

115TH CONGRESS
2D SESSION

H. R. 6168

To assist aviation-impacted communities in mitigating the noise burden that they face and to increase Federal Aviation Administration engagement and responsiveness to communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2018

Mr. SMITH of Washington (for himself, Mr. JEFFRIES, Ms. SPEIER, Ms. NORTON, Mr. LYNCH, Ms. JAYAPAL, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To assist aviation-impacted communities in mitigating the noise burden that they face and to increase Federal Aviation Administration engagement and responsiveness to communities, 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”.

1 **SEC. 2. DESIGNATED COMMUNITIES.**

2 (a) **OUTREACH.**—Not later than 90 days after the
3 date of enactment of this Act, the Administrator shall con-
4 duct outreach to community leaders of aviation-impacted
5 communities to inform them of the opportunity to be a
6 designated community.

7 (b) **REQUEST.**—The governing body or the des-
8 ignated representative or representatives of an aviation-
9 impacted community may request to be a designated com-
10 munity, and the Administrator shall recognize such com-
11 munity as a designated community upon request.

12 (c) **PORTIONS OF COMMUNITY.**—The governing body
13 of a designated community, representatives, or a group of
14 representatives chosen by a community, shall select the
15 portions of such community that shall be considered avia-
16 tion-impacted, including designating the community as a
17 whole should they so choose.

18 **SEC. 3. COMMUNITY BOARDS.**

19 (a) **IN GENERAL.**—Not later than 6 months after the
20 date on which a community becomes a designated commu-
21 nity pursuant to section 1, such designated community
22 shall—

23 (1) select local airport operators, local elected
24 leaders, and community representatives to serve on
25 a community board; or

1 (2) in the case where such designated commu-
2 nity decides to maintain an existing group of pri-
3 marily elected local officials that has previously been
4 constituted for purposes of working on aviation-re-
5 lated issues, designate such existing group as a com-
6 munity board pursuant to this section.

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

9 (c) PURPOSES.—The purpose of a community board
10 is to provide information to airport operators and the Fed-
11 eral Aviation Administration concerning disparate impacts
12 and environmental justice related to the operation of com-
13 mercial or cargo jet routes.

14 (d) COLLABORATION.—The Administrator shall—

15 (1) designate an appropriate employee to work
16 with each community board; and

17 (2) ensure that representatives of and, when
18 appropriate, relevant experts from the Federal Avia-
19 tion Administration attend each meeting of a com-
20 munity board.

21 (e) COMMUNITY REPORTS.—A community board
22 may, in collaboration with local airport operators and any
23 employee designated pursuant to subsection (d)(1), draft
24 a community report detailing the community’s concerns
25 and issues related to disparate impacts.

1 (f) STUDY.—A community board may petition the
2 Administrator to conduct a community study, which shall
3 include—

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

7 (A) the Federal Aviation Administration;

8 (B) airport operators;

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

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

13 (E) organizations in the community;

14 (2) the Day-Night Average Sound Level;

15 (3) any other existing noise metrics from indi-
16 vidual and cumulative takeoffs and landings;

17 (4) emissions generated by individual and cu-
18 mulative takeoffs and landings;

19 (5) any other data requested by the designated
20 community in order to give a comprehensive under-
21 standing of the impacts on such community; and

22 (6) recommendations on actions or mitigation
23 that can be taken to alleviate—

24 (A) concerns raised in a community report;

25 and

1 (B) effects that are analyzed in the com-
2 munity study.

3 (g) COLLABORATION.—The Administrator and each
4 community board that petitions for a community study
5 shall collaborate together on the scope and methodology
6 of such community study.

7 (h) FORMAT.—The Administrator shall ensure the
8 community study is culturally and linguistically appro-
9 priate given the needs or requests of the community.

