

104TH CONGRESS
1ST SESSION

H. R. 1971

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1995

Mr. ZIMMER introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

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 1995”.

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
10 public health and welfare while increasing and im-
11 proving aviation capacity.

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

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

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

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

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

24 (7) The Federal system for determining noise
25 impact at airports does not protect against signifi-

1 cant disturbances in human activities such as sleep
2 and conversation and promotes Federal interference
3 with the constitutionally protected right to quiet en-
4 joyment of private property.

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

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

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

17 **SEC. 3. AVIATION NOISE LIMITS.**

18 (a) REDUCTION OF AVIATION NOISE IN AREAS IN
19 THE VICINITY OF AIRPORTS.—

20 (1) DEVELOPMENT OF PLAN.—The Secretary
21 shall develop a staged plan to reduce by at least 75
22 percent on or before January 1, 2001, the number
23 of individuals residing in residential areas in the vi-
24 cinity of an airport who are exposed to a yearly day-
25 night average sound level of 60 decibels or above.

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

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

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

20 (b) MANAGEMENT AND REDUCTION OF AVIATION
21 NOISE IN OTHER AREAS.—

22 (1) AIRSPACE TRAFFIC CHANGES.—Beginning
23 on the date of the enactment of this Act, the Admin-
24 istrator may make an airspace traffic change only if
25 the Administrator determines that the change will

1 not result in an increase in aviation noise in viola-
2 tion of paragraph (2).

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

8 (A) HOURLY AVERAGE SOUND LEVEL.—

9 The hourly average sound level, with combined
10 aviation and nonaviation sources, over any 1-
11 hour period may not exceed 6 decibels above the
12 background sound level for such 1-hour period.

13 (B) SINGLE EVENT MAXIMUM SOUND

14 LEVEL.—Under normal circumstances, the sin-
15 gular event maximum sound level—

16 (i) may not exceed 70 decibels;

17 (ii) during nighttime hours, may not
18 exceed 55 decibels; and

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

22 The requirement of this subparagraph shall be
23 considered to have been met if there are no
24 more than 3 violations of the limits contained
25 in this subparagraph in a 24-hour period.

1 (C) DAY-NIGHT AVERAGE SOUND LEVEL.—

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

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

15 (d) DETERMINATION OF VICINITY OF AIRPORT.—

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

1 and shall regulate such activity to ensure compliance with
2 the requirements of this Act in normal circumstances.

3 **SEC. 5. DEFINITIONS.**

4 For the purposes of this Act, the following definitions
5 apply:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Aviation Administration.

9 (2) AIRSPACE TRAFFIC CHANGE.—The term
10 “airspace traffic change” means a change in aircraft
11 flight paths, operating procedures, nature of aircraft
12 traffic, and quantity of aircraft traffic which is ap-
13 plicable in normal circumstances.

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

20 (4) BACKGROUND SOUND LEVEL.—The term
21 “background sound level” means the hourly average
22 sound level, in decibels, measured at a site rep-
23 resentative of a relatively quiet residential location
24 within an area (with aircraft noise contributions ex-
25 cluded).

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

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

10 (7) NORMAL CIRCUMSTANCES.—The term “nor-
11 mal circumstances” means all circumstances other
12 than unusually adverse weather and emergency cir-
13 cumstances.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

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

22 (10) VICINITY OF AN AIRPORT.—The term “vi-
23 cinity of an airport” means the geographic area sur-
24 rounding an airport established before the date of

1 the enactment of this Act described nominally as fol-
2 lows:

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

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

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