many State and local governments, usurping
19 a zoning role normally allocated to the States.

20 (6) The Federal system for determining noise
21 impact at airports is inconsistent with the mainte-
22 nance of accepted interior levels of quiet for existing
23 residences and has been demonstrated unsuccessful
24 in identifying problems and predicting community
25 reaction.

1 (7) The Federal system for determining noise
2 impact at airports does not protect against signifi-
3 cant disturbances in human activities such as sleep
4 and conversation and promotes Federal interference
5 with the constitutionally protected right to quiet en-
6 joyment of private property.

7 (8) Research showing that low levels of noise
8 affects human health and welfare requires changes
9 in Federal programs managing noise levels.

10 (9) Population density, background noise levels,
11 and distance from an airport are factors which af-
12 fect an individual's expectations with respect to avia-
13 tion noise and an individual's acceptance of aviation
14 noise.

15 (10) Changes to the noise environment of a de-
16 veloped and populated area should be treated dif-
17 ferently from changes to the noise environment of a
18 nonpopulated or industrial area.

19 **SEC. 3. AVIATION NOISE LIMITS.**

20 (a) **REDUCTION OF AVIATION NOISE IN AREAS IN**
21 **THE VICINITY OF AIRPORTS.—**

22 (1) **DEVELOPMENT OF PLAN.—**The Secretary
23 shall develop a staged plan to reduce by at least 75
24 percent on or before January 1, 2001, the number
25 of individuals residing in residential areas in the vi-

1 cinity of an airport who are exposed to a yearly day-
2 night average sound level of 60 decibels or above.

3 (2) CONSIDERATIONS.—In developing the plan
4 pursuant to paragraph (1), the Secretary shall con-
5 sider various methods for aviation noise reduction,
6 including soundproofing, relocation incentives, use of
7 quieter aircraft, operations restrictions, and revision
8 of air routes.

9 (3) FEDERAL DEPARTMENTS AND AGENCIES.—
10 As part of the plan to be developed pursuant to
11 paragraph (1), the Secretary shall make rec-
12 ommendations on actions and policy changes on the
13 part of Federal departments and agencies (including
14 but not limited to the Department of Transpor-
15 tation) which could assist in meeting the objective
16 described in paragraph (1).

17 (4) MODIFICATION OF REGULATIONS.—The
18 Secretary shall modify regulations issued pursuant
19 to section 102 of the Aviation and Safety Noise
20 Abatement Act of 1979 to assist in meeting the ob-
21 jective described in paragraph (1).

22 (b) MANAGEMENT AND REDUCTION OF AVIATION
23 NOISE IN OTHER AREAS.—

24 (1) AIRSPACE TRAFFIC CHANGES.—Beginning
25 on the date of the enactment of this Act, the Admin-

1 istrator may make an airspace traffic change only if
2 the Administrator determines that the change will
3 not result in an increase in aviation noise in viola-
4 tion of paragraph (2).

5 (2) REQUIREMENTS.—A violation of any of the
6 following requirements, which apply only to residen-
7 tial areas that are not in the vicinity of an airport,
8 shall be considered to be a violation of this para-
9 graph:

10 (A) HOURLY AVERAGE SOUND LEVEL.—
11 The hourly average sound level, with combined
12 aviation and nonaviation sources, over any 1-
13 hour period may not exceed 6 decibels above the
14 background sound level for such 1-hour period.

15 (B) SINGLE EVENT MAXIMUM SOUND
16 LEVEL.—Under normal circumstances, the sin-
17 gle event maximum sound level—

18 (i) may not exceed 70 decibels;

19 (ii) during nighttime hours, may not
20 exceed 55 decibels; and

21 (iii) may not be more than 20 decibels
22 above the background sound level for the
23 1-hour period in which the event occurs.

24 The requirement of this subparagraph shall be
25 considered to have been met if there are no

1 more than 3 violations of the limits contained
2 in this subparagraph in a 24-hour period.

3 (C) DAY-NIGHT AVERAGE SOUND LEVEL.—

4 If the day-night average sound level, with com-
5 bined aviation and nonaviation sources, exceeds
6 45 decibels, then aviation activity may not con-
7 tribute more than 3 decibels to such sound
8 level.

9 (3) PAST AIRSPACE TRAFFIC CHANGES.—The
10 Administrator shall review airspace traffic changes
11 made by the Administrator which continue to be
12 subject to significant complaint or controversy and
13 shall take such actions as may be necessary to en-
14 sure that such air traffic changes do not result in
15 increases in aviation noise which violate aviation
16 noise limits contained in paragraph (2).

