

SENATE No. 1227

By Mr. LoPresti, a petition (accompanied by bill, Senate, No. 1227) of Michael LoPresti, Jr., Emanuel G. Serra and Alfred Saggese, Jr., for legislation concerning noise abatement at Logan International Airport. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-eight.

AN ACT CONCERNING NOISE ABATEMENT AT LOGAN
INTERNATIONAL AIRPORT.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 SECTION 1. *Purpose* — It is hereby declared to be the intent
2 of the Commonwealth that the disruption of human activity
3 caused by noise, resulting from operations of Logan Inter-
4 national Airport be reduced to the minimum feasible level.

1 SECTION 2. *General Requirements* — The Massachusetts
2 Port Authority is hereby authorized and directed to prepare
3 and adopt on or before August 1, 1974 a noise abatement pro-
4 gram for airport facilities owned, leased, or operated by the
5 Authority. On or before October one of each year after nine-
6 teen hundred and seventy-four, the Authority shall review, re-
7 vise, and update said program. Such noise abatement pro-
8 gram, and any revision thereof, shall conform with the pro-
9 visions contained herein, and shall be adopted in accordance
10 with the procedures established by this Act.

11 The Authority in adopting a noise abatement program shall
12 consider the convenience of the public, the state of feasible
13 technology; safety, and human physiology and shall adopt a
14 program providing for the minimum feasible exposure of
15 human activity to excessive airport related noise. The prior-
16 ity of the committee shall be first to reduce to an absolute
17 minimum the disruption of human activity by noise, and then

18 to compensate through supplementary programs.

1 SECTION 3. *Contents* — Such noise abatement program shall
2 include at least the following:

3 a) The adoption of community noise exposure standards,
4 based on desirable maximum noise levels for areas of human
5 activities at various times of day. These shall not exceed max-
6 imum standards set by the Massachusetts Department of Pub-
7 lic Health of the Boston Air and Noise Pollution Commission.

8 b) Aircraft Noise Specifications — The Authority shall
9 establish maximum noise specifications for all aircraft using
10 each airport owned, leased, or operated by the Authority. No
11 aircraft incompatible with these specifications shall be allowed
12 to land at any airport owned, leased, or operated by the Au-
13 thority except in an emergency, nor shall any such aircraft be
14 allowed to take off with passengers or cargo from any airport
15 owned, leased, or operated by the Authority. Any aircraft
16 used in regularly scheduled operations at an airport owned,
17 leased, or operated by the Authority shall be required to dem-
18 onstrate compatibility with these regulations.

19 The noise generated by the aircraft shall be measured in
20 accordance with procedures adopted by the Federal Aviation
21 Administration for "Noise Standards: Aircraft Type Certifica-
22 tion" or with an approved equivalent procedure. Compliance
23 with such maximum noise specifications must be shown —

24 1) For takeoff, at a point three and one-half nautical miles
25 from the start of the takeoff roll on the extended centerline
26 of the runway;

27 2) For approach, at a point one nautical mile from the run-
28 way threshold on the extended centerline of the runway; and

29 3) For the sideline, at the point, on a line parallel to and
30 0.25 nautical miles from the extended centerline of the run-
31 way where the noise level after lift off is greatest, except that
32 for aircraft powered by more than three turbojet engines, this
33 distance shall be 0.35 nautical miles.

34 c) Study and Recommendations of Flight Patterns — The
35 Authority shall study and recommend to the Federal Aviation
36 Administration flight patterns for various weather conditions
37 times of day and classes of aircraft, designed so as to min-

38 imize the exposure of human residences to airport noise in
39 excess of Community Noise Exposure Standards. The Author-
40 ity shall establish procedures adequate to detect any viola-
41 tions of flight patterns, and shall file a written report of such
42 violations with the Federal Aviation Administration, and shall
43 to the extent of its power enforce the flight pattern and pro-
44 cedure directly.

45 d) Group Operations — The Authority shall adopt operat-
46 ing procedures and noise standards for the operation of air-
47 craft and other machinery on the ground. These noise stand-
48 ards as measured at the nearest residential property line, shall
49 not exceed community noise exposure standards as adopted
50 above.

