

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.

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## 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

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## 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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