STATEMENT OF THE HONORABLE DONALD D. ENGEN, FEDERAL AVIATION ADMINISTRATOR, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING AIRPORT NOISE. JULY 16, 1986.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee today to discuss with you the issue of aircraft noise, and to provide the FAA's views on H.R. 4492, a bill that would release the Algona Airport from deed restrictions on the use of property conveyed to it by the Federal Government.

The topic of aircraft noise continues to be one which warrants the full attention of the aviation community. Although we have made considerable progress in this area, the problems of excessive aircraft noise continue to plague millions of people near our airports today, and present a formidable challenge to all of us in the aviation community. Aircraft noise is by no means a new problem, having been with us largely since the advent of the jet age in the 1950's. The problems have grown significantly with the passage of time due to steadily increasing levels of aircraft operation, new and expanded airport facilities, and, in many cases, increasing residential development around airports. Recent increases in aircraft activity and changes in traffic patterns, as carriers have responded to a deregulated environment, have brought noise concerns to communities which before had not experienced excessive aircraft noise.

On balance, however, the overall impact of noise on our country's citizens has lessened. In 1974, 6 million people lived within areas exposed to an average day-night sound level of 65 decibels (Ldn 65) or greater. In 1985, that number had been reduced by 16% to approximately 5 million. Over the next two decades, by the year 2005, we project that the land areas encompassed within Ldn 65 will shrink by nearly one-half, even if no initiatives are pursued to accelerate acquisition of new technology (Stage 3) aircraft, assuming no significant numbers of Stage 2 aircraft remain in service. Despite this progress, however, we cannot be satisfied with our efforts to date in controlling aircraft noise, and we must continue to take positive actions to alleviate further this adverse impact on our quality of life.

The FAA has long recognized the need to reduce aviation noise, and has worked diligently to do just that. Without belaboring past history, I believe it is worthwhile to recall briefly some of the actions we have already taken in this respect.

As the Subcommittee is aware, the Congress first gave the FAA the authority to control aircraft noise and sonic boom in 1968, through an amendment to the Federal Aviation Act of 1958. We acted quickly to impose strict noise standards for new design jet airplanes in 1969 with the initial issuance of Federal Aviation Regulations, Part 36. All aircraft type certificated after this rule was issued had to meet what we call Stage 2 standards. Our

amendments over the ensuing decade reflected a deliberate but progressive program to expand the scope of aviation noise controls and to increase their stringency as technology allowed us to do so. Thus, for example, the original noise standards were expanded in 1973 to apply to all new domestic production of older design airplanes such as the 727's, DC-8's, DC-9's, and 737's.

In 1976, for the first time, the FAA issued an operating rule that required the phased removal from the U.S. domestic fleet of the noisiest Stage 1 aircraft--including the B-707s and DC-8s. The completion date for this action was scheduled for January 1, 1985. Pursuant to the Aviation Safety and Noise Abatement Act, however, the FAA was directed to grant exemptions to certain 2-engine jets such as the DC-9s and B-737s until January 1, 1988.

In 1977, we increased the stringency of the noise standards for today's generation of aircraft, such as the 757s and 767s, which are called Stage 3 aircraft. They are an order of magnitude more quiet than some of their predecessors.

Along the way, we have acted in other areas of aviation noise by specifying noise limits for new-design and new-production small propeller-driven airplanes, by prohibiting sonic booms over our country from civil aviation, by requiring and encouraging safe operational procedures which reduce noise impacts, by extending subsonic noise limits to future supersonic aircraft, and by

proposing to regulate helicopter noise. Also, from 1976 through 1985, the FAA assisted 150 airports in noise compatibility planning under the Airport and Airway Development Act of 1970 and the Airport and Airway Improvement Act of 1982. Roughly $371 million in grants was provided to these airports for noise abatement purposes.

I believe the approach which the FAA has followed represents an effective Federal role in limiting aviation noise impacts. But, we recognize that our regulations have not "solved" the aviation noise problem. Regulation of aircraft noise alone will never completely eliminate noise problems, since aircraft, even the quieter new technology types, will always make some noise. Safe noise abatement operation procedures and, in particular, effective land use around airports can and do help, and must complement noise reduction at the source if we are to reduce the undesirable effects of aviation noise. Too many communities have done too little to assure compatible land uses around their airports, and this has led to considerable pressures on local elected officials and airport authorities to artificially restrain the number of airport operations at various airports throughout the country.

We have been seriously concerned with the tendency of some local communities to seek to deal with noise problems through limiting access. It is ironic that, in some cases, communities which have grown up around airports now are seeking to restrict those

airports without which the communities may not have existed in the first place. In fact, those airports attract and bring to the local community millions and, in some cases, billions of dollars each year. It is our firmly held view that airports which have benefited from Federal funds should provide service to the public on fair and reasonable terms, and that they may not unreasonably constrain operations. It is vital to our Nation's air transportation system that a proper balance be struck between legitimate exercise of authority by local communities to ameliorate noise and the need to provide for an efficient air transportation system which meets national needs and objectives.

Our recently published draft policy regarding airport access and capacity is an effort to articulate the appropriate balance between the Federal interest in a national air transportation system and local prerogatives, and to do so in a way that treats the subject more definitively than in the past in order to afford local authorities and users greater certainty in their planning processes. Our stated objective in proposing such a policy is to "meet the demands of the American public for air transportation services in a safe, efficient, and environmentally sound manner, to clearly define the roles of the FAA and airport proprietors, and to reduce the need for Federal intervention in airport issues."

