

**HOUSE . . . . . No. 3772**

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By Mr. Businger of Brookline, petition of John A. Businger that the Massachusetts Port Authority be directed to establish a noise abatement program. Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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

**AN ACT DIRECTING THE MASSACHUSETTS PORT AUTHORITY TO ESTABLISH A NOISE ABATEMENT PROGRAM.**

*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. The Massachusetts Port Authority is hereby  
2 authorized and directed to prepare, adopt and periodically  
3 update a noise abatement program for airport facilities owned  
4 by the Authority. The noise abatement program shall be pre-  
5 pared annually in cooperation with cities and towns contiguous  
6 to MPA airports and discussed at a public hearing to be held in  
7 the month of July at the State House. The program shall be  
8 published and distributed to towns, local churches, delegate  
9 officials and advertised in at least two daily newspapers at least  
10 one month prior to allow full evaluation by the public. Mass.  
11 Dept. of Public Health, City of Boston Air and Noise Commis-  
12 sion shall prepare comments as may other interested groups or  
13 citizens.

1 SECTION 2. The noise abatement program shall address  
2 specifically at least the following items:

3 a) Flight Patterns - In cooperation with the FAA, the cities  
4 of Boston, Revere, Chelsea and the town of Winthrop, the  
5 Mass. Port Authority shall prepare flight patterns for various  
6 weather conditions and various classes of aircraft, designed so  
7 as to minimize the exposure of human residences to airport  
8 noise exceeding certain noise standards. In 1970, these noise  
9 standards shall be no higher than 90 PN db between the hours

10 of 8:00 A.M. and 10:00 P.M., and 65 PN db between the  
11 hours of 10:00 P.M. and 8:00 A.M. For the purpose of this  
12 section the noise levels shall be as measured on the ground in  
13 70° weather. In subsequent years the MPA shall lower these  
14 noise standards, so that by 1975 noise standards for this  
15 section shall be 80 PN db daytime and 65 night time. The  
16 MPA shall establish enforcement procedures adequate to detect  
17 any violations of flight patterns, and shall impose fines of at  
18 least \$100.00 per violation upon owners of aircraft violating  
19 flight pattern rules.

20 b) Aircraft Noise Specifications - The Mass. Port Authority  
21 shall establish maximum noise specifications for aircraft for  
22 each airport under its jurisdiction. No aircraft incompatible  
23 with those specifications will be allowed to land at an MPA  
24 airport except in emergency. No aircraft exceeding these speci-  
25 fications will be allowed to take off from an MPA airport  
26 except carrying no passengers or cargo. All regularly scheduled  
27 operations will be required to demonstrate compatibility with  
28 these regulations.

29 The noise specifications for 1970-1971 (?) shall be no  
30 noisier than the regulations promulgated by the FAA this year.

31 These noise specifications shall be lowered in future years so  
32 that by 1975, the maximum noise specifications permissible  
33 shall be 15 PN db lower than 1970-1971. The MPA shall not  
34 permit scheduled air operations in violation of these rules from  
35 any airport it owns.

36 c) Ground operations of other machinery - The MPA shall  
37 permit no aircraft or other machinery to be operated on the  
38 ground in such manner as to cause noise in residential areas  
39 exceeding certain standards. These standards in 1970 shall be  
40 set at no higher than 90 PN db as measured on the ground  
41 outside of any dwelling in weather of 70° temperature, between  
42 the hours of 8:00 A.M. and 10:00 P.M., and no higher than 65  
43 PN db between the hours of 10:00 P.M. and 8:00 A.M., in  
44 similar weather. This standard shall be lower each year so that,  
45 by 1975, the standards will be no higher than 10 PN db lower  
46 than 1970 standard. The Mass. Port Authority shall establish  
47 enforcement procedures to detect any violation, and impose  
48 fines for at least \$100.00 per offense, or \$800.00 per hour of  
49 noise excess, whichever is greater.

