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Aviation Noise

Let's get on
with the job

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REMARKS BY THE HONORABLE RUSSELL E. TRAIN
ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY
PREPARED FOR DELIVERY BEFORE THE
INTER-NOISE '76 CONFERENCE
AT THE SHOREHAM HOTEL
WASHINGTON, D. C.
MONDAY, APRIL 5, 1976, 10:00 A.M.

It is not often that a group as large and diverse as this gets together, not to raise the decibal level, but to lower it -- not to make noise, but to explore ways of controlling it. I am especially grateful for the opportunity to be with you this Monday morning after having spent the weekend at my farm on the Eastern Shore of Maryland where the splash of fish and the call of wild geese are often among the loudest sounds to break the general calm and quiet, and where I am able, sometimes, to enjoy the rare experience of hearing myself think.

The whistling swans had all gone about two weeks ago on their annual migration to the far north of Alaska and Canada. Most of the Canada geese had also departed by last weekend for Hudson Bay and points north. With their departure have come the osprey, slowly recovering from the near collapse of their species, wheeling and diving overhead with their shrill, high-pitched cries that make us look up and search the skies. These are seasonal changes and, because they help herald the marvelous cycles of nature, we find them exciting, anticipatory of changes to come. There are other noises, of course, mostly man-made, which know no seasons, and the constant flight of aircraft overhead, large and small, are among these.

The EPA noise control program is, as you know, one of the youngest of our major environmental efforts, and we have -- quite frankly after something of a slow start --

finally begun to make some real headway in carrying out our responsibilities under the Noise Control Act of 1972. In fact, just this last week I signed the most important noise control regulation to be issued by EPA to date -- the new product standard under Section 6 of the Act for medium and heavy duty trucks. The standards will actually save this country money since the fuel savings achieved by the standards will be greater than the cost of the noise abatement. This is a dramatic case where less noise means more efficiency! The Director of the EPA Noise Office, Chuck Elkins, will be talking to you later about the details of our noise control effort, and we have prepared for distribution to you today a small booklet that sums up our progress thus far. So rather than recite a long laundry list of things we have done, and plan to do, I'd like to address this morning a noise problem that was a matter of major national concern more than 25 years ago, which we have done little to alleviate in the years since, and which today must rank -- along with the problem of noise in the workplace -- as one of the most acute noise problems that confronts us -- I speak of the problem of aviation noise.

For some 25 years now, communities around the major airports of this country have experienced an ever increasing exposure to noise. Day in and day out, millions of people in this country are deluged by the din of airplanes landing and taking off over their homes. Very many of these people are subjected to noise levels so high that according to the best scientific evidence now

available they run a very real risk of actually having their hearing affected. Opening a window to enjoy a warm, spring breeze, using the patio in comfort for a barbeque, relaxing in front of a TV set without being disturbed, or carrying on an uninterrupted conversation with a friend in the comfort of our homes: These ordinary, everyday activities which the rest of us take for granted, they cannot enjoy. We can, with some assurance, estimate the physical effects on those people of prolonged exposure to airport noise levels. There is no way we can measure the profound mental and emotional distress they must endure.

The problem is compounded by the sense of utter hopelessness and helplessness that overwhelms them. They have often given up hope that they can do anything themselves to avoid this misery except to move. They doubt that any governmental agency or private group will do anything about it. When they have tried to get things done, they have experienced only a most dizzying and disheartening round of "buck-passing." No one seems to have the authority, or the power, or the will to give them any real help. No one seems to be in charge. At least no one will admit to it.

The manufacturers assert that they have already done their part by building planes to meet the FAA's 1969 noise standards for new aircraft -- the FAR 36 standards. The air carriers point out that they would buy quieter planes if their economic picture were not so bad. Some pilots insist that the safety of their passengers is jeopardized by noise abatement procedures, that such procedures

are not very effective anyway, and that it is the source of the noise, the airplane, which should be quieted. Many airport proprietors insist that they would like to help, but the FAA has preempted them, and thus their hands are largely tied. The Federal Government has asserted the right to be in charge, and has proposed a lot of noise abatement rules, but seems to have difficulty in getting them promulgated. Urban planners and city councils insist that the airport planning process does not include them and that, even in those rare cases where they do get involved, their traditional tools such as zoning do not seem very effective. In short, the noise impacted citizen is left to his own devices: Either move, or close his windows, turn up his TV, grin and bear it.