10 **SEC. 4. ACTION PLANS.**

11 (a) IN GENERAL.—Not later than 6 months after the
12 date of receipt of a community report or the date of com-
13 pletion of a community study, the Administrator shall, in
14 collaboration with airport operators and affected commu-
15 nities, devise an action plan that alleviates or addresses
16 the concerns brought up in the community report or com-
17 munity study.

18 (b) CONTENT.—The action plan shall—

19 (1) include a long-term regional plan that fo-
20 cuses on reducing and minimizing disparate impacts
21 for the designated community; and

22 (2) where effective, consider the implementation
23 of changes to operations and flight paths if the com-
24 munity report or community study indicates that

1 such changes would decrease the impacts on the des-
2 ignated community.

3 (c) STATEMENT CONCERNING CERTAIN CHANGES.—

4 If the Administrator determines that changes to oper-
5 ations and flight paths that a community report or com-
6 munity study indicated would decrease the effects on the
7 designated community would not be effective, the Adminis-
8 trator shall explain the rationale for this determination in
9 the action plan.

10 (d) DISSEMINATION.—The Administrator shall dis-
11 seminate the action plan—

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

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

17 (3) to the relevant committees of the House of
18 Representatives and the Senate; and

19 (4) upon request, to any impacted government.

20 **SEC. 5. MITIGATION FUNDING.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 release of an action plan pursuant to section 3, the Admin-
23 istrator may make grants for necessary noise mitigation
24 in a designated community for—

25 (1) residences;

1 (2) hospitals;

2 (3) nursing homes; and

3 (4) schools.

4 (b) STANDARDS.—The Administrator shall develop
5 standards to determine which of the structures in des-
6 ignated communities and that are listed in subsection (a)
7 are eligible for mitigation funding.

8 (c) MITIGATION DESCRIBED.—Funds for mitigation
9 may be used for any form of mitigation that reduces the
10 noise burden for communities, including—

11 (1) sound insulation of noise-sensitive struc-
12 tures; and

13 (2) construction of noise barriers or acoustic
14 shielding to mitigate ground-level noise.

15 (d) INSTRUMENTATION.—Upon request of a des-
16 ignated community, and in addition to the annualized av-
17 erage measurement, the Administrator shall provide addi-
18 tional noise measurement instrumentation to measure air-
19 plane noise.

20 (e) SOUND INSULATION FOR AVIATION-IMPACTED
21 COMMUNITIES.—The Administrator of the Federal Avia-
22 tion Administration and airport operators may provide
23 sound insulation for aviation-impacted communities that
24 are subjected to substantial increases in flight frequency
25 or from the adoption of new flight procedures that create

1 noise impacts in neighborhoods that did not previously ex-
2 perience significant impacts from commercial aircraft op-
3 erations.

4 (f) SOUND INSULATION FOR NEIGHBORHOODS.—The
5 Administrator of the Federal Aviation Administration and
6 airport operators may provide sound insulation for neigh-
7 borhoods within a 55 DNL contour in which an airport
8 operator or the Administrator of the Federal Aviation Ad-
9 ministration determines significant numbers of flight oper-
10 ations are conducted between 10:00 p.m. and 6:00 a.m.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
13 this Act such sums as may be necessary.

14 **SEC. 7. DEFINITIONS.**

15 In this Act:

16 (1) The term “Administrator” means the Ad-
17 ministrator of the Federal Aviation Administration.

18 (2) The term “aviation-impacted community”
19 means a community that is located not greater than
20 1 mile from any point at which a commercial or
21 cargo jet route is 3,000 feet or less above ground
22 level.

23 (3) The term “community” means any residen-
24 tial neighborhood, locality, municipality, town, or
25 city.

1 (4) The term “designated community” means
2 an aviation-impacted community that has chosen to
3 be designated pursuant to section 1.

4 (5) The term “disparate impact” means noise,
5 air pollution emissions, or any other aviation-related
6 impact identified by a community coming from a
7 commercial or cargo jet route and that is affecting
8 a community or its residents.

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