

# Public Hearing

before

NEW JERSEY GENERAL ASSEMBLY ENVIRONMENT COMMITTEE  
AND

NEW YORK STATE ASSEMBLY SUBCOMMITTEE ON AIRPORT NOISE CONTROL  
OF THE

NEW YORK STATE ASSEMBLY COMMITTEE ON CORPORATIONS,  
AUTHORITIES AND COMMISSIONS

on

N.J. ASSEMBLY BILL NO. 329; N.Y. ASSEMBLY BILL NOs. 2295, 3076

"AIRCRAFT NOISE"

New Jersey State Library

LOCATION: Cranford Township Hall  
Cranford, New Jersey

DATE: May 15, 1992

## NEW JERSEY MEMBERS PRESENT:

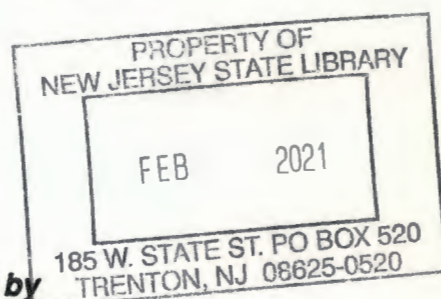
Assemblywoman Maureen Ogden, Co-Chair  
Assemblywoman Rose M. Heck  
Assemblyman David C. Kronick

## NEW YORK MEMBER PRESENT:

Assemblyman I. William Bianchi, Jr., Co-Chair

## ALSO PRESENT:

Spiros J. Caramalis  
OLS, Aide, N.J. AEN Committee



**Hearing Recorded and Transcribed by**

The Office of Legislative Services, Public Information Office,  
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MAUREEN OGDEN  
Chair  
DAVID C. RUSSO  
Vice Chair  
ROSE M. HECK  
LEE A. SOLOMON  
JEFF WARSH  
DAVID C. KRONICK  
HARRY A. MCENROE

## New Jersey State Legislature

ASSEMBLY ENVIRONMENT COMMITTEE  
LEGISLATIVE OFFICE BUILDING, CN-068  
TRENTON, NEW JERSEY 08625-0668  
(609) 292-7676

### NOTICE OF JOINT PUBLIC HEARINGS

TO: MEMBERS OF THE ASSEMBLY ENVIRONMENT COMMITTEE  
FROM: ASSEMBLYWOMAN MAUREEN OGDEN, CHAIR  
SUBJECT: **JOINT PUBLIC HEARINGS WITH NEW YORK LEGISLATIVE  
COMMITTEES ON AIRCRAFT NOISE**

*The public may address comments and questions to Jeffrey T. Climpson or Spiros J. Caramalis, Committee Aides, or make bill status and scheduling inquiries to Carol Hendryx, secretary, at (609) 292-7676. Those persons presenting written testimony should provide 15 copies to the committee on the day of the hearing.*

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The New Jersey General Assembly Environment Committee, the New York State Assembly Committee on Corporations, Authorities and Commissions, the New York State Assembly Standing Committee on Commerce, Industry and Economic Development, and the New York State Assembly Subcommittee on Airport Noise Control will hold joint public hearings on the issue of aircraft noise on the following dates:

**NEW YORK CITY, NY**  
May 1, 1992  
10:00 a.m.  
270 Broadway (at Chambers St.)  
25th Floor Conference Room  
(State Commission on  
Investigations Hearing Room)

**CRANFORD, NJ**  
May 15, 1992  
10:00 a.m.  
Cranford Township Hall  
8 Springfield Avenue

The New Jersey General Assembly Environment Committee will also consider at the two hearings the following bill for discussion purposes only:

A-329  
Ogden/Mazur

Requires Port Authority to take  
certain aircraft noise abatement  
measures.

(OVER)



# STATE OF NEW YORK

2295--A

1991-1992 Regular Sessions

## IN ASSEMBLY

January 24, 1991

Introduced by M. of A. BIANCHI, BENNETT, WEISENBERG, HINCHEY, MAYERSOHN, LAFAYETTE, PHEFFER -- Multi-Sponsored by -- M. of A. BRENNAN, BRODSKY, CLARK, CONNELLY, CONNERS, COOK, CROWLEY, GRANNIS, GREENE, HEVESI, HILL, KOPPELL, MURTAUGH, SEMINERIO, STRANIERE, SWEENEY, TOCCI, VITALIANO, WEPRIN -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 802 of the laws of 1947, relating to facilitating the financing and effectuation of air terminals by the Port Authority of New York and New Jersey, in relation to noise abatement at air terminals owned and operated by the Port Authority of New York and New Jersey

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Legislative findings and declarations. Although an effective, efficient air transportation system is vital to the regional
- 2 economy and the Port Authority of New York and New Jersey has been successful in providing the region with such a system, excess aircraft
- 3 noise is an environmental problem associated with airports. Historically
- 4 the problem of excess aircraft noise has occurred in areas surrounding
- 5 the airports, but since the Federal Aviation Administration recently
- 6 changed air traffic patterns in the region, outlying areas have been
- 7 subject to excess aircraft noise as well.
- 8 Furthermore, although the federal government has recently adopted the
- 9 "Airport Noise and Capacity Act of 1990," (Public Law 101-508), which
- 10 directs the Secretary of Transportation to establish a national noise
- 11 policy and directs the Federal Aviation Administration to conduct an en-
- 12
- 13

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06134-02-2



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1 vironmental impact study and an air safety study with respect to the Ex-  
2 panded East Coast Plan, the citizens of the New Jersey-New York region  
3 need immediate relief from excess aircraft noise.

4 Since a provision in the "Airport Noise and Capacity Act of 1990"  
5 would permit the Port Authority to phase out the use of Stage 2 aircraft  
6 earlier than the December 31, 1999 phase-out date in federal law, it is  
7 appropriate for the states of New Jersey and New York to direct the Port  
8 Authority to take certain immediate steps to alleviate excess aircraft  
9 noise and develop, in accordance with the national noise policy, long-  
10 term strategies to deal with the problem of excess aircraft noise.

11 § 2. Chapter 802 of the laws of 1947, relating to facilitating the  
12 financing and effectuation of air terminals by the Port Authority of New  
13 York and New Jersey, is amended by adding a new section 4-b to read as  
14 follows:

15 § 4-b. Noise air abatement. 1. For the purposes of this section the  
16 following terms shall mean:

17 "Daytime hours" means the hours between 7:00 a.m. and 10:00 p.m.

18 "Nighttime hours" means the hours between 10:00 p.m. and 7:00 a.m.

19 "Stage 3 noise levels" means the noise level standards promulgated by  
20 the federal Secretary of Transportation and codified at 14 C.F.R. 36.

21 "Stage 3 aircraft" means an aircraft which meets Stage 3 noise levels.

22 2. After the effective date of this section, an air terminal user  
23 shall not add a regularly scheduled flight unless the aircraft used for  
24 that flight meet Stage 3 noise levels.

25 3. The Port Authority shall require all air terminal users to meet the  
26 following schedule with regard to the type of aircraft using its  
27 airports:

28 a. as of December 31, 1992 all aircraft using the air terminals during  
29 the nighttime hours shall meet Stage 3 noise levels;

30 b. as of December 31, 1993 at least 50% of the aircraft using the air  
31 terminals during daytime hours shall meet Stage 3 noise levels, and each  
32 year thereafter at least an additional 12.5% of the aircraft using the  
33 air terminals during daytime hours shall meet Stage 3 noise levels, ex-  
34 cept that if in any year the percentage of Stage 3 aircraft in an air  
35 terminal users fleet is greater than the percentage of Stage 3 aircraft  
36 required by this paragraph, the air terminal user shall schedule its  
37 flight operations so that the number of flights using Stage 3 aircraft  
38 at an air terminal is the same as, or greater than, the percentage of  
39 Stage 3 aircraft in that air terminal user's fleet; and

40 c. as of December 31, 1997, all aircraft using the air terminals shall  
41 meet Stage 3 noise levels.

42 4. The provisions of this section shall not apply to supersonic  
43 aircraft.

44 5. The Port Authority shall adopt all rules and regulations necessary  
45 to implement the provisions of this section. After a public hearing pro-  
46 cess, exemptions may be granted for a limited time period to an air ter-  
47 минаl user which demonstrates serious economic consequences to the  
48 region if the schedule is implemented as set forth in this section. The  
49 burden of demonstrating serious economic consequences for temporary  
50 exemptions for an air terminal user shall be on the applicant.

51 6. The Port Authority shall conduct a study of aircraft and aircraft  
52 noise with a view to establishing aircraft noise standards which would  
53 include only the quieter of Stage 3 aircraft and which would require  
54 compliance of aircraft using Port Authority air terminals at some future  
55 date. The noise standards shall include a phase-out schedule of non-



1 complying aircraft and shall be promulgated in accordance with the Air-  
2 port Noise and Capacity Act of 1990, (Public Law 101-508).

3 The Port Authority, within three years of the effective date of this  
4 section, shall make a report of its findings, standards and phase-out  
5 schedule to the governor and legislature of the state of New Jersey and  
6 the governor and legislature of the state of New York.

7 § 3. This act shall take effect upon the enactment into law by the  
8 state of New Jersey of legislation having an identical effect with this  
9 act, but if the state of New Jersey has already enacted such legislation  
10 this act shall take effect immediately; and further provided that the  
11 commissioners of the Port Authority of New York and New Jersey shall  
12 notify the legislative bill drafting commission upon the occurrence of  
13 the enactment of the legislation provided for in section two of this act  
14 in order that the commission may maintain an accurate and timely effec-  
15 tive data base of the official text of the laws of the state of New York  
16 in furtherance of effecting the provisions of section 54 of the legisla-  
17 tive law and section 70-b of the public officers law.

**New Jersey State Library**

# STATE OF NEW YORK

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3076--A

1991-1992 Regular Sessions

## IN ASSEMBLY

February 4, 1991

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Introduced by M. of A. BIANCHI, HINCHEY, YOUNG, LAFAYETTE, TOCCI --  
Multi-Sponsored by -- M. of A. BENNETT, BRENNAN, CLARK, CONNELLY, CON-  
NERS, GRANNIS, HARENBERG, HEVESI, HILL, JOHN, KOPPELL, MAYERSOHN,  
PHEFFER, SEMINERIO, VITALIANO, WEISENBERG -- read once and referred to  
the Committee on Corporations, Authorities and Commissions -- recom-  
mitted to the Committee on Corporations, Authorities and Commissions  
in accordance with Assembly Rule 3, sec. 2 -- committee discharged,  
bill amended, ordered reprinted as amended and recommitted to said  
committee

AN ACT to amend the general business law, in relation to noise abatement  
at airports

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

- 1 Section 1. Legislative findings and declarations. Although an effec-  
2 tive, efficient air transportation system is vital to the state economy,  
3 excess aircraft noise is an environmental problem associated with  
4 airports. Historically the problem of excess aircraft noise has occurred  
5 in areas surrounding airports, but recently, outlying areas have also  
6 been subject to excess aircraft noise.  
7 Furthermore, although the federal government has adopted the "Airport  
8 Noise and Capacity Act of 1990," (Public Law 101-508), which directs the  
9 Secretary of Transportation to establish a national noise policy and  
10 directs the Federal Aviation Administration to conduct an environmental  
11 impact study and an air safety study with respect to the Expanded East  
12 Coast Plan, the citizens of the state of New York need immediate relief  
13 from excess aircraft noise.  
14 Since a provision in the "Airport Noise and Capacity Act of 1990"  
15 would permit the phase-out of the use of Stage 2 aircraft earlier than  
16 the December 31, 1999 phase-out date in federal law, it is appropriate  
17 for the state of New York to take certain immediate steps to alleviate

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 excess aircraft noise and develop, in accordance with the national noise  
2 policy, long-term strategies to deal with the problem of excess aircraft  
3 noise.

4 § 2. The general business law is amended by adding a new section 244  
5 to read as follows:

6 § 244. Airport noise abatement. 1. For the purposes of this section  
7 the following terms shall mean:

8 a. "Daytime hours" means the hours between seven o'clock in the morn-  
9 ing and ten o'clock in the evening.

10 b. "Nighttime hours" means the hours between ten o'clock in the even-  
11 ing and seven o'clock in the morning.

12 c. "Stage 3 aircraft" means an aircraft which meets stage 3 noise  
13 levels.

14 d. "Stage 3 noise levels" means the noise level standards promulgated  
15 by the federal Secretary of Transportation and codified at 14 C.F.R. 36.

16 2. No airport user shall add a regularly scheduled flight unless the  
17 aircraft used for such flight meets stage 3 noise levels.

18 3. Airports shall require all airport facilities users to meet the  
19 following schedule with regard to the type of aircraft using its  
20 facilities:

21 a. as of December thirty-first, nineteen hundred ninety-two, all air-  
22 craft using airport facilities during the nighttime hours shall meet  
23 Stage 3 noise levels;

24 b. as of December thirty-first, nineteen hundred ninety-three, at  
25 least fifty percent of the aircraft using airport facilities during  
26 daytime hours shall meet stage 3 noise levels, and each year thereafter  
27 at least an additional twelve and one-half percent of the aircraft using  
28 airport facilities during daytime hours shall meet stage 3 noise levels,  
29 except that if in any year the percentage of stage 3 aircraft in an air-  
30 port facilities user's fleet is greater than the percentage of stage 3  
31 aircraft required by this paragraph, the airport facilities user shall  
32 schedule its flight operations so that the number of flights using stage  
33 3 aircraft at an airport is the same as, or greater than, the percentage  
34 of stage 3 aircraft in that airport facilities user's fleet; and

35 c. as of December thirty-first, nineteen hundred ninety-seven, all  
36 aircraft using airport facilities shall meet stage 3 noise levels.

37 4. The provisions of this section shall not apply to supersonic  
38 aircraft.

39 5. Airports shall adopt any rules and regulations which are necessary  
40 to implement the provisions of this section. After a public hearing pro-  
41 cess, exemptions may be granted for a limited time period to airport  
42 facilities user which demonstrates serious economic consequences to the  
43 region if the schedule is implemented as set forth in this section. The  
44 burden of demonstrating serious economic consequences for temporary  
45 exemptions for an airport user shall be on the applicant.

46 6. Each airport shall conduct a study of aircraft and aircraft noise  
47 with a view to establishing aircraft noise standards which would include  
48 only the quieter of stage 3 aircraft and which would require compliance  
49 of aircraft using aircraft facilities at some future date. The noise  
50 standards shall include a phase-out schedule of non-complying aircraft  
51 and shall be promulgated in accordance with the Airport Noise and Capa-  
52 city Act of 1990, (Public Law 101-508). Each airport shall make a  
53 report of its findings, standards and phase-out schedule to the governor  
54 and the legislature within three years of the effective date of this  
55 section.

56 § 3. This act shall take effect immediately.





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**ASSEMBLYWOMAN MAUREEN OGDEN (Co-chair):** I would like to welcome everyone here to the second hearing, a rather unique -- certainly unique -- perhaps historic hearing, a joint hearing between the Environment Committee of the New Jersey Assembly and the Environment Committee of the New York Assembly. I would like to introduce Assemblyman William Bianchi, who is Chair of the New York Assembly Environment Committee. I will turn the microphone over to him in just a minute so he can make a statement.

I would like to say that in both of our Committees -- and this is really the subject of the hearing today -- are identical bills; bills that would call for the Port Authority to have a phaseout by the end of 1996 of the noisy Stage 2 jets. (applause) We know the Port Authority itself is battling with the FAA at this point. They are calling for a faster phaseout than is being called for by the FAA. The Port Authority is proposing that all the noisy Stage 2 jets be phased out by the end of 1999. The FAA has a target date of the year 2003.

We know we have basically two issues, one being what I think is fair to call the "acoustic Chernobyl" that exploded here over our quiet residential communities on February 12, 1987, when the FAA introduced the Expanded East Coast Plan. I feel it is very arrogant of the FAA not to even have attended either of the hearings, the first hearing that was held two weeks ago in New York, and this hearing today. (applause) While that is a key issue for all of us, and has really brought us to the point where we are seeking action by the two States, the area in which we can operate, in which we can take meaningful action at the state level, is with the two identical bills that are in both of our Committees. I would ask people who are testifying today, except for the congressional representatives, to try to pinpoint their remarks dealing with the bills that are before us.

We are really very pleased to have two members of the congressional delegation in person with us this morning. Congressman Matt Rinaldo is going to be the first witness, and rightly so. He is about to become, or maybe now is, the Dean of the delegation from New Jersey in the House, and he also represents Cranford.

But before asking him to begin his testimony, I would just like to tell everyone that we do have a sign-up list. Many people have signed up to speak, actually between 40 and 50. Therefore, as we listen to everyone, because we don't want to leave anyone out, we ask everyone to please try to limit their remarks to five minutes, if possible. We will be starting with those at the Federal level, and then we will be dealing with agencies and people representing organizations.

Before Congressman Rinaldo begins, I would just like to introduce another member of the New Jersey Assembly Environment Committee, Assemblyman David Kronick. Assemblyman Kronick, do you wish to say any words?

ASSEMBLYMAN KRONICK: Thank you, Madam Chairman. First, I would like to say that I commend you for this undertaking, certainly much needed. I think as we go down the road here we are certainly concerned, at least I am, about the airlines. I know the financial plight they are experiencing. But then again, I am concerned about the State of New Jersey and the people. Of course, I have constituents in Kearny who have let me know, time and time again, about their concerns. I think what we are trying to do is find a balance, some way the airlines can be more receptive, more willing to cooperate, to move their time clock a little bit forward.

I want to hear what the people here have to say. I think I was here two years ago, Madam Chairman. Was it two years ago I think we were here? I heard of the many concerns. Certainly the people in this area are impacted, I think, far greater than the people in Kearny. So we have to try to find

that balance so we can move forward, and maybe both parties can be reconciled.

Thank you very much, Madam Chairman.

ASSEMBLYWOMAN OGDEN: Thank you, Dave.

Now I would like to introduce Assemblyman William Bianchi, who is Chair of the New York State Assembly Environment Committee. I would particularly like to say that I am tremendously pleased that he has been willing to introduce identical legislation in his Committee. As many of you know, in New Jersey, in the waning days of 1989, we almost passed a bill to provide for a faster phaseout of the noisy Stage 2 aircraft. But one of the problems was, people charged that it was illegal because only one State could be calling for the Port Authority to take action. One charge that they are not going to be able to make this time when both States enact this law, is that it is illegal, because it will be bistate action directing the Port Authority.

Assemblyman Bianchi? (applause)

**ASSEMBLYMAN I. WILLIAM BIANCHI, JR. (Co-chair):** Thank you very much for the invitation to join with you today, Assemblywoman Ogden. Congressmen and Assemblymen, it is good to be with you, also. This is my first visit to this part of New Jersey. You could not have picked a nicer week to do it. It is all in bloom, and it looks almost like my hometown. I live in Bellport on the south shore of Long Island, about 60 miles out. We are in the suburbs, too, but I must point out that we have airport noise problems out there, as well.

I think the thing that so many people are just beginning to realize is, this part of New Jersey and Long Island are impacted more with airport noise, from all the reports that I have seen, than any other part of the country. So it is important, I think, that the two states work together. We know this is an environmental problem, an economic problem, a quality of life problem.

I can't tell you how concerned people in Queens are over this issue. You know, they are struck with the planes both from Kennedy and La Guardia. My colleagues in the State Assembly from Staten Island tell me that they can look down the street and see the planes taking off at Newark and, you know, coming right over their homes, as well. We have a serious problem, and we are all in this boat together.

The thing that impressed me so much was, we had our first joint hearing, as you know, two weeks ago, on May 1, in New York City. At that time, I was very distressed that the FAA did not attend the hearing. Obviously, they are not attending the hearing here today either. I think that is a sign of arrogance in Washington that they really don't care about the environmental and social impact they are putting on the people of this community.