17 (d) DETERMINATION OF VICINITY OF AIRPORT.—

18 (1) ALTERNATIVE BOUNDARIES.—In the event
19 that operations procedures of an airport result in a
20 ground noise distribution substantially different
21 from the geographic area defined in section 4(10),
22 an airport operator may, on or before the 180th day
23 following the date of the enactment of this Act,
24 transmit to the Secretary for approval alternative
25 boundaries of the vicinity of the airport which con-

1 form to the ground noise distribution of the airport;
2 except that the geographic area enclosed by such al-
3 ternative boundaries may not include an area with
4 a day-night average sound level of less than 60 deci-
5 bels for the 1-year period ending on the date of the
6 enactment of this Act.

7 (2) ACQUISITION OF PROPERTY.—In the event
8 that an airspace traffic change or other action
9 makes it unfeasible or impracticable to meet the
10 sound level limits contained in subsection (b) within
11 a residential area, then such area may be added to
12 the area considered to be in the vicinity of the air-
13 port upon acquisition of the property or by acquisi-
14 tion of easements to the property by the airport op-
15 erator or the Secretary of Transportation.

16 (e) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Secretary shall transmit
18 to Congress a report containing the plan to be developed
19 pursuant to subsection (a)(1), and a description of actions
20 taken with respect to airspace changes pursuant to sub-
21 section (b)(3), together with recommendations for appro-
22 priate administrative and legislative actions.

1 **SEC. 4. RESPONSIBILITY OF SECRETARY OF TRANSPOR-**
2 **TATION.**

3 In complying with this Act, the Secretary of Trans-
4 portation shall assume responsibility for all non-military
5 aviation activity, within and outside controlled airspace,
6 and shall regulate such activity to ensure compliance with
7 the requirements of this Act in normal circumstances.

8 **SEC. 5. DEFINITIONS.**

9 For the purposes of this Act, the following definitions
10 apply:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Federal
13 Aviation Administration.

14 (2) AIRSPACE TRAFFIC CHANGE.—The term
15 “airspace traffic change” means a change in aircraft
16 flight paths, operating procedures, nature of aircraft
17 traffic, and quantity of aircraft traffic which is ap-
18 plicable in normal circumstances.

19 (3) AVERAGE SOUND LEVEL.—The term “aver-
20 age sound level” means the level, in decibels, of the
21 mean-square, A-weighted sound pressure during a
22 specified period, with reference to the square of the
23 standard reference sound pressure of 20
24 micropascals.

25 (4) BACKGROUND SOUND LEVEL.—The term
26 “background sound level” means the hourly average

1 sound level, in decibels, measured at a site rep-
2 resentative of a relatively quiet residential location
3 within an area (with aircraft noise contributions ex-
4 cluded).

5 (5) DAY-NIGHT AVERAGE SOUND LEVEL.—The
6 term “day-night average sound level” means the 24-
7 hour average sound level, in decibels, for the period
8 from midnight to midnight, obtained after the addi-
9 tion of 10 decibels to sound levels during nighttime
10 hours.

11 (6) NIGHTTIME HOURS.—The term “nighttime
12 hours” means the periods between midnight and 7
13 a.m. and between 10 p.m. and midnight local time.

14 (7) NORMAL CIRCUMSTANCES.—The term “nor-
15 mal circumstances” means all circumstances other
16 than unusually adverse weather and emergency cir-
17 cumstances.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of Transportation.

20 (9) SINGLE EVENT MAXIMUM SOUND LEVEL.—
21 The term “single event maximum sound level”
22 means the level, in decibels, of the maximum A-
23 weighted sound pressure during an aircraft over-
24 flight obtained using a standard sound level meter
25 under a slow response setting.

1 (10) VICINITY OF AN AIRPORT.—The term “vi-
2 cinity of an airport” means the geographic area sur-
3 rounding an airport established before the date of
4 the enactment of this Act described nominally as fol-
5 lows:

6 (A) The area extending in all directions a
7 distance of 1.5 miles from each runway estab-
8 lished before such date of the enactment.

9 (B) The rectangular area defined by draw-
10 ing a straight center line a distance of 4 miles
11 from the end of each runway established before
12 such date of the enactment in the direction of
13 heaviest traffic and extending 1.5 miles per-
14 pendicular from the center line on each side of
15 such runway.

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