51 e) The Authority shall designate areas within which noise
52 exposure exceeds the community noise standards. A presump-
53 tion of damage will be established within these areas. In these
54 areas the Authority shall establish administrative programs
55 to compensate for this damage designed where feasible to
56 eliminate the human damage through soundproofing programs
57 or otherwise to compensate people damaged by excessive noise
58 exposure through community enrichment programs.

1 SECTION 4. *Hearing and Adoption* — In preparing said
2 Noise Abatement Program and any revision thereof, the Au-
3 thority shall invite and consider comments from the Massa-
4 chusetts Department of Public Health, City of Boston Air
5 and Noise Commission, all cities and towns located within ten
6 miles of Logan International Airport or Hanscom Field, and
7 any other interested groups or citizens. The Authority shall
8 publish and file copies of the proposed program or revision
9 with the Governor, the Clerk of the General Court, the Chair-
10 man of the Joint Legislative Committee on Transportation,
11 the secretary of the executive office of transportation and
12 construction, the chief executive officer and planning board
13 of each city and town located within ten miles of Logan In-
14 ternational Airport or Hanscom Field. This proposed program
15 shall be considered a matter of public record, and shall be
16 available for inspection during regular working hours at the
17 office of the planning board for each affected city or town and

18 at the general office of the Authority. Notice of such filing
19 shall be mailed to all churches, schools, and local newspapers
20 in the affected cities and towns, and shall be advertised in at
21 least two daily newspapers of general circulation. No earlier
22 than thirty days, nor later than sixty days following the date
23 of such publication and filing, the Authority shall hold a pub-
24 lic hearing on the proposed program or revision to receive
25 further public comments.

26 Thereafter, the Authority shall adopt and publish the Pro-
27 gram or revision and all regulations pursuant thereto no less
28 than thirty days prior to the effective date of the Program or
29 revision thereof.

1 SECTION 5. *Enforcement*

2 a) The Authority shall establish procedures for the enforce-
3 ment of all regulation and standards issued pursuant to such
4 Noise Abatement Program, and shall impose a fine of not less
5 than five hundred dollars nor more than five thousand dollars
6 for each offense and provision for supervision of leases and
7 operating rights for periods up to one year.

8 b) Wilful or negligent failure by the Authority to enforce
9 any regulation or standard issued pursuant to such Program
10 shall constitute a private cause of action on behalf of any citi-
11 zen or municipality. Such parties shall be entitled to recover
12 from the Authority in the amount of the total of uncollected
13 maximum fines for the violations proven and against which
14 the Authority has failed to enforce said regulations or stand-
15 ards, plus no less than five thousand dollars and court costs.

16 c) Upon an information filed by the Attorney General or
17 the District Attorney for the district, or upon the petition of
18 the council or board of aldermen of a city or town, or of not
19 less than ten legal voters of a city or town stating that a per-
20 son, group of persons, or corporation have violated any regu-
21 lation or standard issued pursuant to such Noise Abatement
22 program, the supreme judicial or superior court may enjoin
23 or abate the same as a common nuisance.

24 d) Violation of any regulation or standards issued pursuant
25 to such Noise Abatement Program shall constitute a rebut-
26 table presumption of a private nuisance in an action at com-

27 mon law and in any action pursuant to Section one of chapter
28 two hundred and forty-three of the General Laws.

29 e) No provision of this Act, or any regulation or standard
30 authorized herein, shall in any way abridge or alter the rem-
31 edies now existing at common law or by statute, but the pro-
32 visions of this Act are in addition to such remedies.

1 SECTION 6. The Authority shall be responsible for interpret-
2 ing this act in establishing a noise abatement program. Only
3 the Attorney General or a municipal government shall have
4 standing to question the compliance of such program with the
5 provisions of this Act.

1 SECTION 7. *Severability* — The provisions of this Act are
2 severable, and if any of its provisions or their application are
3 held to be unconstitutional or invalid by a court of competent
4 jurisdiction, the decision of the court shall not affect or impair
5 any of the remaining provisions or applications of this Act.

1 SECTION 8. The Massachusetts Port Authority is authorized
2 and directed to expend such monies as are necessary to carry
3 out the purpose of this act, and to defray these costs through
4 the collection of a supplementary operational fees to be estab-
5 lished by the Authority.

1 SECTION 9. *Act Broadly Interpreted* — The purpose of this
2 act is to repair the damage to the new environment caused
3 by excessive noise from airport operation, and should be
4 broadly interpreted toward that goal.

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