I might say as a footnote here that the last thing we need to add to the very difficult situation at such impacted airports as John F. Kennedy is the Concorde - a brand new type of aircraft and yet already so out of date - which is even noisier and thirstier than the rest. In short, the Concorde is an anachronistic piece of technology which is out of phase with the noise and energy policies of this country and, I suspect, of much of the world beyond our boundaries.

The problem is, in other words, that aircraft noise is always somebody else's problem. And nobody, as a result, seems to feel that they have the authority or ability -- even if they have the inclination -- to do much about it. Each of the excuses I have cited is perfectly understandable. No one wants to be the "fall guy," the one who has to carry the whole burden of solving

a very serious and complex problem. It is natural to want to wait until someone else takes the step. But when you put all these "excuses" together, they add up to little or no action at all. The people who live next to our nation's airports are the most directly affected by this persistent failure to act. But they are by no means the only ones.

Many airport proprietors are now defendants in hundreds of millions of dollars worth of lawsuits. These suits are stifling the initiative of our airport proprietors and threatening to place them under intolerable financial burdens. The building of new airports, and the expansion and modernization of existing ones, have been substantially slowed primarily because of legitimate environmental concerns on the part of our citizens. Many of these improvements are needed for the efficient operation of our national air transportation system.

As long as we continue to do little or nothing about the problem of aviation noise, not only will those who live near airports continue to suffer, but the growth of the entire aviation industry itself will continue to be impaired and impeded by such uncertainties as: What further abatement will be required of the aircraft manufacturers? What procedures will be required of the pilots? What aircraft and operational restrictions will be imposed on the Nation's airlines? What impact will growth of the local airport have on land use around the airport? The list is almost endless.

How have we gotten ourselves into this dilemma, a Nation justly proud of the highly efficient and safe air

transportation system which has revolutionized travel and communication for our citizens? How have we allowed everyone to seemingly pass the buck for so long on a problem with such far reaching implications?

We cannot say that we were not warned. Harry Truman, who made a point of living by his motto, "The buck stops here," convened a President's Airport Commission, the so-called Doolittle Commission, in 1952 to look at the growing airport system. The result was a report whose recommendations are as valid today as they were in 1952.

The Commission concluded, among other things, that: "Some excuse may be found for failure to have foreseen the rapid rate of aeronautical progress in designing airports in the past, but it is to be regretted that more consideration was not given to the comfort and welfare of people living on the ground in the vicinity of airports. To be sure, many settled near an airport after it was in operation, with little realization of the potential nuisance and hazard. The public cannot be expected, however, to anticipate technical developments and it should be informed and protected by the responsible authorities."

It followed this conclusion with some specific recommendations that, had we acted upon them, would by now have brought the problem of noise well under control.

Today, nearly a quarter of a century later, we continue to ignore the advice of his Airport Commission and several commissions and reports since.

Rather than dwelling on why this happened, we should ask, I think, why must this situation persist? And if, we take a close look at the situation, we cannot escape

the conclusion that there really is no good reason at all why it should exist.

Take, to begin with, the argument -- or excuse -- that no one group has the authority to solve the whole problem. This statement has some truth to it, but in no respect does it mean that nothing can or should be done. I used to hear this same argument in air and water pollution: "Cleaning up my factory will not make the river or air clean unless others abate too, so why should I do anything?" If we had accepted this argument, we would have never made any progress at all in cleaning up water and air pollution in this country. Everyone needs to pull his share of the load.

The air carriers can and should retrofit or replace the many noisy aircraft remaining in their fleet. The pilots can and should fly their aircraft more quietly by following the noise reduction methods of some of the more progressive air carriers. The aircraft manufacturers can and should make aircraft substantially quieter than they are today. The airport proprietor can and should take actions such as using preferential runways, imposing curfews where possible, necessary, and beneficial, and buying land and putting it into compatible use. The public officials and urban planning professionals in our communities can and should use existing land use controls and develop new ones to insure that the land exposed to high noise levels around airports is put into compatible use. The Federal Government, instead of saying "no" to local officials and airport proprietors, should encourage them to plan and implement a noise abatement program.