We also have a problem with the Port Authority. You know, I think if we had not put this bill together, with our quicker phaseout, the Port Authority would not have come along and taken the position they did. (applause) So I am obviously pleased that the Port Authority has come up with a plan, but I don't think it is good enough. It is not good enough for several reasons:

Number one, the Port Authority has not been managed well recently. I hate to tell you this, but reading Newsday today and yesterday, they have been going through a whole series of exposes on the Port Authority. They have articles here about wasting \$22 million on a white elephant project at Kennedy Airport over a period of four years. One was a computer program that they put in and then threw away. The other was the tunnel to nowhere that cost them \$40 million. So if we sit around and wait for the Port Authority to take the kind of leadership we need, we are not going to get very far. (applause)

This is a Newsday story from yesterday. It says: "From the Port Authority another fiasco." So we unfortunately see, with all the billions of dollars they have, that they have been playing with our money, but they are not taking care of our noise problem. That is what we are here today to talk about. So I am delighted that we can gather to do this. My feeling is that there is tremendous interest and a real push in New York to pass our bill. We intend to work together with you on getting this kind of legislation passed. There has also been talk that we may be taken to the Federal courts if we pass the bill in both States. I can tell you, even though you don't know me, my first experience when I was not in government was that I brought a lawsuit as a private citizen against our county form of government, which was 300 years old. We went to court and said that we needed, "one man, one vote." To make a long story short, after eight years and two trips to the Supreme Court, we abolished our county government, and we came in with a county legislature. So, if the FAA thinks they are going to push us around-- They may push you, but they're not going to push me. (applause)

I think the year 1992 is a year for people empowerment. The people have to make their voice heard. I just come here today to encourage everyone in the Assembly and the State Senate to get behind their Governor and the Senators in both States. I think the Senators, like Lautenberg, have done a wonderful job. I am here as an Assemblyman to help them, with you, to get these bills passed.

Thank you very much for your time today. I want to hear what you have to say. We will work together in the future. Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Assemblyman Bianchi.

Congressman Rinaldo?



C O N G R E S S M A N   M A T T H E W   J.   R I N A L D O:

Thank you very much, Madam Chairperson. I want to certainly thank my good friend and one of New Jersey's leading environmentalists, Assemblywoman Maureen Ogden, for holding this joint hearing with members of the New Jersey and New York State Legislatures.

Jet noise is a problem common to millions of residents in the metropolitan area, from Queens and Staten Island out to Cranford, Scotch Plains, Woodbridge, and Long Valley. What has been particularly frustrating to me, and I am sure to others in this room, is the apparent and obvious lack of resolve on the part of Federal agencies like the FAA to take action to protect residential areas from the excessive noise generated by jet aircraft. I certainly agree with the gentleman from New York that the attitude of the FAA is a cavalier one of unconscionable arrogance, and it's got to be stopped.

I have been to more than 25 hearings and meetings here in New Jersey, at Newark Airport, at the Port Authority, at the FAA Administrator's office in Washington, with two Secretaries of Transportation, with Committees of Congress, and colleagues from my home State of New Jersey, including Dick Zimmer, who is here this morning.

One result is that Congress approved my legislation requiring an Environmental Impact Statement on the effects of aircraft traffic noise in New Jersey. Unfortunately, the FAA is behind schedule, by one year, in completing the study, and every day the people I represent in Congress must continue to endure the seemingly endless drone of jets flying overhead.

Noise generated by jet aircraft represents a significant and steadily growing environmental problem in this area and throughout the United States. And, let me add, jets fly over my home in Union, so I know full well that the complaints of the people in this room are valid.

The FAA could take steps, right now, to lessen the noise problem created by the Expanded East Coast Plan, and the Environmental Impact Study is the logical vehicle to initiate changes in the air traffic patterns to mitigate the noise impact on residential areas to the fullest extent possible. For whatever reason, however, the FAA has stalled in completing the Environmental Impact Statement. This is outrageous, and I have told the FAA to get the study done, release the results to the public, to the members of your Committee, to everyone who wants them, and it will prove our case that major changes must be made in the air traffic routes. Route changes can bring quick relief, but they are not the complete solution.

The noise problem, in my view, must be addressed on several different levels. Assemblywoman Ogden and the Port Authority have offered us one approach. Speed up the phaseout of the older, noisy Stage 2 jets operating in this region. Replace those noisemakers with quieter Stage 3 jets. But that is not all; a lot more has to be done.

I recently introduced legislation in the House to direct the FAA and NASA to embark on an expanded and much more intensive research effort to develop even quieter jet engines and airframes that will permit aircraft to operate at noise levels considerably below even current Stage 3 jets. My legislation would put aircraft noise abatement on a fast track. It could mean that the next generation of passenger jets will be a lot quieter than anything flying today, including the new Stage 3 planes.

If the FAA and the airline industry had taken this approach back in the 1960s, when Congress killed the SST development because it was too noisy and expensive, we would not be in this fix now.

Let me give you, in summary, what I think has to be done now:

1) We can, and we should, and the FAA should, send the jets out over the ocean until they can climb high enough to reduce the noise before turning back over New York or New Jersey. (applause)

2) Speed up the replacement of the Stage 2 jets with the quieter Stage 3 aircraft.

3) I am going to work as hard as I can to persuade members of Congress to pass my bill to initiate an accelerated research project to develop even quieter engines and airframes.

4) Finish the Environmental Impact Statement.

5) Implement the findings and recommendations of the Environmental Study without any delay or further hearings.

6) Let's all join together and keep the pressure on the FAA to roll back the Expanded East Coast Plan. (applause)

I want to assure the members of the New York and New Jersey Legislatures, Assemblywoman Ogden, and everyone in this room, that I want the FAA to be just as concerned about the noise outside the cabin of the plane, as they are with the health and safety of the people flying on those planes. People of this area, people of the two States, demand action. They need it, and they are entitled to it.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you very much, Congressman. Any questions or comments?

ASSEMBLYMAN BIANCHI: Congressman, I would like to make a comment, if I could, on what you said in your testimony. One of the items we came across before this hearing is something I thought the audience would appreciate, and that is, there was a study done just recently, dated April 5, 1991 -- in the last 12 months -- for the Commission of the European Communities in Europe, basically the Common Market. What this report shows, in 12 pages, is that they have the same problem with aircraft noise in Europe that we have here. "Within a few years," they said, "Europe will not be able to expand their

flights because of the noise problem they have." Their solution is very similar to what your ultimate solution is; that is, to make sure that we get to the Stage 3 planes as quickly as possible, and, at the same time, do research to make sure that the Stage 3 are quieter than they are today, because that is the ultimate answer, they feel, to the noise problem. I think that since you brought that up in your testimony, it is interesting to see that 12 or 14 nations agree with you.

CONGRESSMAN RINALDO: Well, I didn't know about that. One of the aims of my legislation is obviously to take that function away from the FAA research, because they are spending just a minuscule portion of their budget on it. Obviously they don't care, and the funds should be given to NASA, which, I believe, will do a much better job, much faster, and we can finally obtain the relief that everyone wants. Quite frankly, the FAA has been foot-dragging. We're putting as much pressure on them as possible, and we are going to continue it. But they act as an autocratic agency. They don't listen to members of Congress; they don't listen to the people; and I think they are violating the function for which they were created. (applause)

ASSEMBLYWOMAN OGDEN: Dave?

ASSEMBLYMAN KRONICK: Congressman, I was just wondering, what has the New Jersey delegation done to push for the Impact Statement from the FAA? Are we together on that? Are we putting on all the pressure we can?

CONGRESSMAN RINALDO: Yes. I can assure everyone here of this: The New Jersey delegation has acted in a cohesive fashion. We have done-- Just to give you some of the things, we have done volumes. I could bring it down and show you. We have had meetings with the Secretary of Transportation, the head of the FAA. There has been relentless pressure put on them -- letters, hearings. It is brought up almost weekly in Washington, and we are going to continue to do everything possible. There has not been one occasion when I have had a

letter or called a meeting or initiated any type of action whatsoever, where I have not gotten the full and complete cooperation of the other members of the delegation.

ASSEMBLYMAN KRONICK: Well, that is certainly good to hear. I would like to know, sir, regarding the hush kit for the Stage 2-- Do you think there is some incentive that might be incorporated here to maybe make this move a little faster, make it more attractive for the industry? Is that being considered in your legislation, or being considered by anyone involved in this?

CONGRESSMAN RINALDO: Well, if you are talking about some kind of financial incentive to the airlines, quite frankly, I think that would be-- It is a good suggestion. I will certainly look into it, but it is one that is going to be very, very difficult to implement.

I feel, on the one hand, that -- and this is one of the reasons I am pleased that you brought it up -- if we can spend money for people in urban areas for other reasons, then certainly we ought to be able to put some money to work in this area, if it will produce the kind of results we want.  
(applause)

ASSEMBLYMAN KRONICK: Thank you, Madam Chair.

ASSEMBLYWOMAN OGDEN: Thank you very much, Congressman.

I would like to note that we have been joined by Assemblywoman Rose Heck, from Bergen County. Thank you, Rose.

ASSEMBLYWOMAN HECK: Thank you. How are you?

ASSEMBLYWOMAN OGDEN: Next I would like to call another member of Congress, Assemblyman -- I knew him when he was an Assemblyman -- Congressman Richard Zimmer.

C O N G R E S S M A N   R I C H A R D   A .   Z I M M E R: Good morning. Madam Chairman, I want to thank you and your counterpart, Assemblyman Bianchi, from New York, for convening this hearing, and the one two weeks ago in New York City. It is important for us to remember how interrelated our

communities in this bistate region really are. I want to tell you that I strongly support A-329. I hope it becomes law in both States soon. Aircraft noise is a problem not just for New Jersey, but for the whole region. The New York metropolitan area has the busiest airspace in the world, and the number of enplanements will surely continue to increase. A solution to the noise problem will come about only through a combined effort from elected officials of both States, the aviation industry, the Federal government, and, of course, affected citizens themselves. This series of hearings is an important step in the right direction.

The problem has existed since 1987, when the FAA restructured air routes on the East Coast to create excessive aircraft-generated noise levels in both New York and New Jersey. In New Jersey alone, excessive noise levels plague 277 communities dispersed throughout 10 counties. Many of these areas never experienced aircraft noise until the Expanded East Coast Plan took effect. Residents of these affected areas feel -- rightly feel -- that the EECF was implemented without their input and at their expense.

I remember, Madam Chairman, in 1987, your conducting what was probably the first hearing on this subject here in Union County. I was delighted to be in attendance, and I commend you for your tenacity on this issue. I think you are going to get results. (applause)

For the past five years, the FAA has turned a deaf ear to the citizens who have made their complaints known before you, and others, and has even gone so far as to attempt to block the Port Authority of New York and New Jersey from implementing its own noise abatement program.

In March, I held a hearing in Bernardsville to discuss, among other things, the FAA's threat to withhold permission for the Port Authority to institute a \$3 per person Passenger Facility Charge until the Port Authority scrapped its

plan to impose an accelerated phaseout of noisy Stage 2 aircraft. Unlike your hearings, the FAA did come to mine. It claimed that Section 9307 of the Airport Noise and Capacity Act of 1990 gave it the right to withhold its approval for that charge. However, it was not the intent of Congress to allow this latitude to the FAA. I believe that this dispute will soon be resolved, because my colleagues on the Public Works and Transportation Committee, Susan Molinari, the Republican representative from Staten Island, who attended the Bernardsville hearing, and Bob Roe, the Democrat from Passaic County, Chairman of the Committee, have added language to the Report Section of this year's FAA reauthorization bill that clarifies the purpose of the 1990 law. The report states, and I quote: "The governing law is quite clear that FAA has no authority to refuse to approve a PFC on the grounds that FAA does not approve of an airport's restrictions on Stage 2 aircraft."

This is good news for those of us who live under the busiest airspace in the world, and clears the way for an accelerated phaseout such as that proposed by the Chairwoman and now pending in the New Jersey Assembly.

The Public Works Committee Report also criticizes the FAA for delaying the Environmental Impact Study that Congressman Rinaldo referred to in his earlier testimony. It is very critical of the FAA, and says there is no excuse for this delay.

Within minutes of taking off from Newark International Airport, planes pass over suburban homes that were built long before the 1987 route changes. It is unfair to the people who live far from Newark or other major airports to have to put up with noise from low flying airplanes.

I am a cosponsor of Congressman Rinaldo's new bill, the Noise Research and Abatement Act of 1992, which, as Congressman Rinaldo said, would direct up to \$25 million a year

for the next eight years to NASA and FAA research programs geared to develop quieter jet engines and airframes. However, quieter aircraft are not the whole solution. Noise is a function of thrust, angle of ascent, and atmospheric conditions. Therefore, sane routing procedures must still remain a priority. (applause)

With this in mind, last October I introduced H.R. 3510, which would route as much traffic over the ocean as possible and allow it to turn inland only after reaching an altitude where noise is no longer a consideration. (applause) In cases where aircraft cannot be rerouted over the ocean, the legislation requires the use of air routes used before the EECF was adopted in 1987. The FAA would have 18 months from the date of enactment to change the routes. In addition to the obvious noise reduction from diminished traffic, the less crowded routes would allow planes that continue to ascend overland to do so over more industrialized, less populated areas.

The rollback is only a regional solution, of course. Next week I will introduce another bill in Congress that would make noise measurement more responsive to the actual effect of noise on residential areas. This would have nationwide impact. The bill calls for the FAA to take into account population density and background noise, and to treat populated areas differently from industrial areas when planning air routes. (applause) Finally, the bill mandates that FAA reevaluate existing routes that are still a focus of controversy. The hearing in Bernardsville was very helpful in pointing out how the measurements used by the FAA bear no relationship to actual reality. By using annual averaging of aircraft noise, the FAA really evades its responsibility to make life livable for people whose lives are intermittently shattered by deafening aircraft noise. My legislation would deal with the specific problem.



Madam Chairwoman, we have worked for years to find solutions to the aircraft noise problem. I believe that through the use of quieter aircraft and sensible routes we can give relief to millions of people affected every day by aircraft noise.

Thank you for letting me speak. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Congressman. Questions or comments?

ASSEMBLYMAN BIANCHI: I would like to make a comment. Congressman, I am delighted to hear the creative ideas in your bill. If you would be kind enough, after you introduce it, to send a copy over to New York, we would like to stir up some support for it over there, too. Thank you very much.

CONGRESSMAN ZIMMER: Excellent. Thank you.

ASSEMBLYMAN BIANCHI: Can I leave my card with you?

CONGRESSMAN ZIMMER: You sure can. Thank you.

ASSEMBLYWOMAN OGDEN: Rose, do you have any questions?

ASSEMBLYWOMAN HECK: No, just my compliments on the introduction of a new bill.

CONGRESSMAN ZIMMER: Thank you, Assemblywoman.

ASSEMBLYMAN KRONICK: Congressman, I like the idea that both you and Congressman Rinaldo mentioned about the routes flying over the ocean. What has been the problem that we couldn't get that on the fast track? What has been the resistance, and why? To me, that would be a quick solution. I know it would be more fuel and that there would be a cost factor, but, to me, it would be a good solution. It makes sense.

CONGRESSMAN ZIMMER: There would be more fuel consumed. My best estimates are-- I think the witnesses testifying after me would have exhaustive information on this, but my best information is that the cost factor and the fuel consumption factor would be minimal. A very large proportion of the flights from our three metropolitan airports have

destinations that are south of Cape May. Those flights could very easily be routed out over the Atlantic. I understand that when the FAA did cost estimates, it did so on the basis of a very unrealistic routing pattern, which would route planes due east, and then they would turn around and run west again. That is not my conception.

I think that if they tried to solve the problem using a common-sense approach, routing the planes parallel to the New Jersey coast and in a southerly direction until they either reach cruising altitude or pass Cape May, I think it would be very feasible, and very affordable. They also complain that in order to change any of the Expanded East Coast Plan, they would have to change virtually all patterns in the entire Northeast. Well, I think that is probably true. They are all related, and they should change all the patterns in the Northeast. (applause)

ASSEMBLYMAN KRONICK: I would just like to ask one more question: Have they made any progress with the use of military air lanes?

CONGRESSMAN ZIMMER: Well, at the request of the New Jersey delegation, the Pentagon was asked whether that military airspace was needed for military purposes. The Pentagon said, "No," and the FAA said, "We don't care."

ASSEMBLYMAN KRONICK: That's incredible. Thank you very much for your response.

ASSEMBLYWOMAN OGDEN: Thank you very much, Congressman. I, too, would like to echo the comments of the other members of the panel up here to congratulate you for your really active pursuit of solutions and bills that you are either sponsoring or cosponsoring to help us to finally find a solution to this problem.

CONGRESSMAN ZIMMER: Thank you very much. (applause)

ASSEMBLYWOMAN OGDEN: Neither Senator Bradley nor Senator Lautenberg were able to be here today, but they have

their aides, I believe-- Are the aides for both Senators here? (affirmative response from audience) Would you like to present the statement, and, if possible, summarize it?

K E V I N R I G B Y: Thank you. Madam Chairwoman, elected officials, ladies and gentlemen: My name is Kevin Rigby. I am the State Director for Senator Bill Bradley. Sometimes my summary is longer than the statement. It is two pages, so I will read it for the sake of-- I grew up in politics, as well.

"I would like to thank this Joint Committee for holding this important hearing on aircraft noise.

"While I am pleased to have this opportunity, I must say that I am disappointed that after five years we are still holding hearings like this one, still waiting for the FAA to complete the Environmental Impact Statement that should have been completed this month. We cannot continue to wait for the FAA. That is why it is important that we continue to combat this problem from all sides.

"It is true that since 1987 we have studied this issue thoroughly. We've heard testimony from hundreds of concerned citizens and interest groups affected by this problem. We've heard expert testimony from the specialists at the FAA, the Department of Transportation, and the Department of Defense, and we've considered a legion of options, all designed to eradicate this problem.

"And, while the bureaucrats at the FAA have been hiding behind what they refer to as 'a mountain of paperwork,' who has suffered? Sadly, the answer is all too clear. The thousands of New Jersey residents whose quality of life has been compromised by the incessant aircraft noise for more than five years, are the ones who have suffered; not the FAA bureaucrats who are convinced that if they drag their feet long enough this problem will go away.

"Long ago, the people of my State stopped believing that the FAA was committed to, let alone capable of, solving

this dilemma. In fact, they've invested their hopes in other entities.

"The Port Authority is trying to alleviate the noise pollution by accelerating the schedule of the phaseout of Stage 2 aircraft. I support this initiative. The National Stage 2 Phaseout Schedule will not assure the people of New Jersey that they will receive their fair share of relief from those noisy Stage 2 aircraft.

"When the Aviation Safety and Capacity Expansion Act of 1990 was passed, the intention of the legislation was very clear. It was to enable the local airport operators to retain the authority to impose restrictions on noise. It is important that the Port Authority and the local citizen groups that are closest to the situation maintain the right to work together to balance the transportation and environmental needs of our State. The fact that this airspace is above the most densely populated State in the country is all the more reason to ensure that local concerns are taken into consideration.

"It is imperative that the Port Authority move forward with this proposal without the FAA threatening to reject its application for the right to implement a Passenger Facility Charge. The residents of New Jersey rely on a complicated network of transit services for transportation. The PFC is the funding mechanism that is intended to connect our many transportation systems, making them more efficient and safer. It is irresponsible for the FAA to respond in this way and only compounds this issue further.

"Aircraft noise pollution is a complicated problem. There are no simple answers. The problems' ultimate resolution requires a multifaceted attack waged on many levels by many people. It requires communities, local operators, and the government to work side by side with a mutual goal -- to find the common ground where an acceptable solution can be produced. Officials at the FAA must understand how important

it is for them to work with, and not against, the people affected by the noise. And the people of New Jersey who have lived this nightmare since 1987 must accept nothing less.

