

116TH CONGRESS
2D SESSION

H. R. 6038

To require the Federal Aviation Administration to provide funding for noise mitigation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2020

Mr. SMITH of Washington (for himself, Mr. KHANNA, Ms. JAYAPAL, Mr. GOMEZ, Ms. NORTON, Mr. ROUDA, Mr. RUPPERSBERGER, Mrs. TORRES of California, Mr. KENNEDY, Ms. MENG, Ms. TLAIB, Mr. BEYER, Mr. CASE, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Federal Aviation Administration to provide funding for noise mitigation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation-Impacted
5 Communities Act”.

6 **SEC. 2. NOISE MITIGATION FOR VERTICAL FENCELINE**
7 **COMMUNITIES.**

8 Notwithstanding any other provision of law, aviation-
9 impacted communities that are not currently within the

1 65 DNL standard as measured by the Federal Aviation
2 Administration shall be eligible for the Airport Improve-
3 ment Program noise mitigation program funds and for
4 grants under section 7, and shall also be granted status
5 under section 5 to establish community boards to address
6 airport noise in their communities.

7 **SEC. 3. NATIONAL ACADEMY OF SCIENCES STUDY, FRAME-**
8 **WORK, AND DIAGNOSTIC TOOL.**

9 (a) IN GENERAL.—The Administrator shall enter
10 into a contract with the National Academy of Sciences to
11 conduct a study that—

12 (1) summarizes the relevant literature and
13 studies done on aviation impacts worldwide;

14 (2) focuses on large hub commercial airports
15 and surrounding communities, including commu-
16 nities currently outside of the 65 DNL contour in—

17 (A) King County, WA;

18 (B) Boston;

19 (C) Chicago;

20 (D) New York City;

21 (E) the Northern California Metroplex;

22 (F) Phoenix;

23 (G) the Southern California Metroplex;

24 (H) the District of Columbia;

25 (I) Atlanta; and

1 (J) any other metropolitan large hub air-
2 port identified by the Administrator.

3 (b) CONTENTS.—The study described in subsection
4 (a) shall examine—

5 (1) the collection and consolidation of quantifi-
6 able, observational, experiential, anecdotal, or other
7 data from—

8 (A) the Federal Aviation Administration;

9 (B) airport operators;

10 (C) valid acoustic instrumentation on the
11 ground;

12 (D) testimonials and other evidence from
13 community members; and

14 (E) organizations in the community;

15 (2) the Day-Night Average Sound Level, using
16 measured data or modeled data (or other noise
17 metrics, as applicable);

18 (3) any other existing or supplemental noise
19 metrics from data collected by noise monitor sta-
20 tions;

21 (4) emissions generated by individual and cu-
22 mulative takeoffs and landings, including emissions
23 that impact the ground level;

24 (5) lateral trajectory and altitude of flight
25 paths as demonstrated by actual and comprehensive

1 radar flight track data in addition to published
2 routes;

3 (6) how aviation impacts communities sur-
4 rounded by multiple airports;

5 (7) how aviation impacts communities with
6 unique geography, including communities situated at
7 higher elevation or near large bodies of water;

8 (8) any other data requested by the impacted
9 community in order to give a comprehensive under-
10 standing of the impacts on such community, includ-
11 ing comparative data for equity analysis;

12 (9) recommendations on actions or mitigation
13 that can be taken to alleviate—

14 (A) concerns raised during community out-
15 reach; and

16 (B) effects that are determined in the
17 study; and

18 (10) any other data or information determined
19 to be relevant by the National Academies in ana-
20 lyzing aviation impacts.

21 (c) FRAMEWORK AND DIAGNOSTIC TOOL.—

22 (1) IN GENERAL.—Using findings from the
23 study, the National Academy of Sciences shall pro-
24 vide the FAA with a framework and diagnostic tool
25 for—

1 (A) conducting appropriate community as-
2 sessments upon request of community boards
3 (including as described in section 5(f));

4 (B) measuring the impact on communities
5 of—

6 (i) high frequency of overhead flights;

7 (ii) an increase or change in flight op-
8 erations due to adoption of new flight pro-
9 cedures;

10 (iii) high frequency or an increase in
11 night time aircraft noise; and

12 (iv) decreased dispersion of flight path
13 utilization; and

14 (C) developing a scientifically based strat-
15 egy for evaluating structures subject to in-
16 creases described in subparagraph (A)(ii) that
17 should be eligible for noise mitigation.

18 (2) REQUIREMENT.—In developing the frame-
19 work and diagnostic tool under paragraph (1), the
20 National Academy of Sciences shall—

21 (A) seek appropriate community input and
22 feedback from community boards as well as
23 open community meetings; and

24 (B) ensure, to the extent practicable, that
25 such framework and diagnostic tool is under-

1 standable to, and useable by, the community
2 boards and the general public.

