

HOUSE No. 2316

By Mr. Pitaro of Boston, petition of Mario Umana and other members of the General Court and others for legislation to establish a noise abatement program for Logan Airport. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING A NOISE ABATEMENT POLICY FOR LOGAN 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. A Logan Airport Noise Abatement Policy Com-
2 mittee (hereinafter referred to as the Committee) is hereby
3 created to serve as the final state authority with respect to
4 plans, programs, rules, regulations, and enforcement procedures
5 to monitor, abate, and compensate for the disruption of the
6 environment caused by noise related to the operation of Logan
7 International Airport.

8 This Committee will be composed of seven members as
9 follows:

- 10 1. The Secretary of Environmental Affairs or his designee
11 who shall serve as chairman of the Committee.
- 12 2. A member of the Board of Massachusetts Port Author-
13 ity, selected by the Board.
- 14 3. The Secretary of Transportation or his designee.
- 15 4. The Mayor of Boston or his designee.
- 16 5. The Chairman of the Board of Selectman of Winthrop,
17 or his designee.
- 18 6. The Secretary of Communities and Development.
- 19 7. An expert in the area of environmental health, eminent
20 in his field, to be chosen by the Governor.

1 SECTION 2. The Committee shall adopt and periodically
2 update a noise abatement program for Logan Airport. This
3 program shall be prepared and updated by the *Massachusetts*
4 *Port Authority* in consultation with municipalities affected by
5 airport noise, appropriate state, metropolitan, and federal
6 agencies, and others, and presented at a public hearing to be
7 held at least once per year in April at the State House. A draft
8 program shall be prepared and made available to the public
9 least one month prior to this hearing. The availability of this
10 draft program should be advertised in all daily Boston news-
11 papers. It shall be placed on view in all city or town halls and
12 public libraries of cities and towns within fifteen miles of
13 Logan Airport.

14 The Committee shall consider information and comments
15 presented at or before the public meeting and incorporate such
16 changes as it deems appropriate into an official program to be
17 adopted and made available to the public no later than June of
18 each year.

19 The Committee in adopting a noise nuisance abatement pro-
20 gram shall consider the health, comfort and convenience of the
21 persons in noise inflated areas, the technology of noise control
22 and abatement, and safety, and shall adopt a program providing
23 for the minimum feasible exposure of human activity to airport
24 related noise. The priority of the Committee shall be first to
25 reduce to an absolute minimum the disruption of human
26 activity by noise, and then to compensate for such disruption
27 through supplementary programs as set forth in section three
28 hereof.

1 SECTION 3. The program adopted by the Committee shall
2 include at least the following aspects:

3 a) The adoption of aircraft noise specifications, which
4 must be satisfied by any aircraft scheduled for opera-
5 tions at Logan Airport. The aircraft noise specifications
6 shall be based upon maximum reduction of noise within
7 the limits of technical feasibility and shall include more
8 stringent specifications for implementation in 1975, and
9 other long range goals. Aircraft not meeting these speci-
10 fications may not operate from Logan.

- 11 b) The adoption of community noise exposure standards,
12 based on acceptable peak and average noise levels for
13 any and all areas of various human activities at various
14 times of day.
- 15 c) The preparation of operational procedures and restric-
16 tions for aircraft in flight, designed to minimize the
17 exposure of persons to noise levels in excess of com-
18 munity noise exposure standards.
- 19 d) The development of procedures and recommendations
20 for physical structures to maintain noise from all
21 ground operations at Logan below community noise
22 exposure standards in all areas beyond the boundaries
23 of Logan Airport and all areas of Logan Airport used
24 by the general public.
- 25 e) The determination and designation of areas within
26 which noise exposure exceeds the community noise
27 standards. A *presumption of damage* will be established
28 within these areas.
- 29 f) In such areas of pressured damage. The establishment of
30 Administrative Programs to compensate for this damage,
31 designed where feasible to eliminate the human damage
32 through soundproofing programs, and replacement of
33 facilities.
- 34 g) The establishment of Administrative Programs for com-
35 munity enrichment in areas of pressured noise damage.
- 36 h) The adoption of general or special rules and regulations
37 or special incentive fees governing the operation of
38 aircraft, trucks, or other noisy equipment based at, or
39 originating from, or destined to Logan Airport, in the
40 air or on the ground.

1 SECTION 4. The Massachusetts Port Authority is authorized
2 and directed to prepare materials necessary for the considera-
3 tion of the Committee, and to adopt the noise abatement
4 program, after consideration of testimony presented at the
5 public hearings by the Committee, and to utilize any of the
6 powers granted to it by chapter 465 or the act of 1965 as
7 amended to carry out the purposes of this act, with the special
8 provision that the monitoring systems as are provided for in

9 the program, while paid for by the Authority, shall be con-
10 structed and operated by the Secretary of Environmental
11 Affairs, who shall maintain all records open and available to
12 the public.

13 The Authority shall establish procedures for enforcement of
14 all rules and regulations prepared by the committee pursuant to
15 the noise abatement program, and shall impose a fine of not
16 less than five hundred dollars nor more than ten thousand
17 dollars for each offense.

1 SECTION 5. 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 noise landing fee based upon
5 the gross weight of aircraft.

1 SECTION 6. Failure by the Authority to enforce or comply
2 with rules and regulations issued pursuant to the noise abate-
3 ment program, any affected person may apply to the Superior
4 Court for the County of Suffolk in equity for a writ of
5 mandamus or other order may be granted. Upon any informa-
6 tion filed by the Attorney General or the District Attorney for
7 the District, or upon the petition of the Council or Board of
8 Aldermen of a City or Town, or of ten legal voters of a City or
9 Town stating that a person, group of persons, or corporation
10 have violated any rule or regulation issued pursuant to the
11 noise abatement program, the Supreme Judicial or Superior
12 Court may enjoin or abate the same common nuisance.

13 Violation of any rule or regulation issued pursuant to the
14 noise abatement program shall constitute a rebuttable presump-
15 tion of a private nuisance in an action at common law and in
16 any action pursuant to section one of chapter two hundred and
17 forty-three of the General Laws.

1 SECTION 7. The provision of this act, or any rule or
2 regulation authorized herein, shall not in any way abridge or
3 alter the remedies now existing at common law or by statute,
4 but the provisions of this act are in addition to such remedies.
5 The provisions of this act are severable, and if any of its

6 provisions or their application are held to be unconstitutional
7 or invalid by a court of competent jurisdiction, the decision of
8 the court shall not affect or impair any of the remaining
9 provisions or applications of this act.

1 SECTION 8. *Act Broadly Interpreted* The purpose of this
2 act is to repair the damage to the environment caused by
3 excessive noise from airport operation and should be broadly
4 interpreted toward that goal.

HOUSE OF REPRESENTATIVES

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