I will not go into detail concerning the provisions of our proposed access/capacity policy since it has been available to the

Subcommittee for some time, but I would like to briefly highlight a few major points concerning the proposed policy statement. Importantly, it continues current FAA practice in the area of airport access. Contrary to the assertions of some, it does not represent a major change in the approach we have been following in cases where airport access has become an issue, but rather is a clarification and reaffirmation of our current approach. Moreover, the statement emphasizes the shared responsibility between Federal and local governmental entities in managing the national air transportation system. It would not preempt local authority to control noise, nor otherwise preempt existing rights of local authorities. In fact, the proposed policy states that noise control is the domain of local authorities. The draft policy also encourages effective noise control through land use planning and the preparation of Part 150 studies, and indicates that locally imposed restrictions on aircraft operations should be employed only as a last resort, and only then after review with interested parties including the FAA.

After publishing our proposed policy for comment last January, we held three public hearings in Washington, Denver, and Los Angeles to provide a full opportunity for people to air their views on the proposal. We also established a docket to receive written comments on the policy. Seventy-five witnesses testified during the public hearings and nearly two hundred comments were filed in the docket. The transcript of the hearings alone totals 1,100

pages. We are now in the process of analyzing the comments received in that public process. Given the pendency of that effort, which I expect to lead to a final policy, I am sure the Subcommittee will understand my inability to speak definitively about the approach we should take in many of the areas in contention.

I firmly believe that it is important that the FAA continue in a leadership role in ensuring that each of the parties in providing air service--the Federal Government, airport sponsors, air carriers, and general aviation--work together. I have a special responsibility to ensure that national aspects of the system are effectively managed. All parties need to understand their roles and the extent to which they can exercise their authority without intervention by others. It is important that we develop a common understanding in this area, just as it is in other facets of aviation. Through a clearer delineation of the rights and responsibilities of the various partners who must work cooperatively to achieve an even better national air transportation system, it will permit a more efficient use of resources and facilitate improved planning by all parties.

Before turning away from the topics of noise and access, I want to acknowledge the Subcommittee's interest in the FAA's report to Congress concerning "Alternatives Available to Accelerate Commercial Fleet Modernization." As noted in that report, we do

not see any major technological breakthroughs likely in the next 20 years which will result in significant noise reductions. The major noise reduction over that period will accrue from the acquisition by operators of quieter aircraft built with existing technology and the retirement of noisier aircraft.

Our analysis indicates that the U.S. aircraft fleet of Stage 2 aircraft will decline from its present 2,367 aircraft to 505 in 2005. During that same time, the numbers of Stage 3 aircraft will increase from 608 to 3,979, providing about a 48% reduction in the land area encompassed in Ldn 65 compared to 1985. On the other hand, if the current fleet were converted sooner the greater the relative improvement in noise impact would be. For example, if a complete changeover to Stage 3 occurred by 1995, the area of land significantly impacted by noise would be decreased by nearly 70% compared to 1985. This is not without significant cost, however. The cost of such a conversion in 1995 has been estimated to be at least $9.082 billion. The FAA would have to very carefully examine the benefits of this and other options in order to balance off the large magnitude of costs likely to be incurred. Administration policy is to issue regulations only when benefits justify the costs.

We are continuing to consider what alternatives should be considered further as a means of providing additional, meaningful noise relief to persons living near our Nation's airports. You

may be assured that this issue has our full attention since aircraft noise continues to pose one of the most serious impediments to the future of aviation in this country and the public needs to understand what can and cannot be accomplished. We are committed to achieving further improvements in the environment around our airports, and intend to do so in a responsible and timely manner, but all must assume some burden in achieving these results. And it is the proper balance which we seek to achieve.

Before closing, Mr. Chairman, as you have requested, I would like to briefly provide the FAA's views concerning H.R. 4492. H.R. 4492 would amend Public Law 94-243, which authorized the Secretary to grant a release of any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance, dated March 20, 1947, under which the Federal Government conveyed certain property to the City of Algona, Iowa, for airport purposes.

Releases granted by the Secretary, pursuant to Public Law 94-243, are subject to the following conditions: 1) the City of Algona is required to receive fair market value for conveying any interest in the property conveyed to them by the Federal Government in 1947; and, 2) any such amount received by the city must be used for the development, improvement, operation, or maintenance of the airport within a fixed period of time. It is our understanding that the City of Algona wishes to transfer

ten acres of airport property to the State of Iowa to be used as the site for a new National Guard Armory. The existing National Guard Armory, located in another section of Algona, would be exchanged for the airport property. The exchange of the old National Guard Armory for ten acres of airport property would not satisfy the requirements of Public Law 94-243, that the City of Algona receive fair market value for conveying any interest in the airport.

In addition, the City of Algona has entered into grant agreements with the FAA and federal funds have been expended for airport development. Under the terms of these agreements, the city is required to maintain and operate the airport in a safe and serviceable condition; and all airport development is to be consistent with the FAA approved Airport Layout Plan (ALP). The site for the proposed National Guard Armory is within the building restriction line for the airport's proposed Runway 18/36, and is not consistent with the ALP.

The bill would eliminate all federally prescribed conditions in the 1947 deed of conveyance and Public Law 94-243. Enactment would establish a precedent for other cities to overturn consistently and historically included conditions in FAA releases of airport property. Consequently, we do not support enactment of H.R. 4492.

In closing, Mr. Chairman, I want to acknowledge my appreciation

for your holding this hearing today. It provides an additional forum for the aviation community to speak out on the important topics of aircraft noise and airport access which are such vital issues confronting the aviation industry. We look forward to working with you in the future on these key issues.

That completes my prepared statement, Mr. Chairman. We would be pleased to respond to questions that you and Members of the Subcommittee may have.