3 **SEC. 4. DESIGNATING OF COMMUNITIES.**

4 (a) **OUTREACH.**—

5 (1) **IN GENERAL.**—Not later than 90 days after
6 the date of enactment of this Act, the Administrator
7 shall conduct outreach to State, regional, and local
8 elected officials of aviation-impacted communities to
9 inform them of the opportunity to be a designated
10 community.

11 (2) **REQUIREMENTS.**—The outreach described
12 in paragraph (1) shall—

13 (A) be conducted in local print and elec-
14 tronic media (including social media, local for-
15 eign language media, ethnic radio, newspapers,
16 and television); and

17 (B) reflect languages regularly encountered
18 in the aviation-impacted community in any
19 signs, materials, and multimedia resources.

20 (b) **REQUEST.**—The State, regional, or local elected
21 officials (or designee thereof) of an aviation impacted com-
22 munity may request to be a designated community, and
23 the Administrator shall—

24 (1) recognize such community as a designated
25 community upon request; and

1 (2) acknowledge each community requesting
2 designation on the website of the Federal Aviation
3 Administration.

4 (c) PORTIONS OF COMMUNITY.—The State or local
5 elected officials (or designee thereof) of a designated com-
6 munity, representatives, or a group of representatives cho-
7 sen by a community, shall select the portions or the en-
8 tirety of such community considered aviation-impacted, in-
9 cluding designating the community as a whole should such
10 community so choose.

11 **SEC. 5. COMMUNITY BOARDS.**

12 (a) IN GENERAL.—Not later than 6 months after the
13 date on which an aviation-impacted community becomes
14 a designated community pursuant to section 4, such des-
15 ignated community shall—

16 (1) select a community board comprised of indi-
17 viduals that equally represent—

18 (A) State, regional, or local elected officials
19 or city managers (or designees thereof);

20 (B) local airport operators;

21 (C) impacted community residents; and

22 (D) the public health and environment;

23 (2) in the case where such designated commu-
24 nity decides to maintain an existing group of pri-
25 marily elected local officials that has previously been

1 constituted for purposes of working on aviation-re-
2 lated issues, designate such existing group as a com-
3 munity board pursuant to this section, so long as—

4 (A) affected community members who are
5 not airport employees or elected officials have
6 representation on the board; and

7 (B) health and environmental representa-
8 tives are added as needed.

9 (b) MEETINGS.—A community board shall meet at
10 times and places chosen by the members of such board.

11 (c) PURPOSES.—The purpose of a community board
12 is to provide information to airport operators and the Fed-
13 eral Aviation Administration concerning aviation impacts.

14 (d) COLLABORATION.—The Administrator shall—

15 (1) designate an FAA designee; and

16 (2) ensure that representatives of and, when
17 appropriate and upon request of a community board,
18 relevant experts from the Federal Aviation Adminis-
19 tration participate in meetings of a community
20 board.

21 (e) COMMUNITY REPORTS.—

22 (1) IN GENERAL.—A community board may
23 draft a community report detailing the community's
24 concerns and issues related to aviation impacts.

1 (2) CONTENTS.—A community report may be
2 comprised of, or include, community information,
3 documents, or locally conducted assessments.

4 (f) COMMUNITY ASSESSMENTS.—

5 (1) IN GENERAL.—A community board may pe-
6 tition the Administrator to conduct a community as-
7 sessment, which shall be conducted based on the
8 framework and diagnostic tool established by the
9 National Academy of Sciences under section 3 and
10 the community reports described in subsection (e).

11 (2) LIMITATION.—A community board may pe-
12 tition the Administrator to conduct not more than 1
13 community assessment under paragraph (1) every 3
14 years.

15 (3) EXCEPTION.—Notwithstanding paragraph
16 (2), a community board may petition the Adminis-
17 trator to conduct an additional community assess-
18 ment during the 3-year period described in para-
19 graph (2) if—

20 (A) a study described in part 150 of title
21 14, Code of Federal Regulations, is commis-
22 sioned by an airport with flight paths that af-
23 fect the community represented by the commu-
24 nity board; or

1 (B) if airport operations increase substan-
2 tially above of projected increases.

3 (g) INSTRUMENTATION.—Upon request of a commu-
4 nity board, the Administrator shall provide additional
5 noise measurement instrumentation to measure aircraft
6 noise.

7 (h) COLLABORATION.—The Administrator and each
8 community board that petitions for a community assess-
9 ment shall collaborate on the scope of such community as-
10 sessment.