A second obstacle to progress in reducing aviation noise is the often unspoken assumption that the solution is solely technological and that the whole question of aviation noise abatement is so technical that no ordinary citizen or policy-maker can possibly understand it well enough to take part in the decision-making. The layman, in other words, has no choice but to throw up his hands and leave it all up to the experts.

Those of us in the aviation noise abatement business, including EPA, certainly are more aware of the complicated technical and legal aspects of this problem, and I do not mean to understate how technically sophisticated this subject is. The fact remains, however, that the decision on how much noise abatement is necessary, and what the public should be willing to pay for that abatement, is not simply a technical judgment. It is also and perhaps primarily a value judgment about the quality of life that we want in this country. People with technical knowledge in this field are no more and no less qualified to make such a value judgment for the people of this country than anyone else. It is essential that we open up the decision-making process on airport noise to include those people who are not technically trained in this area, but who have a right to participate in the value judgment which must be made. In this field, as in other fields of environmental quality, those with a technical knowledge need to acquire much more humility about their right to impose their values on their fellow citizens.

In this regard, one of the most neglected, yet important, aspects of aviation noise control is the area of land use.

The Seattle/Tacoma Airport, for instance, is a classic example of how we have failed to reckon with the airport as a drawing card for land development. When it was built, the Seattle/Tacoma Airport was surrounded by a vast amount of undeveloped land. Today, many years later, it is one of the Nation's most severely impacted airports. This same scenario has unfolded at dozens of our Nation's airports. Once the land is developed, it is, of course, tremendously costly to buy up for noise buffer zones. The airports of the country are faced with hundreds of millions of dollars of lawsuits for noise damages which can be only partially reduced by aircraft standards and operational controls.

All the blame obviously does not rest with the airport operator or the air carriers or the Federal Government. Land use control is traditionally the responsibility of local authorities. But even when normal land use controls have been used, they have not always proved strong enough to withstand the powerful forces in favor of developing the land near airports. All of us, I am sure, find it a little difficult to sympathize with people who have moved into neighborhoods around our airports after the airports are already there and operating. It seems somewhat unjust to impose upon the airport proprietor the expense of compensating people who have knowingly moved into the impacted neighborhood. Before we criticize such people however, we need to remember that the impact of noise on people is not widely understood or appreciated in this country, and it is somewhat presumptuous of those who are expert in the subject to assume that people moving into

homes near airports fully comprehend the psychological, social and physical impacts of this noise day-in and day-out. One might hope that the cost of homes in the neighborhood of airports would reflect the impact of the noise, so that people buying these homes would in effect be put on notice about the detrimental effects of the noise. However, it is not at all clear that the market price accurately reflects the noise impacts upon the neighborhood, and real estate salesmen have been known to show people new houses at those hours of the day when the fewest flights are scheduled.

In at least one case in California, the court has found that people are eligible for nuisance payments even in situations where they have already received compensation for the taking of their property.

During the last 9 to 12 months, I have been seeing some hopeful signs that we will be able to break out of the holding pattern we have been in for so long on aviation noise. I have been encouraged by some tentative steps that the groups involved have recently taken to explore joint solutions to the noise problem around our Nation's airports. These signs include:

- a new FAA proposal for stricter FAR 36 levels, bringing the national standards for aircraft manufacturers more into line with what is achievable with current technology.

- FAA's recognition and promotion of the concept of airport noise planning and abatement.

- An indication from the Department of Transportation that a final and, we hope, a favorable decision on retrofit

is imminent - a decision which is the keystone to the success of any aviation noise abatement effort.

-- Some indication from the leadership of the airlines and pilots that they may be ready to accept and promote noise abatement takeoff and landing procedures.

-- Actions on the part of several airport proprietors, with Los Angeles the most publicized example, which demonstrate a commitment to deal with their noise abatement problems and, if necessary, to do so without waiting for Uncle Sam to lead the way.

