

By Mr. Saggese of Winthrop, petition of Alfred E. Saggese, Jr., and Salvatore DiMasi relative to reducing the noise level at Logan Airport. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

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 of
2 the Commonwealth that the disruption of human activity caused
3 by noise, resulting from operations of Logan International Airport
4 be reduced to the minimum feasible level.

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

11 The Authority in adopting a noise abatement program shall
12 consider the convenience of the public, the state of feasible technol-
13 ogy; safety, and human physiology and shall adopt a program
14 providing for the minimum feasible exposure of human activity to
15 excessive airport related noise. The priority of the committee shall
16 be first to reduce to an absolute minimum of disruption of human
17 activity by noise, and then to compensate through supplementary
18 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, based
4 on desirable maximum noise levels for areas of human activities at
5 various times of day. These shall not exceed maximum standards set
6 by the Massachusetts Department of Public Health of the Boston
7 Air and Noise Pollution Commission.

8 b) Aircraft Noise Specifications— The Authority shall estab-
9 lish maximum noise specifications for all aircraft using each air-
10 port owned, leased, or operated by the Authority. No aircraft
11 incompatible with these specifications shall be allowed to land at
12 any airport owned, leased, or operated by the Authority except in
13 an emergency, nor shall any such aircraft be allowed to take off
14 with passengers or cargo from any airport owned, leased, or oper-
15 ated by the Authority shall be required to demonstrate compatibil-
16 ity with these regulations.

17 The noise generated by the aircraft shall be measured in accord-
18 ance with procedures adopted by the Federal Aviation Adminis-
19 tration for "Noise Standards: Aircraft Type Certification" or with
20 an approved equivalent procedure. Compliance with such maxi-
21 mum noise specifications must be shown—

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

25 2) For approach, at a point one nautical mile from the runway
26 threshold on the extended centerline of the runway; and

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

32 c) Study and Recommendations of Flight Patterns— The
33 Authority shall study and recommend to the Federal Aviation
34 Administration flight patterns for various weather conditions,
35 times of day and classes of aircraft, designed so as to minimize the
36 exposure of human residences to airport noise in excess of Com-
37 munity Noise Exposure Standards. The Authority shall establish
38 procedures adequate to detect any violations of flight patterns, and
39 shall file a written report of such violations with the Federal

40 Aviation Administration, and shall to the extent of its power
41 enforce the flight pattern and procedure directly.

42 d) Group Operations — The Authority shall adopt operating
43 procedures and noise standards for the operation of aircraft and
44 other machinery on the ground. These noise standards as measured
45 at the nearest residential property line, shall not exceed community
46 noise exposure standards as adopted above.

47 e) The Authority shall designate areas within which noise expo-
48 sure exceeds the community noise standards. A presumption of
49 damage will be established within these areas. In these areas the
50 Authority shall establish administrative programs to compensate
51 for this damage designed where feasible to eliminate the human
52 damage through soundproofing programs or otherwise to com-
53 pensate people damaged by excessive noise exposure through com-
54 munity enrichment programs.

1 SECTION 4. *Hearing and Adoption* — In preparing said Noise
2 Abatement Program and any revision thereof, the Authority shall
3 invite and consider comments from the Massachusetts Depart-
4 ment of Public Health, City of Boston Air and Noise Commission,
5 all cities and towns located within ten miles of Logan International
6 Airport or Hanscom Field, and any other interested groups or
7 citizens. The Authority shall publish and file copies of the pro-
8 posed program or revision with the Governor, the Clerk of the
9 General Court, the Chairman of the Joint Legislative Committee
10 on Transportation, the secretary of the executive office of trans-
11 portation and construction, the chief executive officer and plan-
12 ning board of each city and town located within ten miles of Logan
13 International Airport or Hanscom Field. This proposed program
14 shall be considered a matter of public record, and shall be available
15 for inspection during regular working hours at the office of the
16 planning board for each affected city or town and at the general
17 office of the Authority. Notice of such filing shall be mailed to all
18 churches, schools, and local newspapers in the affected cities and
19 towns, and shall be advertised in at least two daily newspapers of
20 general circulation. No earlier than thirty days, nor later than sixty
21 days following the date of such publication and filing, the Author-
22 ity shall hold a public hearing on the proposed program or revision
23 to receive further public comments.

24 Thereafter, the Authority shall adopt and publish the Program
25 or revision and all regulations pursuant thereto no less than thirty
26 days prior to the effective date of the Program or 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 than
5 five hundred dollars nor more than five thousand dollars for each
6 offense and provision for supervision of leases and operating rights
7 for periods up to one year.

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

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

24 d) Violation of any regulation or standards issued pursuant to
25 such Noise Abatement Program shall constitute a rebuttable pre-
26 sumption of a private nuisance in an action at common law and in
27 any action pursuant to Section one of chapter two hundred and
28 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 remedies
31 now existing at common law or by statute, but the provisions of
32 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 the

3 Attorney General or a municipal government shall have standing
4 to question the compliance of such program with the provisions of
5 this Act.

1 SECTION 7. *Severability*— The provisions of this Act are sev-
2 erable, and if any of its provisions or their application are held to be
3 unconstitutional or invalid by a court of competent jurisdiction,
4 the decision of the court shall not affect or impair any of the
5 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 out
3 the purpose of this act, and to defray these costs through the
4 collection of a supplementary operational fees to be established by
5 the Authority.

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

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