11 (i) REGIONAL ASSESSMENT.—Upon the request and
12 approval of not less than 2 community boards located in
13 the same region, the FAA may conduct a regional assess-
14 ment based on the framework and diagnostic tool estab-
15 lished by the National Academy of Sciences under section
16 3.

17 (j) ACCESSIBLE FORMAT.—The Administrator shall
18 ensure the community assessment is culturally and lin-
19 guistically accessible given the needs or requests of the
20 community.

21 **SEC. 6. ACTION PLANS.**

22 (a) IN GENERAL.—Not later than 6 months after the
23 date of completion of a community assessment described
24 in section 5(f), the Administrator shall, in collaboration
25 with community boards, devise an action plan that seeks

1 to alleviate or address the concerns raised in such commu-
2 nity reports or such community assessments.

3 (b) CONTENT.—An action plan shall—

4 (1) include a long-term regional plan that fo-
5 cuses on reducing and minimizing aviation impacts
6 for the designated community or communities, in-
7 cluding sound insulation or other noise mitigation
8 infrastructure, air filtration systems, and changes in
9 flight paths or procedures; and

10 (2) require the appropriate district office of the
11 Federal Aviation Administration and air traffic con-
12 trol facility to consider the implementation of
13 changes to flight operations, flight paths, and
14 vertical guidance if the community assessment de-
15 scribed in section 5(f) indicates that such changes
16 would decrease the impacts on the designated com-
17 munity, including examining the population density
18 in the communities described in such report and as-
19 sessment in considering such implementation.

20 (c) IMPLEMENTATION.—In implementing the action
21 plan, the Administrator will consider the implementation
22 of changes to flight operations, flight paths, and vertical
23 guidance if the community assessment described in section
24 5(f) indicates that such changes would decrease the im-

1 pacts of flights on a designated community (or commu-
2 nities).

3 (d) STATEMENT CONCERNING CERTAIN CHANGES.—

4 If the Administrator determines that changes to oper-
5 ations, flight paths, and vertical guidance that a commu-
6 nity study indicated would decrease the effects on the des-
7 ignated community would not be effective in decreasing
8 community impacts, the Administrator shall explain the
9 rationale for this determination in the action plan.

10 (e) APPEALS PROCESS.—

11 (1) IN GENERAL.—The Administrator shall es-
12 tablish an appeals process, through which a commu-
13 nity board may appeal the determination by the
14 Federal Aviation Administration not to implement a
15 change under subsection (c) to an independent panel
16 comprised equally of independent public health ex-
17 perts, environmental experts, and aviation experts.

18 (2) RECOMMENDATIONS.—In carrying out para-
19 graph (1), the Administrator shall seek rec-
20 ommendations from the National Academy of
21 Sciences for panel experts described in such para-
22 graph.

23 (3) REQUIREMENT TO CONVENE.—An inde-
24 pendent panel convened pursuant to paragraph (1)
25 shall convene not later than 6 months after the re-

1 ceipt of an appeal pursuant to such paragraph and
2 shall respond to such appeal not later than 3 months
3 after the date on which such panel convenes.

4 (f) DISSEMINATION.—The panel described in sub-
5 section (e)(1) shall submit any findings for an appeal de-
6 scribed in such subsection—

7 (1) to the public in a culturally and linguis-
8 tically appropriate fashion given the needs or re-
9 quests of the community at issue;

10 (2) to the offices of the Members of Congress
11 and Senators representing the community at issue;

12 (3) to the relevant committees of the House of
13 Representatives and the Senate; and

14 (4) upon request, to appropriate State, regional,
15 and local elected officials.

16 **SEC. 7. MITIGATION FUNDING.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 release of an action plan pursuant to section 3, the Admin-
19 istrator shall make grants for necessary noise mitigation
20 in a designated community for—

21 (1) residences;

22 (2) hospitals;

23 (3) nursing homes and adult or child day care
24 centers;

25 (4) schools;

1 (5) places of worship; and

2 (6) other impacted facilities indicated by a com-
3 munity assessment under section 5(f).

4 (b) STANDARDS.—Using the framework and diag-
5 nostic tool developed by the National Academy of Sciences
6 under section 3, the Administrator shall develop standards
7 to determine which of the structures in designated commu-
8 nities described in subsection (a) are eligible for mitigation
9 funding.

10 (c) MITIGATION DEFINED.—In this section, the term
11 “noise mitigation” means any form of mitigation that re-
12 duces the noise burden for communities, including—

13 (1) sound insulation of structures;

14 (2) construction of noise barriers or acoustic
15 shielding to mitigate ground-level noise; and

16 (3) other mitigation as indicated by a commu-
17 nity assessment under section 5(f) or an action plan
18 under section 6 using the diagnostic tool developed
19 by the National Academy of Sciences under section
20 3.