"Thank you." From Senator Bill Bradley. (applause)

ASSEMBLYWOMAN OGDEN: For the record, if you could give your name--

KATHERINE FORSYTH: Thank you. Madam Chair, members of the Committee, ladies and gentlemen: My name is Katherine Forsyth. I am the State Director for Senator Frank Lautenberg. Unfortunately, Senator Lautenberg is in Washington today and can't be with us, but he did ask that I read the following statement:

"Since the FAA implemented its East Coast Plan, I have been working to try to bring relief to those people affected by airport noise. Unfortunately, we are not just fighting noise; we are fighting an entrenched FAA. Despite continued pressure from me and others in the New Jersey congressional delegation, the Reagan and Bush administrations have refused to help. But I want to reassure the people in this room today that I will continue to fight to restore their quality of life.

"The unwillingness of the FAA to help the people of New Jersey continues today. It is challenging the ability of the Port Authority to implement noise control measures. The FAA is dead wrong in doing this, and the fact that the FAA would not even send a representative to this hearing only compounds its mistakes.

"In 1990, the Congress enacted aircraft noise legislation. In the course of the development of that bill, I worked to ensure that airport operators like the Port Authority would retain their rights to impose noise control measures. Now the FAA and others are trying to rewrite the history books and say that the Port Authority does not have those rights. The FAA has threatened to disprove the Port Authority's plans to make needed transit improvements if it goes ahead with its

plan to phase out noisy Stage 2 planes. In doing so, the FAA is essentially blackmailing the people of New Jersey. It has also delayed the Environmental Impact Statement on the Expanded East Coast Plan, and stonewalled the consideration of proposals to alter routes and expand the use of military airspace over the ocean. If the FAA spend half as much time trying to help us as it does trying to stop us, many New Jerseyans would be living quieter, more peaceful lives today.

"In July 1990, I coauthored a five-point plan to tackle the noise problem. That plan called for: The increased use of military airspace off our coast; an aggressive plan to phase out noisy planes from our region's airports; the development of a National Noise Policy; the preparation of Environmental Impact Statements for major route changes; and a national phaseout of Stage 2 aircraft by the end of the decade. I have also directed funds for school soundproofing programs.

We have seen some progress on the five-point plan. The use of coastal airspace is being studied. The Port Authority has proposed a phaseout plan.. Although I still think it needs a lot of work, the National Noise Policy has been put into place. The Environmental Impact Statement for New Jersey is underway, though long overdue, and the national phaseout of Stage 2 aircraft is now law.

"But like many of you, I am frustrated by the lack of cooperation and unfulfilled commitments by the FAA. On May 20, the FAA will appear before my subcommittee as part of the annual budget process. Aircraft noise, and what is being done to help the people of New Jersey, is at the top of my priority list for that meeting. (applause)

"The Environmental Impact Statement must be issued without further delay. Resources have to be devoted to making route changes, and not to fighting us. For us to be successful, the FAA has to work with us, not stand in our way.

"Over the last weeks, I have had extensive discussion on aircraft noise issues with both Transportation Secretary Card and the nominee for FAA Administrator, General Richards. Secretary Card assured me that as a person who lived in the shadow of Logan Airport in Boston, he is sensitive to the problem of aircraft noise. I will continue to press Secretary Card and the FAA to take a fresh look at these issues from the perspective of communities like Cranford, Scotch Plains, Fanwood, and others which are suffering.

"The noise problem is serious, and it is real. I am committed to doing all I can to get the Bush administration and the FAA to provide relief to the citizens of New Jersey."

Thank you, from Senator Lautenberg, Madam Chairman.

ASSEMBLYWOMAN OGDEN: Next I would like to call David Plavin, from the Port Authority. (disturbance in audience) Let me say, when we hold Committee hearings down in Trenton, we do not allow people to either clap or to call out. I know there are very strong emotions on this subject, so we have been somewhat lenient at the beginning of this hearing. However, I ask that you be courteous to everyone. Everyone is going to be given an opportunity to state their views on this subject, and I particularly ask you to be courteous to those whose views you disagree with.

D A V I D Z. P L A V I N: Good morning, Madam Chair. My name is David Plavin. I am Director of Aviation for the Port Authority. I know you had testimony presented to you at the hearing that was done in New York. Jim Muldoon, of my staff, was there to answer questions at that point, so I am not going to reiterate the testimony we gave. Our testimony has already been entered into the record. I would like to make a couple of comments by way of introduction, however, and then I would be pleased to respond to whatever kinds of questions you or your colleagues may have.

Let me start by giving you a little bit of an update on the status of our proposals, because, as you have pointed out, our proposals are under attack from Washington in a couple of areas. It is not just in the area of trying to withhold our rights to do other kinds of programs. It is also an attack on the fundamental right of the local airport authority to institute a set of restrictions on aircraft operation.

Our feeling has been that before the 1990 Act, the local authorities had the right to install local operating restrictions on aircraft operations at their airports, provided they were not discriminatory, and provided they met the test the court had established at that time for not imposing an undue burden on interstate commerce. We believe the history of restrictions in the metropolitan area met those tests. The courts agreed with us, because those restrictions had been challenged. Before the 1990 Act, we began to look at ways of putting in place a set of local restrictions, because we despaired of the notion of there ever being a Federal phaseout program.

We began that process, and began the process of trying to demonstrate that we were, indeed, in accordance with the various tests that had been established. The Act came along and imposed a series of procedural requirements on the process of establishing local noise restrictions. We believe we have met those procedural requirements in assessing economic impact and burdens on commerce.

Finally, the issue now relates to a more recent pronouncement, which suggests that our rule could have economic consequences that would exceed \$20 billion if applied nationwide. That is an analysis that we are examining at this point. Obviously, were that to be true, we would have to give that significant consideration. I have to say, however, that we are not convinced that those numbers bear any relationship to reality.



That is where we are at this point. We expect to be able to evaluate that shortly, and then, hopefully, we will be able to proceed at that point with the implementation of the regulations we have proposed; that is to say, make a set of final recommendations that translate the staff proposals that many people have been exposed to, into a final set of rules that we can recommend to our own Board of Commissioners for approval.

I think I will stop there. I will be pleased to respond to whatever questions you may have.

ASSEMBLYWOMAN OGDEN: Did the FAA supply you with a detailed analysis as to how they came up with that round figure of \$20 billion?

MR. PLAVIN: They have begun to do that. They have begun to share their models with us; to share their analysis with us; and they have begun to indicate how those numbers are derived. As I mentioned, however, I am not persuaded that the approach is one that deserves deference at this point. I don't believe we are in a process of being able to demonstrate that there is, indeed, a significant burden. There is some burden, but we don't believe it is significant.

ASSEMBLYWOMAN OGDEN: As I recall from Mr. Muldoon's presentation two weeks ago, he believes that if the Port Authority is to go ahead with their plan for total phaseout by the end of 1999, that there would not be significant economic impact--

MR. PLAVIN: I think that is, indeed, our position.

ASSEMBLYWOMAN OGDEN: --as opposed to the ATA, which said there was going to be a billion dollars' worth of costs.

MR. PLAVIN: I think in that context that I should mention, we are not interested in doing damage to the economies of the two States. Obviously, the airports are major economic generators for both States. Therefore, if there were data that would demonstrate a truly significant burden, I think we would

be obligated to consider that. I think it is fair to say that neither the airline industry nor the FAA has been able to supply us with any data we can use to evaluate such claims.

ASSEMBLYWOMAN OGDEN: You did your study over a period of, what was it, four or six months?

MR. PLAVIN: The study was a study that began in the period early in 1990, and was modified somewhat, based on the requirements of the 1990 Act. So, in effect, it was done over the period of a year. It was based on the assessment of what kinds of changes the airline industry would have to make in order to deal with a whole host of other economic pressures on them, as well as regulatory pressures. That is the basis on which we concluded, and continue to conclude, that we do not believe our proposed rules place undue burdens on the industry or on interstate commerce.

ASSEMBLYWOMAN OGDEN: When Phase 1, the prior annoying stage, was phased out in the early 1980s, was there an economic impact? Was there an adverse economic impact when we went from Phase 1 to Phase 2 -- or Stage 1 to Stage 2, rather?

MR. PLAVIN: It is difficult to assess. I think some things are known clearly. There were clearly aircraft which had to be eliminated from service prior to the expiration of their economic life. That is clearly right. There were clearly modifications that had to be made to those aircraft in order to accommodate restrictions on Stage 1 operations.

So, there were some costs associated with those restrictions. We expect that there would be some costs associated with any restrictions we might impose. However, history does not suggest that they were draconian, and I don't think the evidence suggests that our restrictions would impose any significant burden on the economy, or on the livelihood of the major air carriers.

ASSEMBLYWOMAN OGDEN: In addition, I believe at that time there was the safety valve that if, after hearing an

investigation, it was found that one or more airlines were going to be really severely impacted, they would be allowed to have an exemption for a stated period of time; a concept that is included in the two bills that Assemblyman Bianchi and I have in our Committees. I believe that if this should occur with certain airlines, there is a mechanism to address that problem.

MR. PLAVIN: I think we need to be cognizant of the fact that we have several major carriers, many of which have centers of operation in this region, whose economic condition is rather frail at this point. I don't think it is in any of our interests to do anything that would push them over the edge. I think we are trying to be very careful not to do that. But once again, I have not seen any evidence to date that suggests, in any way that I can measure or evaluate, that that would be the case.

ASSEMBLYWOMAN OGDEN: Thank you. Bill?

ASSEMBLYMAN BIANCHI: Mr. Plavin, the \$20 billion cost I assume would be to phase out Stage 2 planes quicker than the FAA would like and do it on a national basis. Probably that is where they are finding that number. Assuming that they are not right on that, what is your position today on phasing out that changed East Coast Plan; in other words, getting more of these planes out of the area?

MR. PLAVIN: I think clearly we have been working on trying to pressure the FAA to examine this issue as quickly as possible to come to some set of facts that everyone can agree on, and then to implement those changes which have the ability to move aircraft activity from over people's heads to places where they are impacting many fewer, or, ideally, no people at all. I am not sure that is possible, but that is certainly what our push has been toward. I think clearly we would support any changes in the Expanded East Coast Plan that have the effect of lessening aircraft noise over people's homes.

The difficulty, obviously, is that in a densely populated area like the New York/New Jersey metropolitan area is, unless we can, indeed, use things like ocean airspace and airspace over otherwise reserved territories, there isn't anyplace where people don't live. That is why the issue about the ability to use relatively sparsely populated airspace is so important. But it is also important to point out, I think, that in getting to that space, we are also often flying over people's homes, and I think we need to be careful that in the process of implementing those kinds of rules we don't simply take aircraft activity from over one community and put it over another community. That is certainly something we have been actively trying to-- (disturbance in audience)

Well, I think the reaction from the audience suggests that people have observed that that is obviously what did happen in the Expanded East Coast Plan. I think that, in fact, is what we-- We would not recommend something that compounds that problem, at this point.

ASSEMBLYMAN BIANCHI: Let me ask you this: Before they did the Expanded East Coast Plan, the plan that was in operation before they made the change-- Was that detrimental to the Port Authority? I mean, did the Port Authority support the Expanded East Coast Plan?

MR. PLAVIN: I think there are two elements to the Expanded East Coast Plan. I think it is clear, as I have been able to reconstruct that period, that the Port Authority was working on pressuring the FAA to do something to relieve the enormous congestion that was taking place at the airports, and to try to open up the use of airspace in a way that would allow a more efficient use of the airspace. I think that none of us-- Again, hindsight is a wonderful thing, but I don't think anybody understood at the time the implications of opening up new air routes over people's homes -- people who had not previously experienced aircraft noise.

I think that is clearly a shortcoming in the process. I think clearly the issue about how you go about assigning the use of airspace is a very sensitive one, and I think the issue about recreating the airspace of the time in order to try to evaluate what people should have known at the time, and didn't look at, has proven to be more troublesome than most people expected. But I think that is clearly what is in order, at this point, and everybody, in terms of dealing with undoing the Expanded East Coast Plan, or modifying it, is going to have to examine those issues now because, if nothing else, people have learned that lesson.

ASSEMBLYMAN BIANCHI: I am troubled today by the testimony we had from the Senate, when Senator Lautenberg, I believe this morning-- You heard him say that the FAA is not interested in renegotiating the military airspace that he says the military doesn't really need.

Now, if we had that kind of airspace available to the area, I would assume that would help take the pressure off the rest of the area a little bit. I am wondering, from your contacts with the FAA, why do you think they are just stonewalling this whole military airspace problem?

MR. PLAVIN: I am not sure I am really in a position to make that judgment. It seems to me that there is some indication in some communities that their concern about the use of military airspace is what the air routes would have to look like in getting to that space and in getting to the ocean airspace. That is an issue that still needs to be addressed.

I was interested to hear, I believe it was Congressman Zimmer, make the point this morning that the DOD has indicated that they do not need that airspace, because my earlier information was that DOD was not comfortable with relinquishing its authority, and exclusive jurisdiction over that airspace as well. So, that is an issue I intend to find out more about.

ASSEMBLYMAN BIANCHI: Yes. I think that if the Port Authority could check that out, that might help to expedite the whole, maybe, readjustment of some of the routes.

The other point I want to make is, it is clear to me that just changing routes, per se, is not going to solve the whole problem, but we want to do all we can do. If there is space there that isn't being used, obviously, it seems to me, it would be a good idea to use it if you can. But in the meantime, we want to, together, put on all the pressure we can to eliminate the Stage 2 aircraft. As I pointed out before, it is interesting, even in Europe, with all those highly industrialized countries, that they are reaching the maximum of their noise level with many airports over there, too. So, we are not alone. I don't think the people in New Jersey are unfair in their criticism of our government, any more than the people in Europe would be unfair in criticizing their own government for having noise levels beyond which the average person would want to live.

I appreciate the fact that we have had this dialogue here this morning. I hope to be in touch with you again. Thank you.

ASSEMBLYWOMAN OGDEN: Assemblywoman Heck?

ASSEMBLYWOMAN HECK: Having attended the previous meeting in New York, and now listening to the testimony here today, leads one to believe that we are zeroing in on an authority -- the FAA -- which apparently feels it is above everybody's control. It is my opinion that the Senators and Congressmen better exercise their authority; that we all have to think in terms of where our responsibilities lie, that is, the industry, government officials, and the people, because certainly the quality of life has to be a priority. And we must look towards finding out who the culprit is. In my estimation at this particular juncture in time, the culprit is the FAA, because they are not bending.

As far as I am concerned, and having been involved with antinoise groups in our area and working with the Teterboro Airport, we found that communication was important, such as this, an exchange of ideas, and coming up with possible solutions, which would result from that dialogue. Again today, we do not see the FAA present, and what surprises me is, we do not see Congressman Torricelli -- nor a representative of his -- who is directly involved in this particular area.

I do appreciate that Mr. Lautenberg sent a representative, and that he spoke about the budget. He also made reference to the Reagan/Bush administration. But, let us not forget, the power lies in the hands of the Senators and Congressmen. (applause) I don't think it is our purpose to blame anyone. The hearings that both of our colleagues here have instituted are to find a solution, not to place blame, and not to wait until the year 2000 to find a solution, but to begin the process of clearing the air of noise, almost as immediately as possible, because certainly people are suffering.

Through the Expanded East Coast Plan-- It is my understanding, through speaking to a number of people, that it had cleared up noise given the airport areas, without realizing that it was going to spill over into other areas. I feel that immediately upon finding that there were complaints, a resolution of the problem should have been imminent, and not waiting for Committee reports to determine if a problem that exists does, indeed, exist.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Plavin.

We have received statements -- not from representatives, but we have received statements from Congressman Dean Gallo and Congressman Chris Smith, who have been very supportive over the years in trying to resolve this problem. They have been activists in the New Jersey delegation calling for the rollback and the use of ocean routing, and now

Congressman Gallo has said that he is going to be a member of the House Appropriations Committee this year, and he will be looking very closely at the FAA budget in a similar fashion to Senator Lautenberg.

I also received a letter from Congressman Hughes saying that he was supportive, but couldn't be here. I will say that I wrote to all the members of the New Jersey congressional delegation.

Going back to elected officials, Assemblyman Richard Bagger, who represents this area, I believe could not be here, but I think there is a spokesman-- Did you wish to--

**S O N Y A     B U R K E T T:** (speaking from audience)  
Spokeswoman.

**ASSEMBLYWOMAN OGDEN:** Spokeswoman.

**MS. BURKETT:** Good morning.

**ASSEMBLYWOMAN OGDEN:** You may summarize it, Sonya, if it is long, or you may read it if it is short.

**MS. BURKETT:** Thank you. My name is Sonya Burkett. I am a Legislative Aide to Assemblyman Richard Bagger. Due to unforeseen last-minute circumstances, Assemblyman Bagger is not able to be with you this morning. I have provided you with copies of the testimony that he would have delivered, and I have extra copies if there are press here. I am merely delivering his remarks. I am not prepared to entertain any questions.

"Chairwoman Ogden, Chairman Bianchi, Assembly members Heck and Kronick, I congratulate you for this history-making bistate hearing on the unacceptable level of aircraft noise created by the Expanded East Coast Plan. It is fitting that you have brought this hearing to Cranford, where the aircraft noise battle began five years ago.

"Aircraft noise gets me right where I live, just a couple of miles from here. It is an issue you don't fully understand until plane after plane takes off low over your



house, wakes you from your sleep, interrupts your conversations, and keeps you off your porch and out of your yard.

"Well, the planes fly low over my house." I might add, as an aside, I also live about two miles from here, and everything he says is true. "That's why I know how frustrating this problem has been for hundreds of thousands of New Jersey residents. It has been five years since the Expanded East Coast Plan invaded Cranford, and there's still no relief in sight. Thousands of New Jersey citizens have complained to the FAA, to the Port Authority of New York and New Jersey, to the Governor, and, yes, to the Legislature. I am afraid that until now, those complaints have fallen upon deaf ears. They have been drowned out by bureaucratic intransigence and the arrogance of unaccountable government.

"However, today I know that you are listening and will recommend that both New York and New Jersey take strong actions to combat aircraft noise and force a rollback of the Expanded East Coast Plan. Your recommendations should include several key points:

"Endorse Assemblywoman Ogden's bill -- Assembly Bill No. 329 -- requiring the Port Authority to speed up the phaseout of noisier Stage 2 aircraft. This bill, which I am cosponsoring, will help us who live in this area, but does not fully solve the problem. Ultimately, only route changes will suffice.

"Endorse Assembly Concurrent Resolution No. 75, which I am sponsoring. It calls upon Governor Florio to fulfill his often-stated promise to take legal action against the Expanded East Coast Plan, including both seeking an injunction and participating in the draft Environmental Impact Statement process.

"Call for oversight of the Federal Aviation Administration. Alternate air routes are possible, but the FAA

has shown no interest in seeking them. Surely, the New York and New Jersey congressional delegations have the clout to keep the FAA's feet to the fire.

"No one of us alone, nor any single proposal before you, is a silver bullet which can bring the FAA to its knees and mortally wound the Expanded East Coast Plan. Yet, if we all raise our voices together, fight back our frustration, and redouble our efforts, and battle the FAA in the Legislature, in the courts, and in the Congress, then we will prevail and roll back the Expanded East Coast Plan."

Thank you, from Assemblyman Richard Bagger. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much.

We have several Freeholders who have signed up. First I would like to call Freeholder Mary Donohue, from Bergen County.

F R E E H O L D E R M A R Y H. D O N O H U E: First, I would like to thank Assemblywoman Ogden, and all the New York and New Jersey legislators who are present today, for their sensitivity and concern in hearing the public on the people's complaints regarding aircraft noise and pollution.