I would hope that, in fact, Uncle Sam will lead the way, with the FAA in the forefront. This will provide the national leadership which we all desire and help put an end to the buck passing which has had such debilitating effects in the past. I am encouraged by the initial efforts of the FAA Administrator, John McLucas, in this regard, and EPA stands ready to give him all the help it can in dealing with this difficult problem.

What, specifically, do we need in the way of Federal leadership? To begin with, I believe the aircraft manufacturers need to have the Federal Government establish national aircraft standards in a manner which will give them adequate lead time to adjust their design and production processes and assure them a ready market for these quieter aircraft. Significant improvements in technology will be possible in the future, and the Federal Government must project these improvements and codify society's expectations into mandatory standards with sufficient lead times. The practice of waiting until the new technology is being used by some manufacturers, and then legislating

its use by all, has not provided the environmental protection which we have needed; and it has not given the aircraft manufacturers firm design targets.

With regard to the airline pilots, it has been clearly demonstrated by some airlines that we can employ, at the Nation's airports, quieter landing and take-off procedures than those which are used by most airline pilots. As an added benefit, these procedures can save fuel. Northwest Orient has indicated that it saves almost \$3 million in fuel costs each year because of these improved procedures.

The Federal Government should firmly identify those take-off and landing procedures which are both safe and advantageous from a noise abatement point of view, and should ensure their universal use. If such a step on the part of the Federal Government is not possible, then individual airports will have to impose site specific operational procedures as a condition of the use of their facilities.

The airport proprietor is probably the most harassed of all the participants in the noise abatement process. Because of the lawsuits, he has a strong motivation to take whatever reasonable actions he can to reduce his liability and to provide some relief to the citizens of his community. What he needs is a process by which he can determine the most effective means of abatement in his particular situation and by which he can carry on a meaningful dialogue with those in the community -- the city council, the airport neighbors, the Chamber of Commerce -- who want and should have a role in determining what is to be done at the airport. What he does not need is more lawsuits and more harassment. EPA has nearly

completed the development of an environmental noise impact assessment methodology for airports, and an airport planning process, which we believe will meet these needs and which have the important additional quality of being understandable to both technical and non-technical people, including the airport's neighbors. This will allow the city councils and land use planners, as well as the people most directly affected by airport noise, to take an effective part in the planning and abatement process. This kind of process is essential if we are to keep the growing problem of incompatible land use from continuing to outrun even our ability to deal with the present incompatible uses.

We plan to propose an airport regulation to the FAA in the near future which will mandate the use of this planning process in the development of noise abatement plans at the Nation's airports.

Every airport in this country should develop and implement a comprehensive noise abatement plan, using a common planning methodology which is understandable to the layman and which is adopted after full participation of all segments of the affected public. We can no longer try to hide the problem from the public. Instead we must deal with it straightforwardly and allow everyone affected to participate in making the difficult but necessary judgments about how the airport and the community will co-exist.

Aggressive Federal action to do its part is in my opinion, the best way to bring us out of our holding pattern on aviation noise. However, it is not the only way.

If the Federal Government is unable or unwilling to lead in this manner, then it should not stand in the way of airport proprietors, local officials and local citizens who seek to abate the intolerable noise problems which exist at many of the Nation's airports. This Nation can not afford to allow any increase in aviation noise at those airports which are already severely impacted by such noise. Instead, we must have a dramatic decrease in the noise impact on the citizens who live around those airports. In the final analysis, if the Federal Government does not act, the airport proprietor must be allowed to control the noise at his airport, even to the point of determining, in a non-discriminatory manner, what aircraft will be allowed to operate at his facility.

It is a fundamental principle of this country that an individual who owns property has a right to compensation if its use is substantially impaired. There is no longer any doubt that noise from aircraft operations can substantially impair the use of such property around airports. This compensation for the taking of property is consistent with the basic American tenet that commercial activity must pay its own way. If noise is, in fact, a necessary by-product of our national air transportation system, it seems appropriate that those who benefit from the service should pay all of its pollution costs and should not impose the responsibility of providing a subsidy for air transportation upon those unlucky citizens who happen to live around airports. In order to provide relief to the most severely impacted citizens some decrease in the convenience to the air passenger may result, although I think this un-

likely. I think we should be willing to make this sacrifice.

