



## Noise-Based Use Restrictions

Presentation to:

Noise Compatibility Committee  
October 26, 2017

# Topics

- Legislative and regulatory background to noise restrictions
- Grandfathered Use Restrictions
- Airport initiatives related to new noise restrictions
- Constraints and Opportunities for Naples

# Airport Noise and Capacity Act of 1990, ANCA

- Required FAA to complete phase-out of Stage 2 aircraft over 75,000 pounds by 12/31/91
  - FAA promulgated Part 91 amendment (1991)
- Required FAA to establish regulations regarding analysis, notice, and approval of airport noise and access restrictions
  - FAA implemented through FAR Part 161 (1991)
- Required FAA to develop an national aviation noise policy
  - Draft “Aviation Noise Abatement Policy 2000” published July 14, 2000, but never finalized
- Grandfathered existing airport noise and access restrictions

# Airport Noise and Capacity Act (ANCA), 1990

ANCA Requirement	FAA Implementation
Required FAA to complete phase-out of Stage 2 aircraft over 75,000 pounds by 12/31/91	FAA promulgated Part 91 amendment (1991)
Required FAA to establish regulations regarding analysis, notice, and approval of airport noise and access restrictions	FAA implemented through FAR Part 161 (1991)
Required FAA to develop an national aviation noise policy	Draft “Aviation Noise Abatement Policy 2000” published July 14, 2000, but never finalized; FAA Flight Plan’
Grandfathered existing airport noise and access restrictions	No FAA action required

# Part 161: Notice and Approval of Airport Noise and Access Restrictions

- Establishes federal program for reviewing noise and access restrictions on use of Stage 2 and 3 aircraft
  - Stage 2 restrictions are moot as of January 1, 2016, when the federal government banned all Stage 2 operations (with very limited case-by-case exceptions)
- Comprehensive analysis required, e.g.:
  - Evidence of noise problem
    - Must use DNL
  - Impact analysis
    - Must consider costs to all parties (operators, passengers, shippers, governments, businesses, airports, etc.)
- Benefit-cost analysis
  - “Monetized” noise benefits must exceed costs
  - Noise shifted to another airport cannot be counted as a benefit
- Encourages voluntary agreements

# Part 161: Notice and Approval of Airport Noise and Access Restrictions

- Statutory conditions for approval of an access restriction
  - Reasonable, nonarbitrary, and nondiscriminatory
  - No undue burden on interstate or foreign commerce
  - Maintain safe and efficient use of navigable airspace
  - No conflict with existing Federal law
  - Adequate opportunity for public comment
  - No undue burden on national aviation system
- Many potential roadblocks
  - No guidance for benefit/cost analysis
  - Aviation interests - a key data source, unlikely to assist
  - FAA has made its opposition clear
- Naples precedent was significant in several ways
  - FAA grant assurances are “pre-existing law,” which must be addressed in addition to Part 161
  - Airports may use local noise standards if they are formally adopted and rigorously enforced (e.g., 60 DNL at Naples)

# Use Restrictions “Grandfathered” under Part 161

- 60 +/- U.S. airports claim to have adopted formal time-of-day, and/or noise-level-based operating restrictions, which can be based on published or measured noise levels
- 200 +/- U.S. airports claim to have formal noise abatement operating procedures; i.e., noise abatement flight corridors, runway use programs, or departure profiles, etc.
- Many of these are misleading, as some “restrictions” are actually voluntary, or not well enforced.
- There are about a dozen airports with actively enforced restrictions.

# Grandfathered Restrictions

Type of Restriction	Airport	Restriction Details	Status
Curfew	San Diego (SAN)	Night departure curfew with different hours for Stage 3 and non-Stage 3 aircraft	Non-stage 3 curfew moot
	San Jose (SJC)	Published-level-based curfew on Stage 3 aircraft; Stage 2 curfew	Stage 2 curfew moot
Published Noise Level Limits	Van Nuys (VNY)	Night noise rule based on published noise levels for Stage 1 or 2 aircraft	Moot
	Burbank (BUR)	Curfew applies to aircraft that have been “hushkitted” to meet Stage 3	Active
	Baltimore (BWI)	Runway use restriction based on published noise levels	Active
	Washington (DCA)	Curfew based on published noise level	Active
Measured Noise Levels	New York (JFK)	Measured single event	Active
	John Wayne (SNA)	Measured single event	Active
	Long Beach (LGB)	Measured single event	Active
	Montgomery Field (MYF)	Measured single event	Active
	Santa Monica (SMO)	Measured single event	Active
	Teterboro (TEB)	Measured single event	Active



# Post-ANCA Airport Initiatives

- Part 161 initiatives are studies of last resort - perhaps a dozen airports have pursued
  - Some abandoned, some disapproved by FAA, some resulted in purely voluntary agreements
  - Since 1991, FAA has approved only two new restrictions
    - Naples Stage 2 ban and Van Nuys Stage 2 phaseout
  - Two most legitimate “failed” efforts were at Burbank (curfew) and LAX (formal nighttime preferential runway use program)
    - Both multi-million dollar efforts (\$7M at BUR, \$3M at LAX) resulted in FAA acceptance of the applications as “complete,” but disapproval of the proposed restrictions based on failure to meet statutory conditions
- All other formal use restrictions currently in place in the U.S. were “grandfathered” under ANCA and Part 161.

# Opportunities for Naples

- Publicize NBAA Noise Abatement Program, 'Quiet Flying Is Good Business'
- Review/publicize recommended noise abatement flight profiles (e.g., NBAA 'High Density' NADP)
- Work with FAA to raise 2000' Initial Departure Altitude Restriction
- Master Plan Update

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# Discussion