As a Bergen County Freeholder, I feel it incumbent upon myself to appear at yet another public hearing to express the increasing numbers of complaints from our County's 825,000 residents to the aircraft noise and pollution over our skies.

The increased rerouting of aircraft over northern and central New Jersey caused by the implementation of the Expanded East Coast Plan of 1987 by the Federal Aviation Administration is regarded by our residents as an assault on air quality in particular, but also on our quality of life in general.

We can no longer be parochial about our serious concern over aircraft pollution and noise in New Jersey. It is evident that residents of New York are victims, as well. Living in the busiest airspace in the nation, we cannot limit complaints involving aircraft noise and pollution, the constant

roar of low-flying commuter planes, and the ever-present fear of overhead traffic accidents to New Jersey residents alone. Our neighbors in New York suffer as we do.

The health, welfare, and safety of every resident of our area has been severely compromised by the realigned routes that overfly and pollute areas which, historically, have never experienced any commercial air traffic prior to the Expanded East Coast Plan of 1987. This Plan has also forced routes that previously existed to fly at dangerously low levels over our communities.

While recognizing that the mandate of the FAA is to promote aviation, our residents contend that their rights to tranquility, air quality, and safety are not exclusive of the functions of the FAA. We ask that the FAA consider the environmental catastrophe that the EECF has perpetrated on the quality of our lives in New Jersey and New York.

We further request that the legislators conducting this hearing use the influence and power of their respective offices to pressure the FAA to comply with the earliest possible completion of the Federal Study on Aircraft Noise. This Study was scheduled for completion in May 1991, and is now scheduled for presentation in November 1992 -- a full year-and-a-half later than the deadline originally set.

We also implore you, our legislators representing us in Trenton and Albany, to use every power of your offices to oblige the airline industry to accelerate its efforts to phase out older, noisier aircraft, and replace them with newer, more efficient, and quieter equipment. Steps in the right direction have been taken, as the New Jersey and New York State Legislatures now have identical legislation pending in each State's capital urging the adoption of stricter noise rules. Approval of this legislation would require Stage 2 noisier flights to be phased out by 1996.

I wish to reiterate that the residents of Bergen County, members of environmental groups throughout the State of New Jersey, and especially the members of the New Jersey Coalition Against Aircraft Noise, will continue their determined efforts and will demand a rollback to the 1987 air patterns. There is an increased awareness and militancy on the part of the residents of Bergen County with regard to aircraft noise and pollution reduction which have impacted negatively on the quality of the environment and the quality of life in our region. Only when the EECP is rescinded will the rights of the residents of New Jersey and New York be upheld.

Thank you very much for granting me the opportunity to testify at this hearing and to bring the concerns of my constituency to your attention. Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Freeholder.

I see in the back the Freeholder from Union County, Alan Augustine. I would like to call him up. I did see Freeholder Mario Paparozzi. I don't know whether he came to speak. Oh, I guess maybe he left.

**F R E E H O L D E R   A L A N   M.   A U G U S T I N E:** Good morning, Madam Chairman, Chairman, members of the Committee. I appreciate the opportunity to speak briefly to you this morning on behalf of the 500,000 citizens of the County of Union. I must commend you for holding these hearings, and I am particularly gratified to see the bistate cooperation you are exhibiting this morning, because surely we are never going to solve this problem if we do not do it collectively.

In hearing the testimony this morning-- It is very enlightening to hear, and somewhat amazing. Of course, most of us here have been at the forefront of the jet noise problem since its very inception; particularly you, Assemblywoman Ogden, and the members of your panel. But I want you to know that in this room I see around me this morning some of the most concerned expert citizens who are very, very dedicated to the

ultimate solution of this problem, and who I know will never cease to continue their efforts to overcome this scourge.

One of the things I was thinking about back there when I heard the testimony from the Congressmen and the letter from Senator Lautenberg, was with regard to the FAA. I really wonder just who is in charge here. Does the FAA listen to the Congress? Do they listen to President Bush? Do they listen to God? Do they listen to somebody? I mean, I have to tell you, it is absolutely mind-boggling, their indifference about a problem of this seriousness.

I wanted today to bring with me a resolution which was adopted unanimously last night by the Union County Board of Chosen Freeholders. With your permission, I will read it into the record:

WHEREAS, increased noise arising from the Expanded East Coast Plan route changes has adversely affected the health and welfare of residents of the County of Union; and

WHEREAS, the increased noise exceeds New Jersey Department of Environmental Protection and Energy standards and the FAA has not demonstrated an ability to solve the noise problems with route changes; and

WHEREAS, quieter aircraft would help not only the residents affected by the EECF, but also additional residents of the County of Union living close to Newark International Airport:

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Union that it hereby wholeheartedly supports legislation introduced by Assemblywoman Ogden which accelerates the phaseout of noisy Stage 2 aircraft; and

BE IT FURTHER RESOLVED that the Board of Chosen Freeholders of the County of Union hereby requests that the Port Authority of New York and New Jersey fund and initiate an independent study of alternate air routes for New Jersey that

would focus upon and emphasize noise abatement concerns and eliminate the problems caused by the EECF; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Assemblywoman Ogden and the Port Authority of New York and New Jersey.

I will leave copies of this with your clerk here. I will leave a message, through you, to the FAA and, to quote Winston Churchill, "We will never, never, never give up."

Thank you very much. (applause)

ASSEMBLYWOMAN OGDEN: Thank you, Freeholder.

From the Morris County Board of Chosen Freeholders we have a representative, Mary Jeanne White.

MARY JEANNE WHITE: On May 13, 1992, the Morris County Board of Chosen Freeholders adopted Resolution No. 42, and I would like to read it to you:

WHEREAS, the Board of Chosen Freeholders of the County of Morris has reviewed and discussed Assembly Bill No. 329,

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Morris as follows:

1) The Board of Chosen Freeholders of the County of Morris specifically finds that the requirements of Assembly Bill No. 329, if enacted, will be of benefit not only to the Port Authority of New York and New Jersey, but to the entire State of New Jersey.

2) The Board of Chosen Freeholders of the County of Morris endorses and supports Assembly Bill No. 329, and urges its immediate passage by the Legislature of the State of New Jersey.

3) The Clerk of this Board shall forward certified copies of this resolution to the Morris County legislative delegation.

4) That this resolution shall take effect immediately. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much.

Next I would like to call the Mayor of Fanwood, Linda Stender.

M A Y O R   L I N D A   S T E N D E R: Good morning, and thank you.

First, I want to extend my sincere thanks to the members of the New Jersey and New York State Legislatures for your commitment on this subject. I really think your leadership is critical, because clearly we have not witnessed any leadership nor commitment nor action from either President Bush or the U.S. Congress. I fear that until the President directs the Secretary of Transportation to take action, and Congress reins in the FAA, there will be no substantive change in the current status of excessive air traffic in our region.

However, it is my hope that through your efforts, and the joining of our forces, and, in fact, the joining of our voices, the afflicted communities in New Jersey and New York can make the changes and create enough pressure to force the President and the Congress to stop paying this issue lip service and act for the benefit of the people.

I am here to support your efforts, and hope that our joint harsh course will bring action. Fanwood is a small, diverse town which is one mile square and fully developed. We are a suburban community; our homes are modest. People choose to live in Fanwood because we are a small town. We have a good school district, convenient access to mass transportation, a terrific volunteer ethic, and great neighborhoods. Fanwood creates a sense of place for individuals. However, in recent history, it seems that at every turn our quality of life is threatened by greedy business interests that couldn't care less about the people and how incredibly hard they work to achieve and maintain a middle-class life-style.

Excessive air traffic is such a threat. It further burdens our already bad air quality, as well as disturbs our peace. The en route noise intrudes on daily living, and as

well we have become the dumping ground for the pollutants emitted from the planes.

I am told it is estimated that the fuel emissions of each aircraft is equal to that of between 300 and 500 cars, yet the airline industry remains unregulated. In fact, I do not understand why, in this State, our efforts to clean up the air quality may include catalytic converters and lawn mowers, but no controls on the airline industry. However, I expect that is a subject for another day.

I am here to voice my support for Assembly Bill No. 329. In 1990, the Mayor and Council of Fanwood adopted a resolution which opposed the Expanded East Coast Plan, and in 1992 our resolve has not changed. This region of New Jersey and New York must not become the dumping ground for noisier and more polluting Stage 2 aircraft.

Thank you for your time. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Mayor.

We have a spokesman for the Staten Island Borough President, Nicholas Dmtryszyn.

N I C H O L A S D M T R Y S Z Y N: Close. (referring to pronunciation of name)

ASSEMBLYWOMAN OGDEN: He is also speaking for Congresswoman Molinari, as well.

MR. DMTRYSZYN: Thank you, Madam Chairwoman, Chairman Bianchi. I am a little more organized than I was two weeks ago. That means my comments should be a little briefer than they were the last time.

First, I would like to read a brief letter that Congresswoman Molinari wrote Chairman Bianchi, which was sent yesterday. I have copies here for the Committee.

"Dear Chairman Bianchi: I am sorry I am not able to testify before the Committee today. However, I would appreciate your including the attached information in the hearing record.



"As you know, residents of the 14th Congressional District have been severely impacted by aircraft noise from Newark and La Guardia Airports for several years. I started working with many of these residents when I was on the City Council. The Arlington community on Staten Island frequently experiences noise levels of 100 dba. Because so many Stage 2 aircraft use New York area airports, my constituents and all metropolitan area residents suffer disproportionately in relation to residents of communities bordering other airports. The high population density of the communities surrounding all the New York metropolitan area airports, and the heavy volume of Stage 2 and other aircraft, make our noise situation unique. This is the kind of situation Congress worked to remedy.

"As a member of the House Aviation Subcommittee, I worked on the Airport Noise Capacity Act of 1990, and I assure you, it was not the intent of Congress to prohibit local noise rules regarding the phaseout of Stage 2 aircraft; rules which are designed to address the specific noise problems of regional airports. Only in the case of Stage 3 restrictions does the FAA have any authority over local noise reduction plans.

"In asserting that the FAA has authority over Stage 2 noise reductions, the FAA and the ATA have misrepresented the 1990 law and distorted congressional intent. I have worked with Chairman Roe of the House Committee on Public Works and Transportation and Congressmen Oberstar and Hammerschmidt to ensure that Congress is heard loud and clear on this issue. The House Reauthorization of the Federal Aviation Administration -- H.R. 4691 -- contains the attached report language that restates the congressional intent of the Airport Noise and Capacity Act. The law is clear: The FAA has no authority over noise reduction programs dealing only with Stage 2 restrictions.

"Attached you will find a copy of the applicable report language in H.R. 4691 and the text of two colloquies I entered during the subcommittee and full committee markups of the bill. H.R. 4691 is scheduled to come to the floor in the next two weeks. I hope you find this material helpful.

"Thank you for holding hearings on this unfortunate situation. If I can be of assistance on this matter, I would be glad to help in any way appropriate."

Now I will take off one hat, and put on the other one. This will be a brief statement from Borough President Guy Molinari.

ASSEMBLYWOMAN OGDEN: If it is more than two pages, could you summarize it, please?

MR. DMTRYSZYN: It is going to be, like, less than three minutes. Okay?

It is commendable to see that New York and New Jersey are coordinating their respective legislative efforts to fight the aircraft noise problem that has progressively afflicted both of our States these past five years since the Expanded East Coast Plan took effect.

I am also pleased to see that the combative and blackmailing stance taken by the FAA against the Port Authority with regard to their proposed earlier phasing out of the Stage 2 aircraft in the New York/New Jersey metropolitan area is being roundly deplored at all levels of our elected officials: city, State, and Federal.

Again, the biggest tragedy in all of this has been that the FAA has succeeded in pitting one town against another, and finally, one State against another.

Again bringing my "flash cards," so that you know where Staten Island is in relation to Runway 22, the yellow lines are from Newark Airport, and there's Staten Island (witness holds up material to demonstrate) -- you have smaller

copies of these overflights that the Port Authority has provided -- on a typical Sunday and on a typical Monday.

To save time, instead of reading off the litany of residential complaints and severe noise pollution recorded, I am including the testimony that was presented in November 1991 before the FAA Noise Mitigation hearing.

All that I can ask from this group is that when the Committee reviews the testimony that has been presented, either orally or in writing, that you look carefully at the information being presented by the FAA, the ATA, and the Port Authority. This Committee should ask itself the questions that I have had to deal with since 1987:

1) What is the definition for "significant" noise change that the FAA and the Port Authority refer to, or avoid, as it relates to the effects of the Expanded East Coast Plan? -

2) Why is there no historical record as to why an altitude of 3000 feet was chosen by the FAA as the cutoff point for implementing an EIS?

3) What has been the historical record of the Port Authority as it relates to monitoring aircraft noise pollution beyond the airport's perimeter? How does the Port Authority relate to other airport operators on noise mitigation and monitoring: good, or indifferent until forced?

4) Why do the airlines always talk about the economic impacts of their businesses and the impending loss of their employees' jobs due to quicker phasing in of quieter aircraft, when not once have I seen an economic analysis performed by these same groups on the effects of aircraft noise on property value? (applause) Why is there a severe distinction made between the economics of a job and the economics of a home? What is the justification?

5) Examine the record as to how the FAA, the airlines, and the Port Authority relate to each other. When airport changes are passed, how often are the environmental

consequences to residents around the airport of equal importance to the economics of those decisions?

6) How does the Port Authority environmentally relate to the FAA?

7) Where is the proof that with a phasing out of Stage 2 aircraft -- according to the FAA -- by the year 2000 this will lessen the impact of aircraft noise on 94% of the population surrounding the New York/New Jersey metropolitan area?

8) How does the FAA quantify noise reduction? The Port Authority? Or even the airlines?

9) What have been the noise investigation initiatives undertaken by the FAA, the Port Authority, and the airlines to date -- and I don't mean just starting with this year?

I look forward to supporting in any way I can the work efforts that each State's legislative group is striving for.. The FAA, the Port Authority, and the airlines should start reevaluating the environmental anger caused by a problem they created.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much. Those are excellent points. Comments or questions? (no response) Thank you.

Next I would like to call the two Co-Founders of People Against Newark Noise, Angel Garcia and Jack Kelly. Possibly Pat Russell, who is the counsel, would like to come up, too, because I understand he has to leave.

**J A C K K E L L Y:** My name is Jack Kelly. I am Co-Founder of People Against Newark Noise, a grass-roots environmental organization. I am a Director of the New Jersey Coalition Against Aircraft Noise -- NJCAAN -- and currently serve as a public representative on the Newark Airport Aviation Advisory Board. I am also a Senior Vice-President of a major investment banking firm in New York, specializing in tax-exempt municipal

finance and bond portfolio management. Our antinoise coalition in New Jersey now represents tens of thousands of New Jersey members in over 150 towns in 10 counties. We believe we are now the largest organization of its kind in the country.

First, I would like to extend our welcome and appreciation to you, Assemblyman Bianchi, and your Committee. Your reputation as an outstanding environmental leader and legislator precedes your visit to our Garden State today. (applause) On behalf of all noise impacted citizens, we welcome you to this historic bistate hearing. Thank you.

I would like, at this time, to publicly state to you, Assemblywoman Ogden, how much we appreciate your leadership in scheduling these hearings in Cranford today. Our citizens owe you a tremendous debt of gratitude. We fully realize the courage, tenacity, and skill that you have shown in advancing the issue of aircraft noise control not only in our State, but in our nation. We are confident that with your leadership, we will not only roll back the East Coast Plan, but create an engine bill that will set the standard for our country. In fact, the whole country is looking at these hearings today, as we all fight to take back control of our skies from the speical interests that now control aviation.

As citizens, we are outraged at both the FAA and the New York and New Jersey Port Authority. We have fought for over five years to reverse what we believe to be the most egregious violation of basic human rights by nonelected governmental agencies in the history of New Jersay. (applause) We are outraged! We are mad Americans fighting for our homes and for our families. The Port Authority and the FAA have worked together on this disaster from the beginning. We are outraged that the Port Authority did not consider the environmental ramifications of the greatest shift of air routes in aviation history. We are outraged that the Port Authority representative stated, at the New York hearing, that the Port

Authority, in developing this plan, depended upon FAA representations that there would be no environmental impact shifting 2000 jet aircraft per day over our previously quiet areas, as long as they were over 3000 feet. This is Orwellian double-speak at its worst. The Port Authority has abrogated its responsibilities to safeguard the environment and economy of our area. The Port Authority has turned into a bad neighbor. (applause) It is up to you, our elected representatives, to rectify this disgrace.

We fully support your joint efforts to pass your history making legislation. We plan to mobilize our entire membership to help bring this legislation favorably out of Committee. We want this legislation brought to the floor in both Houses of both Legislatures. We want a floor vote on this bill within 60 days. We want this bill on our respective Governors' desks for signatures by July 15 of this year. By bringing this bill to a favorable conclusion, you will help restore our citizens' faith in representative government.

We believe that "citizen sunshine" plays a very important role in our democracy. We would like to know Mr. Aronson's role in planning the Port Authority position in his capacity as head of the Port Authority Aviation Department while the East Coast Plan was being developed by the Port Authority, particularly since Mr. Aronson is now the chief lobbyist of the Airline Transportation Association. (applause) Perhaps you can help us in this regard.

We endure a constant stream of FAA and Port Authority propaganda regarding airline growth at Port Authority airports. But what are the real facts? The truth is that the airline business has gross overcapacity. Traffic is dropping, not increasing. In 1986, Newark Airport passenger traffic peaked at 29,433,000 passengers. Currently, passenger traffic is slightly over 20,000,000 passengers. Newark plane movements

were 400,130 in 1986. In 1989, plane movements were down to 360,000.

Last year, passenger traffic throughout our country decreased 2 percent. La Guardia Airport was off 14 percent. This is from the prior year. JFK traffic was off 7 percent. JFK international traffic was off 16 percent. Newark international traffic, last year, was off 200,000 passengers to 2.8 million.

In the business world, reverse growth figures like these lead to retrenchments or bankruptcy. Evidently, the Port Authority thinks otherwise, and plans to spend \$2 billion in spite of a 24 percent drop in Newark passengers from 1986 to 1991 -- a 24 percent drop in passenger traffic at Newark from 1986 to 1991. These are exact figures. They are garnered from Port Authority bond prospectuses and the September 26, 1991 Wall Street Journal.

In 1987, we had a booming economy and a good environment. Today we have a deep recession and, according to Rosemary Scanlon, the Port Authority economist, we now have net "out-migration." We now have net numbers of people moving out of the area. Teddy Roosevelt said: "If we lose the environment, we lose everything." In New York and in New Jersey we are losing the environment, and it is Port Authority policy that is losing the environment. We want you to change this policy. Force the Port Authority to recommend "rollback" of the East Coast Plan to the FAA. (applause)

Passage of your bipartisan legislation, combined with the rollback of the East Coast Plan will go far in restoring our area to pre-1987 business prosperity and pre-1987 environmental health.

Our citizens will not rest until quiet reins over our spacious skies and you, our elected representatives, listen, then act on our behalf at this historic moment. Have courage, and full speed ahead! (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Kelly.  
The other Co-Founder, Angel Garcia.

A N G E L M. G A R C I A: Assemblywoman Ogden, Assemblyman Bianchi, Assemblywoman Heck, and Assemblyman Kronick: Thank you for holding these public hearings. It gives those who are ignored by the New York and New Jersey Port Authority an opportunity to testify on an equal basis.

My name is Angel Garcia. I am currently Chairman of the New Jersey Coalition Against Aircraft Noise. NJCAAN is a coalition representing more than 250 towns in New Jersey. Our objective at the outset -- and it remains a key objective -- was to restore the domestic tranquility of our State by rollback of the Expanded East Coast Plan. NJCAAN has also embraced other objectives adopted as we gained knowledge and experience, for the purpose of mitigating aircraft noise impacts.

