

# Washington N.O.I.S.E. Watch

A PUBLICATION OF THE NATIONAL ORGANIZATION TO INSURE A  
SOUND-CONTROLLED ENVIRONMENT (NOISE)

FEBRUARY 15, 2007

## **MARK YOUR CALENDARS!** **SPRING LEGISLATIVE FORUM**

The Annual *National Organization to Insure a Sound-controlled Environment (NOISE)* Spring Legislative Forum is scheduled for March 12, 2007. The event will be held during the National League of Cities Congressional City Conference in Washington, DC at the Washington Hilton and Towers.

The NOISE Legislative Forum is an invaluable opportunity for NOISE members, potential members, NOISE staff, legislators, and Aviation Industry experts to meet and discuss issues of critical importance to the NOISE mission. Member input will help focus our 2007 strategic plan and increase N.O.I.S.E. influence on Congress and our nation's runways. The Legislative Forum will be held in the Hemisphere Room (Concourse Level) of the Washington Hilton and Towers. A Complimentary Breakfast will be served. Feel free to invite interested colleagues to attend.

## **FAA REAUTHORIZATION ACTIVITY**

With current authorization for the Federal Aviation Administration expiring September 30 of this year, the Congress is considering legislation to reauthorize the agency for the next three years. The FAA, an agency of the U.S. Department of Transportation, funds and operates the nation's air traffic control system, enforces federal air safety regulations, provides financial support to U.S. airports, and performs other aviation-related functions, including those that are most important to NOISE and its objectives.

The FAA reauthorization outline in the Bush Administration's budget proposal calls for significant changes. The plan requests total funding for the FAA of \$14.1 billion, a \$400 million decrease from the FY2007 level of \$14.5 billion called for in the Continuing Resolution. Of particular note, the Airport Improvement Program (AIP), which generally includes the provisions of FAA funding for noise mitigation, would be cut nearly \$800 million from current levels. Noise mitigation may not have been completely off the President's radar, though. In legislation recently submitted to Congress, "Next Generation Air Transportation System Financing Reform Act of 2007," the White House provides specific authorization from the AIP program of \$15 million for the Airport Cooperative Research Program (ACRP). This authorization, according to the bill, represents a \$5 million boost for the ACRP. This increase would be dedicated specifically to airport environmental research.

Another point of interest included in the newly released White House Budget proposal is the level of funding for NASA's Aeronautics Research Program. The Aeronautics Research Program has historically produced important advances and improvements in environmental impacts, performance, efficiency, and safety of engines, airframes, and other aspects of aircraft construction. The Administration's budget calls for funding of \$554 million for Aeronautics Research, a cut of about \$336 million.

Funding for these programs is of critical importance to the quality of life around our nation's airports. Every community affected by airport noise pollution should weigh in on the matter by contacting your Congressional representatives.

# *Washington N.O.I.S.E. Watch*

## FAA and NASA Funding 2006-2008

	<u>FY2006 Funding</u>	<u>FY2007 Budget Request</u>	<u>FY2007 Funding</u>	<u>FY2008 Budget Request</u>
<b>Federal Aviation Administration</b>	\$13,711,460,000	\$12,774,000,000	\$14,500,000,000	\$14,077,349,000
Grants-in-Aid for Airports (Airport Improvement Program)	\$3,399,000,000	\$2,750,000,000	\$3,515,000,000	\$2,750,000,000
Research, Engineering and Development	\$136,620,000	\$130,000,000	\$130,000,000	\$140,000,000
<b>National Aeronautics and Space Administration (NASA)</b>				
Science, Aeronautics, and Research	\$9,761,400,000	\$10,523,805,000	\$10,075,000,000	\$10,483,100,000
<i>Aeronautics Research</i>	<i>\$912,300,000</i>	<i>\$724,400,000</i>	<i>\$890,400,000</i>	<i>\$554,000,000</i>

### CHANGES TO FAA FUNDING STREAM PROPOSED

While FAA budget allotments, especially to AIP, are of great concern to NOISE stakeholders, the biggest story of the FAA budget is the Administration's plan to completely overhaul the current aviation funding mechanism. The system in use today imposes excise taxes on airline passenger tickets that are deposited in the Airport and Airway Trust Fund and then disbursed to provide for, among other services, air traffic control operations. The proposal would eliminate these taxes and institute new "user fees", creating a 'connection between revenue and workload,' according to FAA Administrator Marion Blakely. The Administration argues that its new system is a more rational plan because it is 'based on the use of the national air system, rather than the number of passengers on a plane.' This connection between cost and use is seen by the FAA as critical for future efforts to modernize the air traffic control system.