21 (d) SOUND INSULATION FOR COMMUNITIES SUBJECT
22 TO HIGH FLIGHT FREQUENCY.—

23 (1) IN GENERAL.—Using the framework and di-
24 agnostic tool developed by the National Academy of
25 Sciences under section 3, in carrying out an action

1 plan described in section 6, the Administrator shall
2 develop standards for determining which commu-
3 nities are subject to significant frequency of over-
4 head flights, which shall be eligible for noise mitiga-
5 tion funding.

6 (2) NOISE MITIGATION.—In carrying out an ac-
7 tion plan described in section 6, the Administrator
8 and airport operators shall provide grants for noise
9 mitigation for aviation-impacted communities that
10 are subjected to a high frequency of flight operations
11 or from the adoption of new flight procedures (as
12 determined by the Administrator through the use of
13 the framework and diagnostic tool developed by the
14 National Academy of Sciences under section 3).

15 (e) SOUND INSULATION FOR RESIDENCES IMPACTED
16 BY SIGNIFICANT NIGHT TIME AIRCRAFT NOISE.—In car-
17 rying out an action plan described in section 6, the Admin-
18 istrator and airport operators shall provide noise mitiga-
19 tion for a neighborhood within a 55 or higher DNL con-
20 tour (or a community that has quality-assured noise meas-
21 urement data that demonstrate 55 DNL impacts occur-
22 ring outside the model contour of the aviation environ-
23 mental design tool of the FAA) in which an airport oper-
24 ator or the Administrator determines, through the use of
25 the framework and diagnostic tool developed by the Na-

1 tional Academy of Sciences under section 3, that signifi-
2 cant numbers of flight operations are conducted between
3 10:00 p.m. and 6:00 a.m.

4 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated out of the Airport and Airway Trust Fund (estab-
7 lished under section 9502 of the Internal Revenue Code
8 of 1986) to carry out this Act—

9 (1) a total of \$750,000,000 for fiscal years
10 2021 through 2030; and

11 (2) such sums as necessary, but not to exceed
12 0.25 percent of the annual change in uncommitted
13 balance of such Trust Fund in a fiscal year, for fis-
14 cal years after fiscal year 2030.

15 (b) USE OF FUNDS.—Of any amounts appropriated
16 for a fiscal year to carry out this Act, the Administrator
17 shall use such funds—

18 (1) to make grants under section 7;

19 (2) in an amount of not more than 5 percent,
20 to support FAA expenditures required for the ad-
21 ministration this Act; and

22 (3) any amounts not expended under para-
23 graphs (1) or (2), to make grants described in sec-
24 tion 47117(e)(1)(A) of title 49, United States Code.

1 **SEC. 9. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Federal
5 Aviation Administration.

6 (2) AIRCRAFT OPERATION.—The term “aircraft
7 operation” means a landing or take-off of an aircraft
8 flight.

9 (3) AVIATION-IMPACTED COMMUNITY.—The
10 term “aviation-impacted community” means a com-
11 munity that is located not greater than 1 mile from
12 any point at which a commercial or cargo jet route
13 is 3,000 feet or less above ground level.

14 (4) COMMERCIAL OR CARGO JET ROUTE.—The
15 term “commercial or cargo jet route” means a route
16 that is departing or arriving at a large hub or
17 metroplex airport, as such terms are defined by the
18 Administrator.

19 (5) COMMUNITY.—The term “community”
20 means any residential neighborhood, locality, munici-
21 pality, town, or city.

22 (6) DESIGNATED COMMUNITY.—The term “des-
23 ignated community” means an aviation- impacted
24 community that has chosen to be designated pursu-
25 ant to section 4.

1 (7) FAA.—The term “FAA” means the Fed-
2 eral Aviation Administration.

3 (8) FAA DESIGNEE.—The term “FAA Des-
4 ignee” means a community engagement manager or
5 Regional Ombudsman (as described in section 180
6 of the FAA Reauthorization Act of 2018) that—

7 (A) works with each community board;

8 (B) engages in meaningful, solution-driven
9 dialogue with the community board; and

10 (C) serves as the liaison between the FAA
11 and the community board.

12 (9) IMPACT.—The term “impact” means noise,
13 air pollution emissions, or any other aviation-related
14 impact identified by a community coming from an
15 aircraft and that is affecting a community or its
16 residents.

17 (10) ROUTE.—The term “route” includes both
18 the lateral trajectory and altitude of flight paths as
19 demonstrated by actual and comprehensive radar
20 flight track data in addition to published routes.

○