These additional objectives include:

- 1) Phaseout of the noisier and older Stage 2 jets operating at Newark International, La Guardia, and JFK.
- 2) The use of Passenger Facility Charges for noise mitigation.

Today, I would like to address myself to the tremendous problems the New York and New Jersey Port Authority has created for the residents of our States as a result of poor environmental planning, a lack of respect for communities and their residents, and its strategy of delay by carrying out endless studies. The Port Authority has become an agency which has been captured by the airline industry. In turn, the residents of noise-impacted communities have become its unwilling and rebellious prisoners.

Our purpose in testifying today is to urge you to pass legislation which will direct the Port Authority to take certain aircraft noise abatement measures as defined in New Jersey Assembly Bill No. 329, and its companion legislation in



New York. It has become painfully clear that the Port Authority will not take action on its own accord. I would like to share with you key points which cause us great concern and demonstrate why the Port Authority has to be directed to act.

The primary reason we are here today is the Federal Aviation Administration's implementation of the Expanded East Coast Plan. The greatest revision of air routes in more than 20 years was implemented in 1987 over the most densely populated area in our nation. It was implemented without any form of environmental assessment. Nevertheless, the principal root cause for the aircraft noise problems we face falls squarely on the Port Authority as a result of a decade of denial, a decade of being in bed with the airline industry while leaving airport neighbors out in the cold, and a culture which is incapable of taking action on noise mitigation matters. Despite having the largest aircraft noise problems in the United States, the Port Authority has failed to lead in environmental protection. Not only has it failed to lead, it's nowhere. Yes, there have been rhetoric and countless studies -- but no results!

Isn't it incredible that the Port Authority did not thoroughly review the massive alteration of the metropolitan area airspace caused by the Expanded East Coast Plan in 1987? We believe there were two factors for their lack of concern:

- 1) Airport expansion regardless of environmental consequences was "business as usual."

- 2) The head of the Aviation Department of the Port Authority, at the time the EECF was implemented, previously worked for the FAA and, by the way, is now President of the airline industry lobbying group, the Airline Transport Association.

Today, residents of New York and New Jersey should be able to sleep a little better between midnight and 6:00 a.m., but they are not because the Port Authority has not carried out

the commitment it made to the residents of our two States to complete the phaseout of Stage 2 operations at these times by this past January 1. Instead, we continue to have these noisy jets operating.

In August 1989, the Port Authority Board of Commissioners promulgated new regulations designed to phase out the nighttime use of noisier aircraft. I would like to quote from a letter I received from the Port Authority's Director of Aviation Operations dated September 15, 1989: "I am pleased to report that the Board adopted new regulations that will prohibit further introduction of Stage 2 aircraft operations during the nighttime hours, while allowing the existing operations of such aircraft to continue for a period of two years."

The Newark Star-Ledger reported in a related article: "Acting in response to growing complaints throughout the State, the Port Authority adopted regulations banning new flights during the late night hours by many of the noisiest jets. The ban covers flights from midnight to 6:00 a.m. and takes effect January 1, 1990. Existing flights by this class of aircraft will be permitted for another two years under grandfather provisions. Those planes affected are most of the Stage 2 aircraft which meet the least stringent industry noise standards."

The Courier-News reported in a related article: "On January 1, 1990, the Port Authority will begin phasing out noisy jets. The agency will restrict new flights involving the noisy planes between midnight and 6:00 a.m., and within two years will ban all flights involving those planes during those hours."

Yet, the Port Authority continues to operate Stage 2 aircraft at its airports between midnight and 6:00 a.m. in violation to the commitment it made to the public. No results. Why? (applause)

On the subject of Passenger Facility Charges, I want to share with you that the Port Authority has refused to allocate a portion of the Passenger Facility Charge for noise mitigation purposes. As a member of the Newark International Airport Advisory Committee, I have for more than three months implored the Port Authority to allocate PFC funds for noise mitigation, which is a permitted use of the funds under the Airport Noise and Capacity Act. I continue to be shocked by the Port Authority, that in 1992 it can develop a very comprehensive plan to spend more than a billion dollars for airport expansion projects, but will not, and did not, have a line item for noise mitigation in its application to the FAA for PFCs, despite our protests. It is a disgusting situation, and again, no results! We have remedies we can embark on to mitigate noise, yet the Port Authority does nothing. I urge you to direct the Port Authority to make a commitment to use a fair share of PFC funds for noise mitigation purposes. They have been keeping the truth from the public, by omission, that these funds are available for noise mitigation.

I am also concerned that the Newark International Airport Advisory Committee is being rendered ineffective by the unresponsiveness of the Port Authority. We are not satisfied with the progress the Committee is making. The Port Authority turned down our request to include noise mitigation in the PFC application. We have presented data on the tremendous success of Logan International Airport on a home soundproofing program they have had underway for several years. The Port Authority is "studying" our information package. It's a win/win arrangement -- jobs and mitigation. What is the Port Authority waiting for? Why are they not proactively pursuing solutions? We can have 31 to 47 db noise reduction now. Why are citizens like Mary Jeanne White the ones that have to work so hard at collecting this type of data?

I would also like to state, for the record, that Chairman Leone is inaccessible, despite repeated requests through former Newark International Airport Advisory Chairman Richard Roper. We have communicated our objections to the noise rules the Port Authority is considering.

If you will refer to Attachment V (attachment to witness' written statement), which is the last page, I would just like to read from that for a moment. It is a letter directed to Chairman Leone dated December 3, 1991: "We urge you to direct your staff to recalibrate the proposed schedule to address two major problems: the schedule has to phase out Stage 2 aircraft sooner and faster.

"According to our analysis, phaseout of Stage 2 aircraft would not have to begin until June 30, 1994, which further delays relief for noise impacted communities. The proposed phaseout allows Stage 2 aircraft to continue to operate until the year 2000, yet another delay in reaching all Stage 3 operations. There needs to be a fair share provision which would prohibit an air carrier from operating more Stage 2 aircraft at a Port Authority airport than their Stage2/Stage 3 mix. Most importantly, the proposed phaseout schedule considerably lags the schedule which would be mandated by New Jersey Assembly Bill No. 329; the lag is 50 percent by the end of 1996."

The aircraft noise problem has many facets which can't be covered in a short period. I'd be pleased to meet with you to discuss any of these points in more detail, or answer questions at this time.

In closing, I would like to repeat what we said in 1987, and have continued to say: We are not going away. We are not going to be driven out of our homes and communities. We are dedicated to bringing about change, change which is long overdue. We cannot, and must not, let the Port Authority control our destiny any longer.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Garcia. I just said to Assemblyman Bianchi that I think there is another bill we should both sponsor in our Houses brought to our attention by your testimony here. We should direct the Port Authority to make a commitment to use their share of the Passenger Facility Charges for noise mitigation. I think that is an excellent idea.

MR. GARCIA: We hope you will do that.

ASSEMBLYMAN BIANCHI: Mr. Garcia, the question I would like to ask is: With your years of experience in this field, why do we have this stonewalling by the FAA? It is very easy to beat them up. It does appear that they haven't tried very hard to be cooperative with anyone, including our Senators, Congressmen, or the people in the communities.

Do you think this is tied into the Vice President's Council on Competitiveness, which has been meeting behind closed doors, to be sure that environmental concerns don't get corrected because they want to protect business interests in the country?

MR. GARCIA: I would say that Dan Quayle's participation on that committee has, in fact, hurt some of the progress we had made. We thought we would have a much more effective Airport Noise and Capacity Act, but it was considerably watered down as a result of that committee.

As far as the FAA stonewalling, I think what has happened over time is that the environmental function within the FAA has just been abandoned, and the air route expansionists are the ones who are running the FAA. My suggestion for that is, I believe that, like many parts of our government, there is a system of checks and balances. That system of checks and balances does not apply to the FAA, because it is both responsible for expansion and for noise mitigation.

So I would suggest that one of the things we pursue is taking the responsibility for noise out of the FAA and put it into the EPA. (applause)

ASSEMBLYMAN BIANCHI: Well, I would have to ask this question then: Are any of the Congressmen or Senators putting that in one of the proposed bills they have?

MR. GARCIA: I believe they are working on that at different levels. Perhaps a more cohesive approach in that direction would yield better results.

One of the problems is, there are a lot of issues, and we are not always as cohesive as we could be. It is a pleasure to see yourself and Maureen Ogden and the other members here being cooperative. I think we need a lot more of that at both the Federal level and the State level, and cooperation between State and Federal representatives, as well.

ASSEMBLYMAN BIANCHI: Mr. Kelly, do you have anything further to add to that?

MR. KELLY: No, I think Angel covered everything.

ASSEMBLYMAN BIANCHI: Okay. I certainly looked forward to your testimony today. I appreciate it. I hope we can continue to work, you know, closely together in the future.

MR. GARCIA: Thank you very much.

ASSEMBLYWOMAN OGDEN: Assemblyman Kronick?

ASSEMBLYMAN KRONICK: Thank you, Madam Chairman. I just wanted to comment that I commend your group. You are three articulate spokespeople for this group. I think you could be a model for the nation on this issue. I think much of the success is thanks to the Chairwoman's and New York Chairman's role, but your part cannot be diminished. It is certainly significant, and the success that will come out of this will go a lot to you and all the people here. I commend you. (applause)

MR. GARCIA: Thank you.

ASSEMBLYWOMAN OGDEN: Mr. Russell, I called you up with the other two gentlemen, because I know you are the counsel. You also spoke at the last hearing. If there is something you would like to add to what you have said, we would appreciate hearing it.

P A T R I C K R U S S E L L, ESQ.: I was speaking at the last meeting on behalf of the National Airport Watch Group anyway, okay, so now I am here, back home in New Jersey, for the New Jersey Coalition Against Aircraft Noise.

I would like to thank all the elected officials, and make this one comment: We, in the group, although we will never let up on you, are very proud of the elected officials of New Jersey and how responsive they have actually been to us, under the great limitations put upon them. We understand how difficult it is to be one person as an elected official effecting change. It is a lot more difficult than ordinary citizens would imagine, and we certainly admire and respect this effort. And we would like to add Assemblyman Bianchi to that group, as well.

There are a couple of things I would like to say. First of all, I would like to read into the record the legal argument for this. As a result of the ATA's comments at the last hearing, I think it is very important that we have the legal justification for this bill on the record. And then secondly, since I have seen you last, I have been to Washington twice and New York three times on this issue, and there are some very important updates. Since I won't be able to provide you film at 11:00, I am going to have to tell you what they are.

With regard to the local Stage 2 phaseout, the phaseout of Stage 2 aircraft is well established by statutes and judicial decisions that states and their interstate agencies which own and operate airports may impose upon aircraft, noise restrictions at the airports, so long as the restrictions are reasonable, nondiscriminatory, and do not

constitute an undue burden on interstate commerce. Action within such limits does not intrude on the powers of the FAA. The FAA confirmed this when it wrote that airport proprietors may establish reasonable restrictions on the use of airports by noise performance of aircraft. This was published in the Notice of Proposed Policy Regarding Airport Access and Capacity in the "Federal Register," on January 15, 1986.

The FAA suggests that the New York and New Jersey bills -- hereinafter bills -- would be flatly at odds with the recently passed Airport Noise and Capacity Act, notwithstanding the considerable care taken to assure that these bills would be consistent with it. In adopting the rules and regulations to implement the provisions of these bills, the Port Authority of New York and New Jersey is required to satisfy the procedural requirements of that Act.

In particular, the bills require publication of proposed rules and regulations and prepare and make available for public comment, at least 180 days before the date of the rules and regulations, an analysis of the anticipated and actual costs and benefits of the proposed noise restrictions, a description of the restrictions, a description of the alternative measures considered which do not involve aircraft restrictions, and a comparison of the costs and benefits of such alternative measures to the costs and benefits of the proposed noise rules or access restriction.

With the requirements of the Act being observed, it is improper for the FAA to suggest that New York and New Jersey, which contain one-third of the noise-affected American population living under unacceptable aircraft noise conditions, should not protect their residents with noise rules for Stage 2 aircraft which are no more restrictive than those enforced in other localities in the United States. In fact, the higher percentage of Stage 2 operations at New York airports versus certain comparable airports elsewhere in the United States, is



a direct reflection of the difference in noise rules amongst airports.

We urge the FAA, which is charged with the safe management of the nation's air transportation system, to consider the impact of aircraft noise pollution on the health and safety of all Americans, including those in the New York metropolitan area, and join us in an effort to bring appropriate relief to the aircraft noise-affected citizens. We all agree with the steps taken to reduce aircraft noise and the fact that they must be economically acceptable to New York and New Jersey and financially tolerable to the airline industry. Similar Stage 2 noise restrictions imposed by airports comparable to those of the Port Authority have not, I understand, negatively impacted air service. In addition, both government and industry studies support the conclusion that the phaseout schedule set forth in the bills is affordable by the airlines and, as both Assemblywoman Ogden and Assemblyman Bianchi know, these bills were constructed with those studies in mind.

The FAA also suggests that these bills would disregard international agreements of the United States, and threatens action by the FAA to block Federal funding if the bills are passed and implemented. However, other airports in the United States with international operations have stricter aircraft noise restrictions than imposed here -- Los Angeles and San Francisco. They have not been found to violate international agreements. Therefore, we fail to understand why the FAA suggests that these bills would force the Port Authority to violate such agreements.

Furthermore, the bills do not prevent the Port Authority from remaining available for public use under fair and reasonable terms and without unjust discrimination. I believe that only those who promote aircraft noise would conclude otherwise.

The FAA contends that action by the Port Authority and the passage of these bills would interfere with the FAA Council on Competiveness' phaseout/phasein Federal scheme. Congressional intent, however, is to the contrary. In the Senate floor colloquy on the date of the passage of the Act, in which I was a personal witness in the negotiations, as you all know, in the House and Senate exchange about this, as well as a participant in these colloquies, Senator Lautenberg stated that under this proposal, an airport operator would be allowed to impose restrictions on Stage 2 without the approval of the FAA, which was confirmed by Senator Ford in the Congressional Record on October 17, 1990.

Similarly, on the House floor, Representative Hammerschmidt, I have discovered, observed that this legislation will not prevent local airports from banning Stage 2 aircraft, as long as they analyze the need for the restriction and wait 180 days for it to go into effect. The Federal scheme is, therefore, that the FAA shall set a national floor which is consistent with Federal law generally -- from criminal procedure to environmental protection, clean air, clean water, etc. Localities are free to set stricter Stage 2 noise limitations so long as the procedural requirements of the Act and existing law are observed.

The same approach was followed right here in the New York/New Jersey metropolitan area in the phaseout of Stage 1 aircraft. Without adverse consequences to air service for New York or New Jersey or the airline industry, the Port Authority adopted rules which accelerated the phaseout of Stage 1 aircraft over those promulgated by the FAA. The bills propose the same approach for the Stage 2 phaseout, and it is necessary to assure New York and New Jersey their fair share of aircraft noise reduction.

The FAA's position ignores the reality under the national rule that air carriers are free to schedule any

percentage of Stage 2 operations at an individual airport, as long as the percentages meet the national schedule.

The FAA has held forth the promised benefit -- this is one other thing -- of the Act of a ban on the importation of Stage 2 aircraft. We, too, have viewed the nonaddition rule as an important tool in the battle against aircraft noise. We understand that the FAA has failed to take any action to date to assure that ban, which took effect on November 5, 1990. We are informed that the FAA has made no effort at the FAA Aircraft National Registry in Oklahoma City, Oklahoma, to block the registration of Stage 2 aircraft imported into the United States, clearly in violation of this Act. The failure of the FAA to take this step to enforce the mandate of the Act emphasizes the legitimate concern of airport neighbors that the FAA shows little disposition to use its powers to assist the effort to implement portions of the statutory scheme intended to benefit noise-affected communities.

Could this Committee kindly investigate this matter, and please inform us as to whether the FAA has completed this project? Thank you.

I have two other things I want all of you to be aware of. First of all, I had the privilege of having to go to Washington twice in the past two weeks again, because Senator Ford, in the Congressional Record of April 30, 1992, has made a claim, two years later, for the first time -- this is very important; I am not a cynical person by nature, but this is a very strange claim -- that phaseout is not included in the term restriction in the colloquy as submitted on the Senate floor two years ago. You will all be happy to hear that our Senator Lautenberg rose to the occasion and appeared on the Senate floor to inform, first of all Senator Ford, that this was poppycock, basically, because in the colloquy, the next line after "imposing Stage 2 restrictions," is the line that we need to reduce the number of Stage 2 planes in Newark. So what could it possibly have meant but phaseout?

Then Senator Lautenberg, in a stroke of genius, said: "Well, if you want to play with restrictions, fine. We will restrict Stage 2 aircraft to fly into Newark one hour every other Wednesday." (laughter) The reason I say this -- and I spoke to Senator Ford about this; in fact, we had a little exchange -- is, this boy's got religion, or bourbon, or something, because the carriers are all over him. He is a small-state Senator, and he easily bends to pressure down there, I think, because of the expansion of his airports in Louisville and Boone County, Kentucky. But, as Senator Lautenberg said, which I think is illustrative not only of the nature of this nation, but of the nature of this problem: "Boone County, Kentucky, is not Flushing, Queens." There is a very big difference. The problem is, Senator Lautenberg said he would fight to assure that the national noise policy would reflect those differences.

With regard to Assemblyman Bianchi's question about the Council on Competitiveness, in this book, published this week, there is a chapter entitled, "The Council on Competitiveness Curbing the Rules and Leaving No Fingerprints," and one-third of the chapter is devoted to aircraft noise, and how Dan Quayle personally took the rules from the FAA and twisted them in terms of the carriers' interest. When he found out, and was informed that aircraft noise was a loser -- a political loser -- to millions of people in this country, the response was: "Well, let's curb the rules and leave no fingerprints."

The fact of the matter is, the New Jersey Coalition Against Aircraft Noise and the National Airport Watch Group spent a considerable amount of time last week inside the FAA budget, because it is our contention that if FAA money was used to assist Dan Quayle's Council on Competitiveness' twisting of the rules, they may have violated the ex parte rule of rule making under the Federal Administration Procedure Act, which

means the rules could be thrown out because all the parties were not fairly considered. This is just another illustration of how this whole aircraft noise thing leaves us out of the picture. We made formal requests to submit our positions to the OMB and the Council on Competitiveness, and were denied.

As I have said before, and will say again, as citizens of this nation, all we ask is to be at the table when they carve up the duck, and we are not even getting the bones.

Next, with regard to the PFC application, I would like to applaud you, and I would like to also inform you that the Port Authority has submitted its application. If you are seeking to restrict them legislatively, you are going to have to ask them to withdraw the application in that legislation.

Then, finally, since we are all in the mood for legislation and hearings today, I have a stunning suggestion for these Joint Committees, and I am very proud to see the two States cooperating on this bistate problem. I suggest that we do two things here in New York and New Jersey.

Number one, we have the ability to influence wresting noise from the FAA and properly placing it in the EPA, because Senator Moynihan and Senator Lautenberg are prominent members of the United States Senate Committee on Environment. In order for it to be taken from the Committee which currently has jurisdiction, they would have to have a squabble with their old nemesis, Senator Ford. Things haven't been going too well between New York and Kentucky down in the Senate, so I think this is an ideal time to exploit this, quite frankly -- sorry to be so bold -- on our behalf. Quite frankly, I think the larger-state Senators should be the ones who determine where this public policy goes. The Boone County/Flushing example is the perfect illustration.