The consensus seems to be that implementing the program will be an uphill battle for the FAA. In recent Committee meetings, Senator Sam Brownback questioned DOT Secretary Mary Peters about the plan to establish user fees, pointing out that the President's budget shows the new funding stream would actually raise less

revenue than simply extending the system currently in place. When FAA Administrator Blakely presented the Bush Administration's budget to the House Transportation & Infrastructure Committee, Chairman Jim Oberstar (MN-8)) echoed Senator Brownback's skepticism, calling the FY 2008 budget requirements a "missed opportunity" in the FAA's effort to support their mission of operating the largest and safest airspace system in the world. The difficulty President Bush and the FAA will face in Congress on this program may be due not only to the new financing system and projections that it seems to produce less revenue, but also because of partisan politics. Quite simply, the Democratic Congress will resist much of that which the President assigns as his 'priorities.'

### FY 2008 BUDGET SEASON HAS ARRIVED

While the House and Senate were still dealing with the unfinished business of the 109<sup>th</sup> Congress's Appropriations Bills, the White House gave them more incentive to tie up FY 2007 loose ends and focus on more current fiscal priorities. On February 5, the Administration released its \$ 2.9 trillion budget recommendations for the Fiscal Year 2008. This budget request outlines the President's priorities and indicates the preferred rate of growth or reductions for

government programs and discretionary expenditures.

It is important to note that while the Administration's proposed budget is not binding, it is an important step in setting the stage for the budget negotiations between the White House and Congress over the next few months.

The ball is now in Congress's court as the House and Senate Budget & Appropriation Committees use the President's recommendations as a loose framework upon which they set their budget priorities. The Budget Committees in the House and Senate first work to set spending caps for different government programs. Then, within that set limit, the Appropriation Committees work to allocate specific amounts of money for all federally funded programs.

## **CONGRESSMAN ROTHMAN AUTHORS IMPORTANT BILL**

Congressman Steve Rothman (D-NJ), the 2001 *NOISE Legislator of the Year*, has authored legislation titled 'Right To Know About Airport Pollution Act Of 2007' (HR 204). The bill would "require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations." The airport bubble concept 'treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a wide range of pollutants, including air, noise, water and solid waste.' The bubble concept seeks to reduce the level of pollution from each individual pollutant, thereby reducing the overall pollution emitted by the airport. Congressman Rothman, who has a record as long as a runway of working to reduce aviation noise levels in New Jersey and across the country, was instrumental in

closing a loophole in federal aircraft noise requirements that previously allowed smaller aircraft (under 75,000 pounds) to continue operations equipped with louder 'stage 2' engines rather than the newer, quieter 'stage 3' engines.

## **JUDGE RULES "QUIETUDE" A PROTECTABLE NATURAL RESOURCE**

In a summary judgment issued January 25, Judge Stephen C. Aldrich ruled in favor of the cities of Minneapolis, Eagan, and Richfield on one count against the Metropolitan Airport Commission (MAC). He rejected the MAC and Northwest Airlines' motion to dismiss the Cities' claim that the MAC has an obligation to protect the right of 'quietude' as provided for in the Minnesota Environmental Rights Act.

The cities claim that in 1996 they supported an expansion of the airport based on the MAC's promise that homes in the 60-64 DNL range, homes previously not subjected to that noise level, would receive a five-decibel level noise reduction package at no cost to the homeowners. The MAC, however, reneged on the agreement in 2004, cutting funds for its noise abatement program and announcing they would only offer air conditioning to homes in the 60-64 DNL range, with homeowners footing half the bill.

Judge Aldrich ruled that when the MAC changed their noise mitigation funding to include only air-conditioning, they broke their end of the deal. "This court cannot allow the MAC to receive the benefits of a long fought over public bargain and then abandon its repeated commitments upon which so many people have relied," Judge Aldrich wrote, "to rule otherwise would approve a massive public 'bait and switch' on the homeowners and affected cities," he added. The MAC is expected to appeal the ruling.