50 d) Operation of aircraft in the air - MPA shall establish  
51 maximum noise levels for residential areas which are not to be  
52 exceeded by aircraft in flight. For 1970 this standard shall be  
53 no higher than 110 PN db between the hours of 8:00 A.M. and  
54 10:00 P.M., and no higher than 80 PN db between the hours  
55 of 10:00 P.M. and 8:00 A.M. as measured in 70° weather  
56 outside any place of residence. In subsequent years, the MPA  
57 shall lower these standards, so that by 1975, the maximum  
58 levels shall be no higher than 10 PN db lower than 1970  
59 standard.

60 e) Compensation to damaged individuals and organiza-  
61 tions - The MPA shall prepare maps delineating areas within  
62 which a presumption of full damage from noise pollution by  
63 aircraft exists. All areas subjected to noise exceeding 90 PN db  
64 more than 200 times per year, or more than 100 times be-  
65 tween May 1 and Sept. 1 shall be included within the area.  
66 Another area, defined by a 75 PN db noise contour, shall be  
67 defined as the area of no presumed damage. The MPA shall  
68 establish contours of 25% to 50%, 75% damages. The following  
69 provisions shall apply to the partial damage areas on partial  
70 payment. The owner of any church or school now existing or  
71 constructed within this area shall be reimbursed for the cost of  
72 soundproofing and airconditioning the facility to an acoustic  
73 condition comparable to facilities elsewhere in the common-  
74 wealth providing that such soundproofing work is actually  
75 carried out. The *owner* of any restaurant, office building or  
76 other commercial establishment shall be reimbursed for ½ the  
77 cost of air and sound conditioning, after such work has been  
78 completed.

79 The owner of any residential property shall be reimbursed a  
80 total of \$1000.00 per dwelling unit, or the loss of property  
81 value he has suffered since acquisition of the property, which-  
82 ever is greater, provided that the building must satisfy the  
83 building and housing code for an owner to be eligible to collect  
84 his payment. The head of household of any dwelling unit  
85 within such an area, shall be entitled to a damage payment of  
86 \$200.00 per year, or his documented medical costs attributable  
87 to noise damage, for every year of residence in the affected  
88 area starting with 1965.

89 All these payments shall cease in 1975 if the MPA has  
90 carried out the other provisions of this act. If they have failed  
91 to carry out any of the other provisions of this act, the owner  
92 of any property within the area of presumed damage shall be  
93 entitled to reimbursement by MPA for full cost of air and  
94 sound conditioning of property, provided that the property  
95 meets the requirements of the building and housing code and  
96 provided that the work of soundproofing has been accom-  
97 plished.

1 SECTION 3. The MPA shall enforce all the provisions of  
2 this act. In the event of negligence by the MPA in performing  
3 this charge, any citizen or municipality may bring suit against  
4 the MPA, and shall be entitled, if negligence can be proven, to  
5 recover from MPA any uncollected fines, additional fines of at  
6 least \$5000.00 and court costs.

1 SECTION 4. The Mass. Port Authority is authorized and  
2 directed to impose and collect a landing tax to finance the cost  
3 of performing the provisions of this act. This tax shall be  
4 known as the noise tax, and shall be levied against each airline  
5 on the basis of noise generated by each aircraft operation.  
6 Aircraft which cause no noise in excess of 75 PN db in  
7 residential areas, measured in 70° weather using any runway  
8 shall pay no such tax.

9 The tax payment shall be scaled up according to a formula  
10 depending upon the amount of noise generated by the airplane,  
11 as measured according to the FAA system of measuring noise.

1 SECTION 5. The Mass. Port Authority is responsible for  
2 interpreting this act in establishing noise abatement program.  
3 Only the Attorney Generals office or a municipal government  
4 shall have standing to question the noise abatement program  
5 its compliance with the minimum standards described in this  
6 act.

1 SECTION 6. The parts of this act are severable. If one part  
2 is found to be unenforceable, the remainder of the act shall be  
3 enforced.