Finally, I respectfully submit to you that you might want to have another joint hearing, because this is a lot of fun. (laughter) But not only that, I suggest that a joint

hearing be had so we can get on the record someplace in this country, and no more appropriately than New York, the impact of aircraft noise on property values, human health, and learning; sleep disturbance and convalescence. It is a severe national problem, very much like secondary smoke was. You are on the cutting edge of a new issue, and we really need to build a record somewhere on the impacts of noise on these things. (applause)

Finally, I urge you to pass these bills as soon as possible. This is a great day for the Roosevelts, so I will close by quoting Franklin Roosevelt. The reason I think we have to pass these bills and get these Governors to sign them, is because the Port Authority and the FAA have just-- The FAA has just denied us relief, and the Port Authority has lagged on it. As Franklin Roosevelt said: "The best thing to do when you are faced with a rattlesnake is to crush it before it attacks."

Thank you. (applause)

ASSEMBLYMAN BIANCHI: Mr. Russell, for the sake of the record, I don't think -- since it is being transcribed -- you gave us the name of the book and the author.

MR. RUSSELL: Oh. "The Man Who Would Be President: Dan Quayle," published by Simon & Schuster, Bob Woodward, David Broder, Chapter 8, Section 3.

ASSEMBLYMAN BIANCHI: Somebody may be reading the record and they might want to know the name of the book.

MR. RUSSELL: No problem. There's a nice picture of the boys playing golf on the back, too, I'm sure on a golf course not affected by aircraft noise.

ASSEMBLYMAN BIANCHI: Could I follow up with a question on your proposal for another hearing -- a third hearing? Do you feel there are enough people out there who could give some creative testimony as far as education,

health? I mean, I have seen some reports, but I guess there is a lot more out there that we might pull together.

MR. RUSSELL: Yes. Not only are there national experts chomping at the bit at the opportunity to put this all on the record somewhere, but even here in the New York metropolitan area there are several experts. For instance, the Provost of the State University of New York at Stony Brook, who is a professor in the Medical School, has done several studies at Carnegie-Mellon and at Stony Brook regarding the impact of noise generally on learning and health. So I think he would be an ideal witness. I think it would be a great opportunity to do this, especially since we have one-third of the noise-affected people here.

ASSEMBLYMAN BIANCHI: I think that would be a very helpful idea, certainly. We'll talk about that afterwards, right, Maureen? Do you have any questions?

ASSEMBLYWOMAN OGDEN: I also think, Mr. Russell, that in addition to the three points you make about property values, human health, and learning, we really haven't dealt with the question of actual pollution. The noise pollution we have basically dealt with, but the actual pollution from the aircraft is an issue that needs to be dealt with.

I think another economic issue that we would certainly welcome some testimony on would be businesses that choose not to locate in these areas because of the quality of life being diminished. We have heard so much about how -- and we don't know that we necessarily accept it -- detrimental these two bills would be to existing business. You know, I don't accept that, but on the other hand, something that really does need to be on the record, is that those who are thinking of locating here, for instance, businesses that could go anywhere in the country-- Will they come to New Jersey and New York when they have to deal with this issue?

MR. RUSSELL: I think that is excellent. Also, you may want to explore rail service as an alternative to air traffic, especially in the northeast corridor of the United States.

ASSEMBLYWOMAN HECK: We are already doing that at the State level.

MR. RUSSELL: Oh, okay, great. Will there be hearings on that?

ASSEMBLYWOMAN HECK: Oh, yes.

MR. RUSSELL: Oh, great.

ASSEMBLYWOMAN HECK: Assemblyman Kronick and I are putting forth a resolution to promote light rail at this particular point in time, as a first step in that direction.

MR. RUSSELL: Oh, that's great. That's terrific. We would like to talk to you about that.

ASSEMBLYMAN KRONICK: As you can see, this is a bipartisan effort. We are working together for the common good.

I would like to ask a question, if I may? Is your organization planning to take any litigation initiatives here as far as the Stage 2? It seems now, if I understood you correctly, it can be challenged with the FAA. Are you moving in that direction?

MR. RUSSELL: The national group is moving in the direction of supporting any of the local authorities, but the Port Authority or the States would properly be the agencies to challenge the FAA's -- either its withholding of the PFCs or attack on the Stage 2.

ASSEMBLYMAN KRONICK: So that is something the Port Authority should be doing?

MR. RUSSELL: Yes, and I am sure that they will if they implement their schedule, because they did for the Stage 1, and prevailed.

ASSEMBLYMAN KRONICK: Well, that's encouraging; very encouraging. Thank you.



ASSEMBLYWOMAN OGDEN: Thank you very much.

ASSEMBLYMAN BIANCHI: Thank you very much.

ASSEMBLYWOMAN OGDEN: Still adhering to the list of those who preregistered, we have a national, nonprofit group -- two representatives of the Natural Resources Defense Council. Are the two individuals here? (affirmative response from audience)

H A F E E Z A H M E D: Good afternoon, Chairman Bianchi, Chairperson Ogden. My name is Hafeez Ahmed. I am a Research Associate for the Natural Resources Defense Council, headquartered in New York City.

The Natural Resources Defense Council is pleased to have the opportunity to comment on the subject of airport noise control standards and the Port Authority's accelerated Stage 2 phaseout proposal and its impact on the communities surrounding Newark, Kennedy, and La Guardia Airports. We congratulate the New York and New Jersey Legislatures for having the foresight to review this important issue, and to consult with the public by organizing these hearings.

NRDC is a national, nonprofit environmental organization with over 170,000 members throughout the country. For over 20 years, NRDC has worked in Congress, with administrative agencies, in courts, and through research and public education to improve public health and the environment. In the past year, NRDC has begun an Airport Project within the framework of its Urban Environment Program to focus on airport, aircraft, and other related transportation issues. It is with this background that we hope to work with members of the airport and legislative communities to plan an environmentally and economically responsible air and ground transportation system for the metropolitan area and the nation as a whole.

NRDC has several major concerns with the Port Authority's accelerated Stage 2 phaseout proposal and the threats of the Federal Aviation Administration to link this

proposal to the Port Authority's noise abatement and airport rail link programs to be funded with its recent Passenger Facility Charge application.

First, the Port Authority has the right and the obligation to phase out Stage 2 aircraft as soon as possible. Prior to the enactment of the Airport Noise and Capacity Act of 1990, the courts had defined the standards for acceptable noise restrictions. Although the Noise Act limited the right of airport operators to impose noise restrictions on Stage 3 aircraft, it was not intended to change the law concerning when it is permissible for an airport to impose noise restrictions on Stage 2 aircraft. In fact, the Noise Act did not grant airport proprietors any authority which they did not have before the Noise Act was enacted.

Under the Noise Act and existing case law, an airport's noise restriction is legal if it is:

- 1) reasonable in the circumstances of the particular airport;
- 2) carefully tailored to local needs and community expectations;
- 3) based upon data which supports the need and rationale for the restriction; and
- 4) not unduly restrictive of interstate commerce.

In a very recent case involving a Stage 2 noise restriction at the Long Beach, California, airport, the United States Court of Appeals for the Ninth Circuit reaffirmed these principles of law, and observed that a local Stage 2 airport restriction will not be unduly restrictive of interstate commerce so long as its burdens do not grossly outweigh its benefits and so long as it is neither unreasonable nor irrational. The Noise Act merely sets forth procedural hurdles -- in the form of notice and analysis requirements -- as preconditions to a valid Stage 2 restriction. Although the FAA may argue that the Noise Act's provisions with respect to Stage

2 restrictions do not apply to an accelerated Stage 2 phaseout plan, the statute itself does not make this distinction. The legislative history is somewhat helpful, but is, in the end, somewhat inconclusive.

Furthermore, traditional interpretation of Federal environmental law illustrates that Federal rules and regulations are generally established to set the minimum requirements for the states, not the maximum, thereby allowing the states to enforce stricter regulations within the Federal framework, in accordance with local needs. Examples of such rule making are found throughout environmental statutes. For example, the Clean Air Act, while setting national goals and deadlines, delegates implementation of its provisions to the states. Each state is thereby allowed to set its own schedule to reach interim and final attainment deadlines, and is free within the parameters of the Clean Air Act to impose stricter standards than the Federal law. Nothing in the intent or language of the Noise Act evidences an intent to abandon this basic theory of environmental rule making.

In fact, the Noise Act regulations acknowledge this concept, as applied to aircraft operators, by providing carry-forward provisions as an incentive to early compliance with the interim Noise Act deadlines.

The NRDC's second major concern is with the FAA's attempt to link the Port Authority's accelerated phaseout plan with its application to collect a Passenger Facility Charge. The FAA's threat to link the Port Authority's accelerated phaseout plan with its PFC application to raise funds to finance noise abatement and an airport rail link system is unacceptable. It has been estimated that the Port Authority's PFC would raise over \$100 million annually at the Port Authority airports. This revenue would enable the Port Authority to begin construction on a rail link between the airports. This revenue, and the resulting benefits that would

accrue to the region, far outweigh the economic concerns of the airline industry as enunciated by the FAA, as shall be detailed subsequently.

ASSEMBLYWOMAN OGDEN: Could you just summarize the next two pages here, since you are dealing with legal argument?

MR. AHMED: Sure, okay. NRDC would like to state that it firmly supports the rail link system of New York City. We believe it will bring economic benefits to the region that outweigh the possible economic downfalls of the airlines.

We also feel that the airports-- We feel that under the 1990 Clean Air Act, the airports need a system as a rail link to cut down on air pollution. You mentioned discussion of air pollution. If I may read my paragraph on airports related to air emissions--

Airports are an overlooked source of air pollution, both from aircraft emissions, as well as from the indirect emissions of motor vehicles traveling to, from, and in airports. In what is probably incomplete accounting, one government estimate has suggested that 5500 tons of hydrocarbons, 5000 tons of nitrogen oxides, and 19,000 tons of carbon monoxide, along with unknown quantities of particulates and air toxics, are generated at Kennedy and La Guardia Airports every year from aircraft emissions alone.

In addition, during peak times at Kennedy Airport, over 5000 motor vehicles jam its access roads hourly. With passenger volumes already at record highs at both La Guardia and Kennedy, and Port Authority projections of increases of 25 percent and 45 percent for the year 2000, respectively, toxic air emissions from our airports will continue to be a problem. In order to comply with the Clean Air Act, the region will have to reduce these indirect airport emissions or provide for them with offsets and reductions from other sources. The Port Authority's airport rail link system will help alleviate this

problem by reducing the number of cars clogging the roadways leading to, from, and around these airports.

Finally, it should be noted that the entire New York/New Jersey metropolitan area has been designated "severe" in terms of nonattainment under the ozone provisions of the Clean Air Act. One consequence of this designation is that State, regional, and local permitting authorities will have to consider the ozone emissions of all mobile and stationary sources in the SIP revision process and prior to issuing permits for additional new stationary sources. An airport rail link will reduce the indirect ozone pollution caused by motor vehicles and aircraft at our region's airports, thereby helping the States of New York and New Jersey to meet their ozone attainment goals under the 1990 Clean Air Act amendments.

We appreciate the opportunity, on behalf of NRDC, to testify at today's hearing and file this testimony. If we can be of further assistance, please do not hesitate to contact us.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you very much. I have worked in the past with the NRDC on other issues, and I know how extremely valuable it is and how talented all your researchers and staff people are. I am also very interested to learn of the Airport Project that you have begun.

MR. AHMED: Okay. We will make note of that, and will send some information to you.

ASSEMBLYWOMAN OGDEN: Thank you.

MR. AHMED: Thank you. (applause)

ASSEMBLYWOMAN OGDEN: I would like to call next the President of New Jersey Citizens for Environmental Research, Michael Schatzki.

M I C H A E L S C H A T Z K I: A picture is worth a thousand words, if I can get it up. (referring to equipment being set up)

Assemblywoman Ogden, Assemblywoman Heck, Assemblyman Bianchi: We appreciate very much all the work you have done, and especially the many years of support for where we are going here. I think we are finally coming to the point where we are going to get some real results and action.

I recognize that I am very much preaching to the choir here, and I won't preach long. But I do want to address, directly, an issue that has bedeviled this process for a while, and talk about the ammunition we have available to counter some of the statements that have been made about the economics. I am sorry that the Assemblyman who was concerned about the health of the airlines has left, because I would really like to address, directly, the issue that he raised, which will be raised again and again by the ATA, one of the lobbyists for the airline industry, and the FAA, the other lobbyist for the airline industry.

Again and again, we have heard how even the most minor restrictions are going to devastate this industry. So I would like to address my remarks to that.

Let me say first who I am. I am the President of the New Jersey Citizens for Environmental Research, a nonprofit, public research organization conducting research in the environment and public education on environmental issues. I am also one of three gubernatorial appointees to the congressionally mandated tristate New York/New Jersey metropolitan area Noise Mitigation Committee. I am also a business consultant. I travel a lot. I make about 30 to 40 round trip flights a year, so I have no desire to see air service in New York and New Jersey eroded. I would just like to see it quieter and not over everybody's house, but rather over the ocean.

Last summer, we undertook a study. As the numbers began to float around that this would cost billions of dollars -- somebody from the ATA said it would cost \$800 a ticket to

the people at Newark Airport -- and all kinds of statements of that nature, we felt it important to take a look at some of those figures in a rational way, and say, "What do these things really cost?"

Let me talk about the study and the sources we had. We took a look at exactly what that would really cost. The results are in the-- I passed around a copy of the study. The bill number has changed, but it is still Maureen Ogden's bill, and it is still going in the right direction. There is a little summary sheet of the findings. Let me just put that up here. (moves toward video equipment)

The bottom line-- What we did was look at a set of cases -- worst case/best case.

ASSEMBLYWOMAN OGDEN: Maybe that could be angled, so people could see it.

MR. SCHATZKI: Okay. I'll turn it to about here.

ASSEMBLYMAN BIANCHI: I think that maybe if you put it on that wall we could all see it.

MR. SCHATZKI: Okay. First let me just quickly go over the results, and then let me talk about how we got there, not so much to give you the methodology (several words lost here; witness walked away from microphone), but to provide some credibility.

What we're saying is, we looked at this in terms of cost per ticket. A lot of telephone number kinds of "Chicken Little" statements are floating around: "The sky is falling; the sky is falling." Can you hear me back there? (affirmative response from audience) I'm not sure I need a mike. Thank you.

HEARING REPORTER: This is for the record.

MR. SCHATZKI: Oh, for the record.

HEARING REPORTER: Otherwise, we won't know what you said.

MR. SCHATZKI: You won't know what I said. Okay. Well, you're not going to know either, unless I can get one more-- (referring to equipment he is using)

HEARING REPORTER: Sorry.

MR. SCHATZKI: No problem. Okay.

Basically what we did was, we tried to look at a number of economic assumptions as to the actual cost. The airline industry is so large, that the numbers that get thrown around-- We lose sight of the fact that it is literally hundreds of millions of passengers a year. The best way to look at the impact, is to look at what the cost would be per ticket. We made a number of assumptions -- and I will go through them in a minute -- but basically, on a best case basis, the impact of this bill, A-329-- It would have no impact on five of the major airlines in the metropolitan area, and would have a few cents per ticket impact for three of them, ranging from 14 cents to 85 cents a ticket.

Under the worst, worst, worst case scenario, the numbers grow a little bit, ranging from 0 to 72 cents, 25 cents; three in the dollar range; one at \$1.18, one at \$1.70, and one \$2.60. Our feeling is that these are reasonable costs that could be borne by the airlines and the passengers, in order to have an environmentally sound noise environment.

Let me just say a word or two about how we got from here to there. We took a look at the number of aircraft currently flying. We got that from a book that is put out every quarter by the Federal Express Service. It lists literally every airplane in the nation -- in the world, in fact. It also summarizes them by type, by Stage 1, Stage 2. In other words, you get a pretty good data base.

We also took a look at the number of aircraft on order. It also gives that by airline, by type of aircraft, with delivery dates. So we had a pretty good sense of what there is now, what was on order, and when they were going to be delivered.

The next thing we did was look at -- as we do every quarter -- all the air flights in and out of the three



metropolitan airports. There is a publication called the "Official Airline Guide" -- OAG -- which comes out every month. It tells us where every flight is going. It tells us what kind of plane. This is also available on-line on the computer. We download it every quarter and turn it into a data base, so we pretty much know what is going on day to day in flights in and out of New Jersey.

What we did was combine all that, and we said, "Let's make some economic assumptions about what is going to happen to the airline industry, and how they are going to phase in the new planes. So we made two assumptions. We said under one assumption that there is going to be no growth in airline passengers. Last year we had minus 2 percent. And we said, "All right, let's take it at the far end, no growth between now and 1996." What would happen as the new planes come on order, old planes would be retired, and we could, therefore, make an estimate about fleet mix out to 1996. Then we could say, "Okay, look at your fleet mix; look at what you have in New York. Look at the rules in the bill. What is it going to take to fix it? Then we said, "And probably you will move a few aircraft around" -- we said 15 per airline -- "to avoid any cost." If all that came true, we would have our best case analysis -- a very, very minor cost for three airlines.

Then we said, "What if none of that works? What if, instead, there is 3 percent compounded growth for the next few years to 1996?" That's 20 percent between now and 1996. That is commensurate with the highest estimates I have seen anybody make. We also said, "What if they are not allowed to move any planes around?" Everybody has this kind of restriction, and they are stuck with what they've got in New York. So we did our worst, worst case analysis based on no flexibility in scheduling and a very high increase in the number of passengers using aircraft. That results in the worst, worst case analysis on the right.

What we are saying is, no matter how you bracket it, the costs are reasonable, and we have the data and the analysis to put it together. How we got through all that-- I won't bore you, but we used a seven-year amortization schedule. We got the total number of passengers from each airline from the Port Authority. We ran it through, in, out, and all the numbers, and they are contained in great detail in here (referring to his written material), as well as with the methodology.

The bottom line is, these costs are reasonable, and I think we can prove they are reasonable. Okay?

The reason we took these big brackets is because we don't really know the future. What we are seeing happen now is a slight diminution in the number of aircraft being ordered, with a flat minus growth in the number of passengers, and we will be updating this study this summer with new data. We expect it to fall easily within those brackets. We doubt that any changes in the economy or in the rate of ordering of planes, and some mixture there, will fall outside those brackets. If they do, only by a few cents a ticket.

I would like to address briefly, if you like, our conception of why you are getting all this, "The sky is falling." I read in the paper-- I wasn't able to attend your hearing in New York, but I read in the paper that you were told that the ATA was deeply concerned about jobs. Well, the tooth fairy is for little kids, folks. The ATA is concerned about other things, like industry profits. That's okay, but we have to understand where they are coming from.

The bottom line is-- First, let me address one other thing, and that is the Port Authority's position. What we've got with the Port Authority is something that is a little bit better than what the Federal would give us -- okay? -- but it is only a third of a loaf. If we had nothing better -- and we have something better with your legislation -- I would say I

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would rather have that than what the Feds give us. But basically, to reiterate what Angel said, and what Jack said, the Port Authority rules are a third of a loaf. Its major problem is that there is no fair share. We know by our quarterly downloading of the data for the airlines, that New York and New Jersey have been consistently discriminated against by the airlines. We get a much larger percentage of Stage 2 aircraft, and a much smaller percentage of Stage 3 aircraft than other airports around the country.

For example, the Los Angeles area airports, together, have about 75 percent Stage 3, far about what we have. They paid attention. Their airports paid attention to noise; our airports -- the Port Authority -- have not. As a result, we have been very strongly discriminated against. The Port Authority rules use a base period. They say, "Whatever you did last year, you have to cut down." Well, I suspect that somehow or other the airlines knew the direction the Port Authority was going in, in this matter, and therefore continued to keep the number of Stage 3 aircraft low, and the number of Stage 2 aircraft high, so that they would have a high base to operate from in these percentage reductions. And we can show that pretty clearly in the data.