Equally fundamental to our concept of justice is the principle that, when our system imposes liabilities on individuals or institutions, such persons or institutions must have the authority to take actions to mitigate those costs. It seems to me unconscionable for the Federal Government on the one hand to insist that the liability for noise around airports lies with the airport operator, as in fact the FAA and the courts have asserted, and at the same time insist that the airport operators are pre-empted from taking any reasonable abatement actions to escape this liability. The inevitable result is that airport operators, air carriers, and even local taxpayers will continue to pay substantial sums of money for this liability, and the adverse health and welfare consequences of this noise will continue to be imposed on our citizens. From a public policy point of view, the foregoing seems to be the worst of all possible results.

What we need is a system which assures that the air transportation system pays its own way: either by abating noise to bring the adverse impact down to an acceptable level, or by buying the land which is so impacted and putting it into compatible use. The halfway measures of paying compensation for aviation easements or for nuisance damages seem to me to be throwing money down the proverbial "rat hole." The environment and the public suffer, and good money is wasted. I see no real objection to letting the liability rest upon the shoulders of the airport proprietor. This puts the decision-making where it belongs. Land use decisions and operational decisions by airports are essentially

local in nature. The welfare of the people around these airports is first and foremost the responsibility of the local community. The benefits of the airport are, in turn, largely local in nature. I believe the Federal Government should act aggressively to assist these airports with their abatement efforts since the entire solution to the noise problem at individual airports cannot and should not come from Uncle Sam. There are many site specific actions which should be taken at individual airports, and these communities and airport proprietors should be encouraged rather than discouraged from taking these actions.

There are, at the same time, many noise abatement actions which are best undertaken on a national basis. These include retrofit, operational procedures for landing and takeoffs, and standards for new aircraft design. But it is not absolutely essential that the retrofit and the operational procedures be mandated on a national and uniform basis. One can foresee some potential disruption to air transportation systems if airports individually require retrofit and operational procedures. But if the Federal Government feels that it cannot or will not mandate these measures on a national basis, it is my conviction that we must step aside and allow local communities to mandate them for specific airports. If retrofit makes sense on a national basis - and we and the FAA believe it does - then it certainly makes sense on a site specific basis for airports such as Los Angeles, New York, Chicago, and Boston.

Such a pluralistic approach can work. An example is Wold-Chamberlain, the International Airport serving

Minneapolis and St. Paul. Between 1970 and 1975, the airport proprietor and its air carrier tenants worked out noise abatement procedures both for take-off and for landing. Because the principal tenant, Northwest Airlines, was in favor of the procedures, there was no litigation and the FAA acquiesced. The noise abatement was dramatic, and the high - complaint clamor that once inundated the airport has been replaced by practically a non-complaint calm. When airports are able to couple such procedures with retrofit and FAR 36 equipment requirements, a giant step will have been taken. Certainly if the step - which is cost-effective and feasible - is not taken at the Federal level, or until it is, it should be permitted and encouraged at the airport level, especially since that is where the noise liability now lies.

Our national air transportation system has provided tremendous improvements in travel and communication for the citizens of this country. A great deal of its success is attributable to its high record of safety. We need a national air transportation system which is healthy as well as safe. The evidence is overwhelming that, unless we make that system quieter, both human health and the financial health of the industry will continue to suffer.

We need no miracles to achieve that kind of system. All we need is a spirit of cooperation and commitment to do one's part to solve the problem and not pass the buck to others. Many of you are in a position to make a positive contribution to the achievement of aviation noise abatement. It is time for us all to come together, and to come to grips with the problem of aviation noise, and to build, at long

last, an air transportation system that is safe, healthy and quieter.

The present situation does little more than protect the interest of the short-term land speculators. It does not protect the interest of the general public, the home owner, the community at large, or the taxpayer. Most assuredly, it does not promote the long-term interest of the Nation in a healthy, vigorous air transport system. We really know what needs to be done. We have simply lacked the will to do it. Let's get on with the job.



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