

STATEMENT OF
ROBERT L. BOGAN, A.A.E.
DEPUTY DIRECTOR
MORRISTOWN MUNICIPAL AIRPORT
ON BEHALF OF
SOUND INITIATIVE: A Coalition for Quieter Skies
FOR THE HEARING OF
SUBCOMMITTEE ON AVIATION
U.S. HOUSE OF REPRESENTATIVES

March 28, 2007

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Mr. Chairman and Members of the Subcommittee, thank you for giving me an opportunity to testify at this hearing. I am Robert Bogan, Deputy Director of the Morristown Municipal Airport in Morristown New Jersey. I am here representing a group called Sound Initiative: A Coalition for Quieter Skies. Sound Initiative was formed by airports and counts as its members airports, local governments and homeowner and citizen groups that are concerned about aircraft noise. Our goal is to encourage you to complete the job this Committee started in 1990 by phasing out all noisy Stage 1 and Stage 2 aircraft.

As you know, the FAA divides aircraft into 3 categories by the amount of noise they make – Stage 1, Stage 2, and Stage 3. Stage 1 aircraft are the loudest. Stage 2 aircraft are also noisy. And Stage 3 aircraft are the quietest.

By 1985, most Stage 1 aircraft had been phased out as a result of earlier regulatory action taken by the FAA. In 1990, at the initiative of Mr. Oberstar and this Subcommittee, legislation was enacted to begin the phase out of most Stage 2 aircraft. That legislation was included in the 1990 FAA

reauthorization bill known as the Airport Noise and Capacity Act or ANCA. The phase out of Stage 2 aircraft called for in ANCA was completed by the year 2000.

However, both the FAA regulatory action and the 1990 congressional action applied only to aircraft weighing more than 75,000 pounds. Noisy Stage 1 and Stage 2 aircraft that weigh less than that were not affected and many continue to fly to this day.

According to the FAA, as of last summer, there were about 1,330 Stage 1 and Stage 2 aircraft operating in the United States. These Stage 1 and Stage 2 aircraft comprise about 13.5 percent of jet aircraft less than 75,000 pounds.

Although these aircraft represent a relatively small percentage of the total U.S. fleet, the FAA noted, in a letter to the former Chairman of this Committee that “while not an issue when measured at the system level, there are a few airports where, especially when adjusted for their limited number of operations, this segment of aircraft appears to contribute in a significant fashion to noise exposure contours.” (emphasis added)

So today, although those aircraft are small in number relative to all aircraft, many airports across the United States report that they account for a majority of noise complaints. In fact, at some airports, fifty percent or more of the noise complaints received are related to Stage 1 or 2 aircraft.

Sound Initiative was formed to address this problem.

Sound Initiative was organized by a group of airport operators who are on the front line of the aircraft noise debate on a daily basis. Across the country, airport managers must respond to the concerns of neighbors, government officials, the news media and others who want to know what they are doing about the noise that results from operations at their facilities. Some airports have installed sophisticated monitoring systems that identify aircraft and the noise they make when departing. Others have long relied on programs that try to be responsive to neighbors' noise concerns by mediating their complaints with operators based at their facilities.

But real action can only come from trying to reduce noise at its source. And the power of local airports to do this is severely limited.

That is why we call on Congress to complete the job it started in 1990 and phase out all noisy aircraft regardless of how much they weigh.

What happens at an airport when Stage 1 or 2 aircraft no longer use it? At a place like my airport, Morristown Municipal Airport, it means quieter skies for the people living and working nearby.

Located in New Jersey, the nation's most densely populated state, Morristown is among the busiest airports catering to corporate and smaller business aircraft in the New York City metropolitan area, logging an average of 210,000 departures and arrivals each year. Operations include those of based corporate tenants, transient business use, flight training and recreational traffic.

Although only one Stage 2 aircraft is based at Morristown, more than half of the noise complaints from neighbors are the result of other Stage 2 aircraft landing and taking off there.

In a recent study we reviewed the sound contour—the noise footprint—of all airplanes and jets departing Morristown’s Runway 23. The study also looked at what would happen to those contours if only Stage 3 aircraft departed from that runway. The results showed a significant reduction in the noise impact to airport neighbors.

Phasing out Stage 1 and 2 aircraft is not a panacea to the noise challenges faced by airports and those around them. But, as evidenced by the study conducted at Morristown, it's an important step toward quieter skies.

On the other hand, we have the example of Naples Airport in Florida. That airport tried to work through the FAA’s existing Part 161 process to phase out noisy aircraft. It spent hundreds of thousands of dollars on consultant studies to tell it what it already knew about the need to reduce aircraft noise. When the airport instituted restrictions based on the Part 161 study, the airport lost funding under the federal Airport Improvement grant program.

In the end, Naples successfully defended the lawsuits against it and did succeed in banning noisy aircraft at its airport. But it cost more than 3 million dollars, money that could have been better spent on safety or security projects. I can assure you that other airports do not have the funds to take on the system the way that Naples did. Rather than attempt to develop an airport-by-airport solution which has yet to be achieved even once by the

part 161 process, we believe a lasting, long-term and nationwide solution to the aircraft noise problem can only come from Congress.

Sound Initiative does have a proposal we would like this Subcommittee to consider to address this noise problem. Under our proposal, a copy of which is attached at the end of the written testimony, all Stage 1 and Stage 2 aircraft would have to cease operations in the 48 States 3 years after enactment. Almost all of these aircraft are close to 20 years old, most much older than that. So 3 years seems like a reasonable balance between the needs of aircraft owners to change over to quieter aircraft and the needs of airport neighbors for noise relief. And it comes more than 17 years after Congress set precedent for this type of action and 7 years after the last aircraft weighing more than 75,000 pounds operated or did so with modifications that allowed it to meet Stage 3 standards.

Our proposed legislation goes a step further, however, by recognizing that some airports, due to their location or other factors, may not have as much need for noise relief. In those cases, we propose to let airports notify the FAA that they are willing to continue to allow Stage 1 and Stage 2 aircraft to fly there.

Mr. Chairman, Congress provided noise relief to our nation's larger airports several years ago. It is now time to provide added relief to those airports and to extend the same relief to the people who live near smaller, reliever, and satellite airports.

On behalf of Sound Initiative, I urge you to include our proposed legislative language, or something similar to it, in the Subcommittee FAA reauthorization legislation.

Thank you and I would be pleased to answer any questions.

March 28, 2007

LEGISLATIVE PROPOSAL

PROHIBITION IN 3 YEARS WITH OPT-OUT

Section 1. Prohibition on operating aircraft not complying with stage 3 noise levels

- (a) Subchapter II of Chapter 475 of title 49, United States Code, is amended by adding at the end the following:

“Sec. 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less and not complying with stage 3 noise levels

“(a) PROHIBITION. – Except as provided in subsection (b), (c) or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) EXCEPTION. – Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) OPT-OUT. – Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its web site or in another place easily accessible to the public.

“(d) LIMITATION. – The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order to –

- (1) sell, lease, or use the aircraft outside the 48 contiguous States;
- (2) scrap the aircraft;
- (3) obtain modifications to the aircraft to meet stage 3 noise levels;
- (4) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;
- (5) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;
- (6) prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or
- (7) divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

“(e) STATUTORY CONSTRUCTION. – Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.”

(b) This section shall take effect on the date that is 3 years after the date of enactment of this section.

Section 2. Conforming amendments

- (a) Section 47531 of title 49, United States Code, is amended by striking “or 47530” and inserting “47530 or 47534”.
- (b) Section 47532 of title 49, United States Code, is amended by striking “47528-47531” and inserting “47528-47531 or 47534”.