As a result, they have been given an extra grace period by the way the Port Authority has constructed this. Your legislation, by contrast, requires that under no circumstances, at any point, can an airline come in with less than its fair share, even if the percentage requirements are below what they currently have nationwide. For example, American Airlines currently is 75 percent Stage 3. That would mean a major change in their operations in New York. They would have to bring us our fair share.

The other two problems with the Port Authority are, no relief until 1994. You know, it is always in the future. Those who are in business know the hockey stick curve, right?

It's, "Well, we will have to invest a little bit now, but later on we will make lots of money." Well, if we just wait patiently now, later on we will have lots of relief. The great advantage of your legislation is, it begins relief immediately, given where we are right now -- essentially six months after it is passed, the end of 1992, or as soon as we can, the 180 days after that is passed.

Finally, the final phaseout date of 1999 for the Port Authority versus 1996 for your legislation.

The last point: Why so much, "The sky is falling"? Well, I think we just have to recognize that the airlines are relatively predictable. They do what we will expect them to do. It is much easier, and cheaper, to hire some lobbyists for a few hundred thousand dollars, than it is to deal with the environment. So why not give it a shot, guys? Let's talk about the sky falling. Let's talk about billions and billions of dollars, and let's scare everybody. Let's not talk about cents per ticket. Let's just make all this noise.

The airline industry is huge, huger than we are normally used to considering. So let me conclude just by talking about what we are really talking about here, which is capital allocation. The airlines spend a lot of money on capital, but they can do that because they spread it over 400-or-so, 500-or-so, million passengers a year. What do they spend money on? Well, they spend money on new aircraft. They have about 1000 -- maybe a little less right now, but about 1000 aircraft on order. The smaller ones cost about \$35 million; the midsize ones about \$60 million, \$65 million, \$70 million. For a 747, now you're talking over \$100 million. Basically we're talking-- I don't know the exact figures, but it is \$45 billion, \$50 billion of new aircraft on order -- billion, that's with a "b." Okay?

When the airlines sneeze, in terms of capital, everything, you know-- Human beings say, "Wow, God, that's a

lot of money." But remember, they are doing it over a lot of passengers. Let's look at just a couple of expenditures the airlines have announced.

A little while ago, it was reported in "Business Week" -- about a year ago -- that Continental was going to spend \$50 million to paint its aircraft and have a new logo. They have a nice, new, pretty logo; nice new seats. Do you know what? That's okay. That is what airlines should do: improve service, have pretty planes. That's terrific. Fifty million dollars, okay?

American Airlines, I read in the paper the other day, is going to build a nice new Admirals' Club in Newark, Terminal A. Hurrah! United Airlines Red Carpet Club is small. I use these all the time, because I am always on the road. I love them. It is going to cost \$100 million. Terrific! But they could hushkit the entire remaining set of Stage 2 aircraft in their fleet for the same \$100 million. So we get a sense of the issues and priorities. So what we are really talking about here is some variation in the airlines' priorities for the use of their capital budget -- pure and simple.

Thank you very much. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much, Mike. I also thank you for all the time and effort you put in to come up with this cogent analysis.

ASSEMBLYMAN BIANCHI: I understand you are a citizen volunteer in this effort. I think it is terrific that you reached this level of expertise. It will be interesting to see what the airline industry has to say, because they are in the back of the room. I hope you will stay and listen to what they've got to say.

MR. SCHATZKI: I certainly will.

ASSEMBLYMAN BIANCHI: Okay, thank you.

We have a New York State Assemblyman here.

ASSEMBLYWOMAN OGDEN: Oh, do we?

ASSEMBLYMAN BIANCHI: Or, his representative. The Assemblyman is Eric N. Vitaliano, from Staten Island. Do you want to call his representative?

ASSEMBLYWOMAN OGDEN: Why don't you call him?

ASSEMBLYMAN BIANCHI: I understand we have a representative from the State of New York, representing Mr. Eric Vitaliano, from Staten Island. Welcome to New Jersey. We New Yorkers have to stick together here.

MATTHEW WITKOWSKI: That's right. Hi. My name is Matthew Witkowski. I am Assemblyman Vitaliano's Legislative Aide. He could not be here today, because of a previous commitment, but he asked me to read this testimony on his behalf. I will be very brief:

"Each day, the residents of Staten Island are assaulted from the skies. The culprits fly not military aircraft under the flag of some foreign power, but many under the logos of America's largest airlines. The takeoff and landing paths for Newark International Airport sweep across the residential areas of quiet Staten Island neighborhoods, turning them into sonic war zones.

"The New York/New Jersey metropolitan area is served by three major jetports, surrounded by some of the most densely populated real estate in the world. For years, Queens residents have decried the pummeling administered to their neighborhoods by flights into and out of Kennedy and La Guardia Airports. Similarly, New Jersey residents have launched sharp criticisms of noise hazards stemming from operations at Newark Airport. Staten Island has no less a problem.

"Relief has not been forthcoming. Perhaps the roar of the turbines overhead has obscured these pleas for help. When our voices won't carry across the room, how can we expect them to be audible behind the closed doors in Washington? Stonewalling by Washington makes action in Trenton and Albany all the more necessary.

"That is why I thank my colleagues from New York and New Jersey who are in attendance here today. Clearly, you recognize that pollution, whatever its variety, is no respecter of State boundaries, that cooperative action is required, and that the time for solution is now.

"As you know, the Federal Aviation Administration has required the phaseout of Stage 2 aircraft beginning in 1996. Assemblyman Bianchi has introduced legislation in New York, in which I joined him in sponsorship, that would complete, rather than begin, that phaseout by 1996.

"I strongly support the Bianchi bill, and its New Jersey companion, on both safety and noise abatement grounds. Stage 2 airliners are among the noisiest planes in service today, and represent the oldest generation of aircraft, the Stage 1 airplanes having been retired in a similar manner some years ago.

"Attempts by the Port Authority to speed the retirement or retrofitting of Stage 2 aircraft have been met with intransigent resistance from the FAA. In fact, a letter to the Port Authority from the Assistant Administrator for Policy, Planning, and International Aviation at the FAA contains a thinly veiled threat that unless the Port Authority backs down on noise abatement, the FAA will oppose the Port Authority's ability to impose much needed Passenger Facility Charges. Clearly, legislative action is required to bolster the Port Authority's efforts.

"Washington can't, or won't, assist us. States and their agencies, acting alone, can't get the whole job done. Current FAA policy means that, without our help, years will pass before we can expect any meaningful relief from the invisible, yet undeniable source of noise pollution.

"Enough is enough. Federal bureaucrats may close their eyes, but we and our neighbors cannot close our ears. As elected officials, we have the power and responsibility to take

positive action without further delay. I urge the swift passage and enactment of the Bianchi legislation, and its New Jersey counterpart."

Thank you. (applause)

ASSEMBLYMAN BIANCHI: Thank you very much for your testimony. We appreciate hearing it. I will see Eric on Monday.

MR. WITKOWSKI: Okay, sounds good.

ASSEMBLYMAN BIANCHI: I would like to call up A. P. Jurgensen, private citizen, Paramus, New Jersey. Mr. Jurgensen, welcome to our hearing.

A U G U S T P. J U R G E N S E N: Good afternoon. Chairwoman Ogden, Chairman Bianchi, and members of the New York/New Jersey Environmental Committee: My name is August Jurgensen. I appreciate this opportunity to bring certain facts about aircraft noise to your attention.

One of the aspects of jet aircraft noise that has not received needed attention from the FAA is their method of measuring noise. First, the DNL is a misleading average. Depending on other conditions, an atomic bomb blast every hour during the day could be averaged out to 65 DNL.

Second, the 65 level is much too high, as pointed out by the protests of millions of residents in the U.S., by technical experts, by elected and appointed officials, and among others, by the Port Authority of New York and New Jersey.

Third, the FAA refers to the A weighting method as its standard basis for noise metrics, along with the 65 DNL. The validity of the A weighting method has been challenged in technical reports, and has been shown to be deficient in the lower frequency registers. This is where most of the jet "thunder" is that disturbs people so much. I am enclosing seven exhibits with this statement. All the facts are drawn from scientific studies on noise metrics.



Most of the "jet thunder" that jolts residents, frazzles the nerves, rattles windows, and shakes houses and schools, disrupting the learning process of our children, is in the low frequencies that are minimized in the A weighting method used by the FAA. Tests have been made that show a difference of up to four times the loudness by using the A weighting versus the C or D weighting methods. For example, in one comparison test, a jet airplane, climbing overhead and moving away, has shown about 65-70 db on the A weighting method, but about 85-90 db on the C weighting method. This is four times as loud.

If the FAA continues to measure and report jet noise levels by the A weighting method, with a 65 DNL criterion, jet aircraft will continue to bombard millions of men, women, and children, schools and hospitals, with jet thunder, while their reports show only a fraction of the actual noise.

The FAA's methodology in measuring and reporting jet aircraft noise is completely misleading. It should include the A, C, and D weighting methods. Only the C and D weightings will reveal the true high level of noise in the lower frequencies; that is, the "jet thunder" that is pounding millions of New Jersey and New York residents every day.

During five years of stalling and stonewalling, it has become obvious that the FAA has no intention of giving relief from the abusive EECF that it dumped on the people of New Jersey and New York without public input.

The fact is that the FAA fought the EIS, and when it was mandated by Congress, stalled for another year, and now at least an additional six months beyond the specified date for completion. Officials at the FAA have minds set in concrete. Their stalling on noise reduction for the last five years calls loudly for local legislative relief.

FAA Administrator Busey's statement on May 3, 1990 that, "Aircraft noise is bound to increase. We can't make it

go away," shows the FAA's indifference to the public interest. We therefore make the following recommendations for local aircraft noise reduction legislation on Stage 2 aircraft:

1) that any measurements of aircraft noise include the A, C, and D weighting methods. This can be accomplished with filters. It is not a special project;

2) that the weighting method showing the highest readings be used to establish noise levels, since those readings will be closest to the overall sound levels. The A weighting method is notably deficient in measuring "jet thunder";

3) that the maximum acceptable level be set at a less offensive noise level; that is, 50 DNL, instead of 65 DNL, including the nighttime penalty of 10 db.

The legislation this Committee is contemplating is a much needed remedy for millions of noise battered residents of New York and New Jersey.

I would like to close with a quote from an internationally known acoustics specialist I had a talk with on this subject, Dr. Karl Kryter, who has done many studies for the Federal government, for the EPA, for the DOT, for NASA, for the government of Canada, and other countries: "As the results of more studies become available, it is apparent that the FAA's basis for evaluating the effects of noise on people becomes less and less reliable."

Thank you. (applause)

If I may, I would like to add just two small points. A study made for the Environmental Protection Agency of New Jersey by Wyle Laboratories, March 1989, addresses this point. It says, among other things-- They did a series of tape recordings, using Larson Davis 700 sound level meters. "By analyzing the tape recordings using other frequency weightings, it may be possible to assess more accurately the complaints which have arisen in those locations."

ASSEMBLYMAN BIANCHI: Well, I think that is very important testimony. I appreciate your bringing that to us today. If we follow through on another hearing, we will be in touch with you. If you can make it, fine; if not, we will present your testimony again.

MR. JURGENSEN: I appreciate that, and I will certainly be glad to be there. Thank you.

ASSEMBLYMAN BIANCHI: Thank you, sir. Thank you very much.

Our next speaker will be Mr. Richard Brownell, Livingston ACAAN. Okay, Mr. Brownell, welcome to our hearing. We are glad to have you here. Make yourself comfortable in the chair.

R I C H A R D M. B R O W N E L L: Good. This will be very quick. I just have two sides of one page. These rest are just extra copies.

I'm Rick Brownell, from Livingston. I'm on the Livingston Advisory Committee Against Aircraft Noise, which is chaired by Carol Schlesinger, who is also here and will have some testimony later. I appreciate this opportunity to support and supplement her testimony, and I will also mention a suggestion of my own.

The aircraft noise in Livingston is like having thunderstorms each morning and each afternoon. On a typical Sunday, it begins at 6:35 in the morning, and by lunchtime 90 planes have rumbled over my sun porch; 91 more going over in the afternoon and early evening. Weekdays are about the same. Yesterday morning I counted again, and there were 90 planes. We only get a quiet stretch now and then, and we never know when to expect it.

We really need uninterrupted quiet times that we can count on. We need to be undisturbed at night, so we can sleep, and in the daytime we need to enjoy the sounds of children,

breezes blowing, and birds calling, without the blast of giant blow torches overhead.

Livingston, and its neighboring communities, are especially oppressed because the Newark north end departure route goes over us at only 2500 feet. All other departure routes over other communities are twice as high, at 5000 feet. It is particularly distressing that the 3:00 a.m. flights, which use the oldest and noisiest planes, prefer to use this route over us. I've been awakened many times, and have phoned the hot lines with no result. Today, this very morning, planes flew over at 3:25 a.m, 3:30, 3:45, 3:50, and 4:15. I know because they woke me up and I looked at the clock and counted.

I am aware, and I have heard much more today, about all the great fights that are going on to try to lift this curse from us, but I have to admit that I am tired of hearing that things will be better in the sweet by and by. Stage 2 planes need to be phased out as fast as possible. We also need interim relief. Let's not just move the problem from one quiet backyard to another, as they did between Flushing Meadows and Great Neck, as we are now finding out. Welcome to the club, folks. Ocean routing can help when airports are by the ocean, but Newark isn't there.

We have to begin soon somewhere. Here's my suggestion: Let's start with the early morning cargo flights. At that time, hardly any other planes are in the air, so special routing for the cargo flights is possible. Why can't they just circle the airport as they climb to 20,000 feet or so, where the jet routes are? Climbing this spiraling path would keep their noise over industrial areas, and let people in quiet residential areas at least get a night's sleep. It is an interim remedy that could be tried quickly and at low cost. Why not give it a try and see how it works?

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: The Chairman of the Livingston Township Advisory Committee is also here, Carol Schlesinger.

C A R O L S C H L E S I N G E R: Thank you all for this opportunity. I will be very brief because, although I am Chairman of the Livingston Committee on Aircraft Noise, I have been counting planes with members of my Committee, like Rick, for many years. I am an authority on the number of flights between 3:00 a.m. and 6:00 a.m.

I have just two simple questions. One is: If the EECF was initiated in order to firm up the arrival and departure intelligence of Newark Airport and its efficiency, and if, in fact, The Star-Ledger announced on May 7 that Newark Airport has lapsed into the worst on-time record, what are we waiting for? The purpose was not served, and there is no need to go further.

I would also add, the Livingston Township Council passed a resolution last fall decrying the aircraft noise problem. They were inspired particularly because our school children are affected in their classrooms by planes flying overhead. One class did an experiment during an oral report period, where they counted the number of times the oral reports were interrupted by aircraft flying over the school. In a 40-minute period, they counted as high as 12 interruptions. So, these effects are not only on our real estate and on our health and on global warming, but on the education of our children.

I have only one further suggestion. After many of the facts I have heard today, I would press for a congressional investigation of the FAA and how it operates, and I would press that this be done with all due dispatch.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you. We have been asking the New Jersey delegation, for several years, to do that. We hope it happens soon.

ASSEMBLYMAN BIANCHI: Maybe we all have to buy the new book and read about it.

ASSEMBLYWOMAN OGDEN: We have three members of the Cranford Mayor's Committee on Airplane Noise: Paul La Corte, who is the Chairman; Wayne Greenstone; and Barbara Krause. Are any of those individuals still here? Oh, Paul. Sorry, I didn't see you back there.

P A U L L a C O R T E: I will be brief, because the hour is getting late, and, having been a public official, I know you are probably getting a little tired. But, thank you for having these hearings.

A couple of comments: The speakers before me-- I heard the number \$20 billion, and someone else threw out a couple of million here and \$200 million there, and retrofit this and retrofit that. This afternoon, I would like to bring this a little closer to our own little townships.

In 1987, two things happened in the Township of Cranford. The first thing that happened was that the Township authorized a bond ordinance and enabling legislation to revitalize our central business district. The bottom-line figure on that is \$3 million. Next week we begin the final phase, and at the end of that phase, our downtown will be completely renovated, at a cost of over \$3 million.

The second thing that happened in 1987 was the Expanded East Coast Plan. Now, you come to these hearings and you wonder, really, what to say. Well, what I am here to say is that being a property owner -- a residential property owner, a commercial property owner, a member of the construction industry, and the President of the Cranford Chamber of Commerce, I would like to pose the question: Is the FAA, and the Port Authority to a lesser extent, and the airline industry-- Are they going to help Cranford and other communities pay for the revitalization projects of their downtowns, or other projects?

I think we can all talk about theories, and we can all talk about the Federal government many miles away, but at the end of the day, individuals such as ourselves are the ones who have to pay the bills. We are paying the freight, so to speak. The mere fact that the FAA doesn't even bother to show up here-- The arrogance and the insult of these people--

Now, Cranford is not unlike many other communities. It is not unlike Roselle Park; it is not unlike Scotch Plains. Everybody in New Jersey, and I am sure in New York, is struggling to keep their townships' urban areas afloat, and it is very hard. What we have is the Federal government -- because I won't let the Federal government off the hook for an instant-- They can hide all they want; they can whine and say, "Gee, the FAA, they are uncontrollable." That's not my problem that they are uncontrollable. It is the problem of our Federal Legislature. Control the people that you fund, and I think it is time that they do that.

Lately, Cranford has, our Committee in particular-- We have been getting letters where people are now saying, "We moved to Cranford because it is a lovely community, and you seem to be doing things right in this town." Then at the end, they say, "But if we knew there was this airplane noise problem, we would not have come here." Now, the quick answer to those people is, "Well, I guess maybe you picked the wrong spot." Well, you certainly can't move to too many other communities in Cranford to get away from this problem. Apparently you can't move to New York to get away from this problem. So we are stuck in a situation where no one has the answers, or if they have the answers, they are just unwilling to give them.

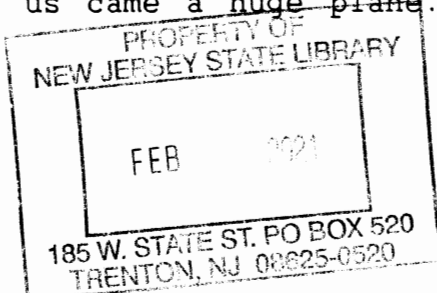
The third thing I would like to say, and I think this will probably bring it home even more in terms of expense-- Commissioner Barbara Bilger, our Public Safety Director-- She was here, but she had to go back to work. On Tuesday, this

Township will be authorizing the purchase of a \$560,000 aerial truck for our Fire Department. One of the reasons why they are purchasing this truck is the fact that should the unfortunate happen, and one of these air cargo planes, or, God forbid, an airliner, or even a small plane, hit our office park, or hit our center of town, we don't have a piece of equipment that could handle this. So according to our Fire Chief, one of the reasons for this expenditure of \$570,000 (sic), is because of this airline problem and the Expanded East Coast Plan.

I suggested to the Fire Chief, I said, "Well, let's give the FAA and the Port Authority part of the bill," and I think I am just going to do that, because I think that is the right thing to do. It is the right thing to do because to offset this cost, this Township is going to go out to the private sector and try to raise some money. So if I have to go out and raise money for this truck, I am going to be knocking on some doors, and the FAA is going to be one of the doors. So is the Port Authority. This is the real expense of this thing. Yes, it is an environmental concern; absolutely. But hard costs are situations like this. And it is not just Cranford. Multiply it by 200 or 300 towns in the tristate area. There's the cost. I think it is inexcusable.

I applaud you people for coming here. I think it's great. I can't say what I would like to say about the FAA. I usually do, but I won't.

