

NOISE

NATIONAL ORGANIZATION TO INSURE A SOUND-CONTROLLED ENVIRONMENT
The National Aviation Noise Lobby • An Affiliate of the National League of Cities

FEDERAL UPDATE NOISE WINTER MEETING DECEMBER 6, 2002

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ENVIRONMENTAL STREAMLINING

Amid concern about airport capacity, in 2001 the FAA released a study on environmental review requirements and Newsweek ran a cover story on “Air Hell” and suggested the solution was to “pour more concrete.” At a hearing last April, House Aviation Subcommittee Chairman Congressman Mica said, “in the long run, the answer is to build more runways.” Industry groups including the American Association of Airline Executives and the Airports Council International advocated “streamlining” the environmental review process. NOISE testified before Congress twice on the issue, stating emphatically that local communities will not tolerate any “streamlining” that neglects ensuring environmental safety for residents. To advance the stalled proposal, in October President Bush issued Executive Order 13274 to streamline environmental reviews for a range of transportation projects.

The latest version of the legislation, H.R. 4481, is far from perfect, but considering the momentum on this issue, the concessions in this bill from its original draft represent one of the biggest lobbying victories in the history of NOISE. Features of the bill include:

- Directs a concurrent Federal and State environmental reviews to expedite approval;
- Authorizes the FAA to approve a restriction on the use of the runway to minimize significant adverse noise impacts;
- Allows an airport sponsor to make payments out of airport revenues (including local taxes on aviation fuel) for noise mitigation;
- Repeals the requirement that the governor certify that the project will meet air & water quality standards;
- Removes the requirement for an EIS for projects that do not involve airport construction or runway extension if completing the project would allow for stage 3 aircraft (currently stage 2)

FEDERAL INVOLVEMENT AT CHICAGO - O'HARE

Congressman William Lipinski of Illinois introduced legislation in December to increase capacity at Chicago O'Hare by federally mandating the reconfiguration of runways at O'Hare and building a third airport in Chicago. This unprecedented intrusion of the federal government in a local transportation decision is worrisome because it calls for expedited environmental reviews and does not provide sufficient guarantees that local communities will have a seat at the table when noise mitigation strategies are decided. The bill, H.R. 3479, was approved by the Transportation & Infrastructure Committee but was not approved by the Senate before it adjourned. Action on the issue is likely in the early days of the 108th Congress.

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\$20 MILLION FOR QUIET ENGINE RESEARCH

Congressman Martin Sabo was able to secure \$20 million for NASA/FAA research of quiet aircraft technology in the FY2002 Transportation Appropriations bill. This dovetails right into a NOISE Legislative Priority for funding to develop a vastly quieter “green engine” as championed by another Minnesota Congressman, James Oberstar. Congressman Sabo has preliminarily requested another \$15 million in FY2003.

COURT VICTORY ON PART 161

On August 8, 2001 the U.S. District Court for the Middle District of Florida dismissed a challenge to the Naples Municipal Airport’s proposed “Part 161” ban of Stage 2 aircraft using the airport. Apart from its tremendous value in upholding the principle that certain airports can limit access to aircraft with certain noise characteristics, the court decision also affirmed that airports can consider noise effects outside of the 65 DNL for noise mitigation strategies. The court’s action in this case bodes well for responsible airport operators who want to use a Part 161 study to ban noisy Stage 2 jets. It also clearly lays out an argument for local communities to insist that airport operators are not precluded from developing noise mitigation plans that go beyond the 65 DNL noise contour.

OTHER NOTEWORTHY LEGISLATION

S. 2966 *Sen. Dodd (D-CT)* “Aeronautics Research and Development Revitalization Act” to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, and to reinvigorate basic and applied research in aeronautics and aviation. Latest Action: 9/19/2002 Referred to Senate Committee on Commerce, Science, and Transportation.

S.688 *Sen. Schumer (D-NY)* Amends Federal aviation law to declare that airport noise or access restrictions on the operation of stage 2 and stage 3 aircraft shall not apply to a local restriction limiting the hours of operation of an airport. Latest Action: 4/4/01 Referred to the Committee on Commerce, Science, and Transportation.

H.R. 3886 *Rep Rothman (D-NJ)* “Right to Know About Airport Pollution Act” to 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. Latest Action: 3/6/02 Referred to House Transportation and Infrastructure Subcommittee on Aviation.

H.R. 2746 *Rep. Crowley (D-NY)* “Airport Noise Curfew Act of 2001” to establish the Airport Noise Curfew Commission, which shall study and make recommendations to Congress regarding the establishment of curfews on nonmilitary aircraft operations over populated areas of the United States during normal sleeping hours. Latest Action: 8/3/01 Referred to House Transportation and Infrastructure Subcommittee on Aviation.

H.R. 1741 *Rep Weiner (D-NY)* to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels. Latest Action: 5/4/01 Referred to House Transportation and Infrastructure Subcommittee on Aviation.

H.R. 1116 *Rep. Lowey (D-NY)* “Quiet Communities Act” to re-establish the Office of Noise Abatement and Control in the Environmental Protection Agency. Latest Action: 3/20/01 Referred to the House Committee on Energy and Commerce and the House Committee on Transportation and Infrastructure.

H.R. 299 *Rep. Rothman (D-NJ)* “Aircraft Noise Reduction Act” to prohibit the operation in certain metropolitan areas of civil subsonic turbojets that fail to comply with stage 3 noise levels. Latest Action: 1/31/01 Referred to House Transportation and Infrastructure Subcommittee on Aviation.