Finally, I just want to-- Last week I was on one of my job sites in Elizabeth. Granted, it is right smack close to the airport; it really is. So I went down there and I figured, "Well, there is going to be a little noise." Well, it happens to be a renovation of a building. It's an urban street. There are residences; there are stores; I think there is a church and a school down the road. I got out of my truck -- literally got out of my truck -- went over to my foreman, and over the top of us came a huge plane. Okay, I expect that, but what I didn't





expect was the noise, and the racket this thing made actually hurt. Now, we all like to say, "Well, that's Elizabeth. It's an urban area. You know, those people chose to live there." I don't buy that for a minute. Those people are suffering, and that has to be addressed sometime. Well, actually, it's got to be addressed now.

The point is, our Newark Airport is moving to Roselle; it's moving to Cranford; it's moving to Scotch Plains. It is moving all over New Jersey. It is moving to you, Mr. Assemblyman. And I am here to tell you, by the time they are finished with their expansion, we are all going to be getting out of our pickup trucks and our cars, and it is all going to hurt. And, do you want to talk about industry moving out of the State and economic costs? They will move because there are other places to go, because they really don't have to put up with this. This is a horrible travesty.

With that, thank you. (applause)

ASSEMBLYWOMAN OGDEN: Paul, how far are we from the end of the runway at Newark Airport here -- six miles?

MR. La CORTE: Five or six miles.

UNIDENTIFIED SPEAKER FROM AUDIENCE: It's more than that. We're eight miles--

ASSEMBLYWOMAN OGDEN: Eight, okay.

Signed up to speak is the Superintendent of Schools of Roselle Park.

**E R N E S T J. F I N I Z I O, JR.:** Good afternoon. I would like to thank all of you for taking the time on a very serious issue in our area here in New Jersey, one that affects life in many, many different aspects. I would like to indicate for the record that I am a lifelong resident of Roselle Park. I am speaking first as a resident, and then I would like to speak as an educator not only representing Roselle Park, but our surrounding communities which have similar problems.

Prior to 1987 -- and Mr. La Corte mentioned that date -- we in Roselle Park did not have any type of problem in the area of air noise. Since February 12, 1987, a Board of Education member by the name of Bob Heller brought this problem to my attention within 24 hours after the new Plan had been adopted. There is no doubt that Roselle Park, and surrounding areas, are affected.

My aunt lives right in the area of one of the major crashes in Elizabeth. I had the opportunity, as an eight-year-old child, to go down and see the effects of this. I think the idea of a crash creates a crisis, an immediate action, but, unfortunately, when it comes to noise and the quality of life, it is not taken as seriously because people just see the fact that life is not lost. However, the quality of life, physically, mentally, socially, and psychologically, is affected -- without question.

Our students did a survey in 1988 as part of a science lesson. That is what I will be referring to. Unfortunately, I didn't bring enough copies for the entire public, but there are copies for the entire panel.

In older homes, our students say -- 30 years old or more -- windows rattle, structural vibrations are felt, china dishes rattle on shelves, and plumbing fixtures are affected. Without question, TV reception; no question, radio reception is affected. Family life is disrupted. Telephone conversations are disrupted. Without question, it disrupts sleep, which also can have an effect on the educational process, as I will mention in a few minutes.

In warm weather, airplane noise disrupts outdoor conversation and activities, and intrudes on indoor activities when windows are open.

Those are just some of the points our students made as residents in our community of Roselle Park, which is only one mile square, and approximately six miles from the runway.

As far as education is concerned, I think I know my business; I have been in it for 30 years. I believe that any time concentration is affected, learning cannot take place. The only way learning doesn't take place more often without concentration, is if the student isn't in school. But once they are in school, we are expected to provide a safe, sound, secure environment.

Our students say that learning is disrupted by the noise. Our teachers have reported that it is necessary to pause in instruction during the pass over of planes, so that students do not miss information that is presented orally. It is difficult to hear student questions as planes pass overhead. Students, faculty, and staff have reported that their sleep is disrupted, and that, as I mentioned before, affects quality education.

Student athletes have reported that pre-game rest time is disrupted. Staying with the athletes, some of you know the game of tennis. I believe that at last year's open tournament in New York, they changed the routes going over the particular tennis area. They absolutely changed them. Tennis is played in the fall in our local public schools by the girls, and it is played in the spring by the boys, approximately four months out of the year. Without question, in football, or any type of contact sport, if the signals are not heard properly, there can be injury or harm to a student athlete.

Also, outdoors is where we hold our graduation exercises, and we are very proud of that. Our salutatorian and valedictorian addresses, along with those of the Superintendent and the President of the Board of Education, have had to be stopped on occasion to allow the planes to fly over.

Homework assignments involving television and the use of telephone communication for group projects is impacted. I don't have to tell you the change in education through the use

of technology, and let's also add computer disruption there, as well.

Someone from the FAA, when I made a call earlier in the year, asked me to consider the possibility of soundproofing or air-conditioning my schools. Well, with the Quality Education Act, and the effect State aid has had upon taxes, if I went to my public and asked them to consider air-conditioning the schools, I might as well not only leave my position as Superintendent, but I might as well move out of Roselle Park.

Last, but not least, let's remember that the school year is a 10-month session. Five of those months we have our windows open: September, October, April, May, and June.

Again, I thank you for your consideration, and for taking the time. I also want to say that the suggestion of circling will not aid communities like Roselle Park, Cranford, and Scotch Plains. There is no doubt in my mind that that is not the answer. While I am not an expert on air traffic noise, I do feel that I am an expert in education, and education is suffering greatly as a result of this Plan.

Thank you very much. (applause)

ASSEMBLYWOMAN OGDEN: Next we will have the Chairperson of F.A.T.E. -- Fight Airplanes Threatening Environment -- from Staten Island, Jean Crisson. Is she still here? (affirmative response from audience)

J E A N C R I S S O N: First of all, I would like to thank you, Madam Chairperson, and the Committee, for affording me the opportunity to testify against the airplane noise and pollution that we experience in the New York/New Jersey area.

My name is Jean Crisson. I am a resident of Arlington, which is located in the northwest section of Staten Island, New York. I represent an organization called F.A.T.E. -- Fight Airplanes Threatening Environment. We are composed of thousands of residents in the Staten Island area.

Arlington is approximately three miles from Newark Airport, but when the airplanes are departing Runway 22, we feel as though we are directly on this runway. Staten Island has had planes flying over it for many years, but the present conditions are literally unlivable.

In the 1950s, many of the planes from Newark Airport flew directly over Elizabeth. At that time, there was a plane crash in the Elizabeth area. As a result of this plane crash--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Three plane crashes.

MS. CRISSON: I'm sorry, three. At the time of these crashes, Newark Airport was closed. No takeoffs or landings were allowed over Elizabeth and other surrounding areas. Staten Island, at that time, felt that it was the scapegoat for plane routes. In the '50s, the areas in the northwest section of Staten Island were not developed as they have been today, with new population and more industry. These planes are threatening the communities, and business areas as well, in the northwest section of Staten Island. These planes depart at less than 2000 feet. We literally see them taking off the runway.

When Newark went International and expanded -- and they are considering a more intense expansion -- we, on Staten Island, got more than our share of aircraft and pollution. You can see the pollution from these planes as they leave the runway and fly directly over Staten Island. This pollution is dropping. It is falling on automobiles; it is falling on homes; it is falling on laundry. It is falling on people, as they are in their yards. They have actually had droppings on their clothing.

The Environmental Protection Agency visited Arlington and took decibel readings of aircraft in 1990. These readings were over 100 decibels, on one given day. The Borough President's office visited Arlington many times during 1991 and

1992, and took decibel readings over many day- and nighttime hours. These readings were indicated to be in the high 90s and also in the 100s. The frequency of planes ranged sometimes 20 seconds apart. They fly so low that the logos are shouted out by children four years of age.

We are prisoners in our homes, and cannot escape the noise and the frustration we must live with. We cannot enjoy our outdoor space during the summertime, and when we try to go indoors to get relief, forget it. Watching TV, trying to study, or even to digest a meal is an impossible dream.

At a recent public hearing held by the FAA on Staten Island, various individuals testified regarding the danger of airplane noise on human and, I guess, animal lives. A professor of the Tinnitus Society submitted testimony regarding the threat of the noise on our ears.

Much discussion is held regarding the phaseout of Stage 2 aircraft, and opting toward Stage 3 aircraft. This is a long-range outlook, and at the present time we need, and demand, a solution to our immediate problems on Staten Island, in New Jersey, and in the entire metropolitan area, I might add.

A small deviation in the departure route from Runway 22, down the Arthur Kill Waterway, and over the more industrial areas along said Waterway, had been suggested to Mr. Daniel Peterson, Regional Director of the FAA, over two years ago. We were told, "No problem," it would be implemented. A lie; another lie. As of today, nothing. Now it seems that everything in the way of relief, if there be such an animal, hinges on the famous Environmental Impact Study. We have not even had our anxieties calmed regarding the draft EIS, which was supposed to be ready in November. The question is: Will it be ready in August? This is another put-off, and yet another summer of hell. (applause)

What is the solution? There must be somebody in some agency who has the answer. We, the residents of Staten Island,

cannot, and will not, keep accepting excuses and delays to this most important issue of noise and air pollution. The FAA listens, but the question is, do they hear? Our political leaders on Staten Island have given their utmost support regarding this issue, but the leaders in Washington must impose restrictions on those agencies responsible for the ongoing noise issue. The noise issue is not any one community's problem. It is a nationwide issue, and it must be dealt with accordingly. But in the meantime, please, we must have relief in my hometown -- Arlington, Staten Island, New York.

Thank you very much. (applause) I have enclosed a copy of a picture of Staten Island with the planes. The Borough President's office did have a blowup of this map of Staten Island, showing the intensity of the routes over the northwest section of Staten Island. The redder it is (indicating picture) that is exactly where Arlington is located.

Thank you very much for your time.

ASSEMBLYMAN BIANCHI: You live in Arlington, I think.

MS. CRISSON: Excuse me?

ASSEMBLYMAN BIANCHI: Do you live in Arlington?

MS. CRISSON: Yes, I do.

ASSEMBLYMAN BIANCHI: How long have you been there?

MS. CRISSON: Thirty-eight years.

ASSEMBLYMAN BIANCHI: Oh. So you have seen quite a grow-up in air traffic since you have been there?

MS. CRISSON: Oh, absolutely. At 3:00 a.m.-- I agree with that gentleman. They do fly. They start-- The other evening, there was a plane at about 2:55, and from then until 3:35, we had about seven planes go over in that time span. Like I said, they are 20 seconds apart in frequency.

ASSEMBLYMAN BIANCHI: Those are the air freighters, aren't they, at night -- freight planes?

MS. CRISSON: I really don't know. As one aircraft leaves the runway, before it even clears the area-- We have

13-story buildings in Arlington. I have pictures here of the planes going over these buildings. As one plane leaves the runway, before it can even clear the area, the next plane is coming right overhead.

ASSEMBLYMAN BIANCHI: Do you know if those are Stage 2 or Stage 3 aircraft at night?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Stage 2.

ASSEMBLYMAN BIANCHI: Stage 2 at night, okay. Thank you for your testimony. It was very worthwhile.

ASSEMBLYWOMAN OGDEN: Thank you very much.

We have four people from the Scotch Plains/Fanwood Citizens Against Aircraft Noise, the two Co-Chairmen, Greg Cummings and Dennis Hardie, and then two Board members, David Diken and Ira Bernstein.

G R E G C U M M I N G S: Good afternoon. My name is Greg Cummings. I am Co-Chairman of the Scotch Plains/Fanwood Citizens Against Aircraft Noise. I am also on the Board for New Jersey CAAN.

You have heard, or will hear, testimony from the airline industry that the cost of compliance for meeting A-329 restrictions will have a severe economic impact on their industry, and they will probably present exaggerated figures in support of their claim.

You have heard, or will hear, testimony from the Port Authority that the cost of compliance for meeting A-329 restrictions will hurt the States' economy. Yet, they probably will not present any facts or figures to substantiate their worn-out excuse, which is merely a cover-up for their inaction and dismal record on noise abatement.

While this Committee should consider a legitimate cost of compliance, you must also consider the cost of noncompliance, which I believe is far greater.

What is the total economic impact of decreased property values caused by noisier Stage 2 aircraft?



FAA studies show that aircraft noise decreases property values from .6 percent to 2.3 percent per decibel increase of cumulative noise exposure. The June 1990 Port Authority noise study showed a 6 percent decibel increase in Scotch Plains/Fanwood, which means between a 4 percent and 13.8 percent loss in property values just from jet noise. For example: Fanwood, a small, one-square-mile town of moderately priced homes, with a total property value of \$470 million, stands to lose between \$19 million and \$65 million just because of jet noise. With over 200 New Jersey communities impacted by jet noise, most of them much larger than Fanwood, the loss to the State in property values caused by jet noise is in the billions of dollars.

What is the economic impact of additional health costs caused by aircraft noise and by the polluting emissions?

FAA studies state that the effects of noise on humans cause: speech interference, sleep interference, and hearing damage; and may also lead to: physiological problems, psychological problems, and social behavioral problems.

What is the economic impact to the business community for lost work hours caused by aircraft noise related illnesses?

What is the economic impact on New Jersey caused by toxic pollutants emitted from aircraft?

New Jersey, with the second worst air quality in the country, stands to lose millions of dollars in Federal funds because of potential noncompliance with the Clean Air Act. While stricter controls will be placed on auto and factory emissions, and consideration is even being given to adopting emission standards for lawn mowers and limiting barbeque cookouts, the airlines, a significant contributor to air pollution, is excluded. It is time to force the airline industry to be environmentally responsible by setting strict emission standards for all aircraft.

What is the negative impact on the education of our children and the economic loss to them because of jet noise?

I have included in my testimony a resolution, which I will not read, from the Scotch Plains/Fanwood Public Schools. I think it reiterates what the Superintendent from Roselle said; that there is a definite impact on the education of our children, because of jet noise.

I would like to digress for one minute from my written statement to point out something concerning the Port Authority and its dismal record of noise abatement. While the FAA is guilty of mugging the residents of New Jersey, and robbing us of our quality of life, the Port Authority has been driving the get-away car. (applause)

In 1983, the Port Authority identified 30 schools that required soundproofing in the 65 Ldn area. Since that time, at a cost of only \$12 million, they have only soundproofed 20 schools. During that same period, they spent over \$2 million a year on helicopters and chauffeured limousines. During that time, they have also been willing to spend, at the drop of a hat, \$378 million for a people-mover at Newark Airport. Yet, they have only spent \$12 million for soundproofing schools. I think that is illegal -- morally illegal.

While this Committee has little control over the FAA, as a bistate Committee you do have control over what the Port Authority can and cannot do. For too long, their lack of leadership has been impacting New York and New Jersey. I would suggest to you that until they take an aggressive position with the FAA, perhaps you, as legislators and protectors of our rights, should withhold their funding. It is time that the Port Authority be forced to take a leadership role. I suggest establishment of an oversight committee to control this runaway agency.

In summation, New Jersey has spent millions of dollars improving its image as a good place to work, a good place to

play, a good place to live and raise a family, and the State cannot afford the stigma of becoming New Jersey, the jet noise State. A clean, safe, and quiet environment is an asset to the economic growth of New Jersey, not a liability.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you, Greg.

Dennis Hardie, Co-Chairman?

E. D E N N I S H A R D I E: My name is Dennis Hardie. I am Co-Chairman of Scotch Plains/Fanwood Citizens Against Aircraft Noise, and Coordinator of the EWR Runway 22 Coalition.

The Federal Stage 2 phaseout schedule is riddled with loopholes and escape clauses that will postpone significant noise relief until well past the end of the century. Communities close to the airport deserve relief before the year 2000. For that reason, I support your bill.

Roger Cohen of the ATA recently said: "Phaseout plans will not resolve the aircraft noise problem in New Jersey caused by jets rerouted over suburban and rural areas." I agree.

Recently, I logged 19 jet aircraft passing over my home in a half hour. Each jet emitted between 60 to 100 decibels of noise, at less than two-minute intervals. This grossly exceeds the permissible State noise standards for industries operating in a residential area.

I moved to Scotch Plains over 10 years ago and paid top dollar to live in a quiet community. Be assured that your phaseout bill will not satisfy this suburban resident.

Eighty-seven percent of New Jersey aircraft noise complaints are caused by Newark Runway 22 departure operations over suburban communities. Rerouting this traffic back over industrial areas is the least costly solution to a major portion of the New Jersey aircraft noise problem.

In June of 1989, the FAA shifted air traffic over Scotch Plains without public notice or environmental studies.

Now they say they will never do that again. Meanwhile, my once quiet community suffers under the noise and air pollution from over 400 flights daily.

Why should any community be forced to bear this burden? Why must we be forced to consider litigation against our own government, knowing they will spend our tax dollars to defend its pro-airline policies?

Elsewhere in the country, the FAA, supported by the administration, is crushing attempts by citizens to gain relief from aircraft noise. I have no reason to believe that FAA efforts will be any different here.

State officials can no longer straddle the fence between the airline industry and the citizens of this State. We want Governor Florio to keep his October 1989 campaign pledge to seek injunctive relief. We want the State to fund experts to review the Environmental Impact Study, if and when it is released by the FAA. We want the State to fund an unbiased air route expert to create alternate routes that will not reflect the FAA's airline industry bias.

The clock is ticking, and State government must decide whether or not it wants to set a precedent by writing off billions of dollars of real estate values and the quality of life of millions of New Jersey residents, for the benefit of one single industry.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you very much.

We have two other communities that we haven't heard from yet with official representation. One is the Councilman from Rahway, William Wnuck. Oh, we have two other people. I didn't realize you were sitting there.

I R A B E R N S T E I N: We're still on Scotch Plains.

ASSEMBLYWOMAN OGDEN: Okay, all right. Sorry.

MR. BERNSTEIN: My name is Ira Bernstein, and I am a member of the Scotch Plains/Fanwood Citizens Against Aircraft

Noise. I really appreciate speaking before David, because he is a hard act to follow.

I am 100 percent for your bill, although it will not help me with aircraft noise. The reason I am for it is because it will reduce noise for people living near the airports. It will reduce fossil fuel burning, and by reducing fossil fuel burning, it will also reduce emissions.

The bill does not help me with jet noise, because I am subject to en route jet noise, and switching Stage 3 planes for Stage 2 planes will not be significant in reducing jet noise in Scotch Plains and many areas of Union County. Only major changes to the EECF will help our areas.

Two weeks ago, I testified when Assemblyman Bianchi chaired the hearing. Since then, I mailed a letter to him showing that Europe enacted a Stage 2 nonaddition rule in November 1990. The current FAA policy does not contain a Stage 2 nonaddition rule. Even when the FAA requires 75 percent Stage 3 planes, Stage 2 planes can be added by adding Stage 3 planes to their airline complement.

The testimony by the Air Transport Association and by the FAA and by the Port Authority that your bill would hurt the airline industry, especially Continental and TWA, both in Chapter 11-- Of course, they give no data to back up this testimony.

I have for you the six-month results dated January 31, 1992 of Keystone Custodian Fund Series B-4, a high yield bond mutual fund. (not submitted for inclusion in transcript) It lists its January 31, 1992 schedule of investments. On page 9, there are three listings for Continental Airlines. The first one has an asterisk to the left of it, whereas the second and third have Footnotes B and C. The footnotes are described on page 14. B is a nonincome-producing security, while C is for securities which have defaulted on payment of interest and/or

principal. For Footnote C, the Fund has ceased accruing income. Therefore, the second and third listings of Continental Airlines are in default and do not produce income. However, the first listing of Continental Airlines, per the asterisk, shows that it was acquired between August 1, 1991 and January 31, 1992. It is partly a function of Chapter 11 that Continental can still raise capital. Note that the market value of the two defaulted Continental issues are less than 10 percent of par value. As part of Continental's deal of getting out of Chapter 11, will they pay off less than 10 percent of the dollars, or perhaps just be allowed to return the Stage 2 planes that back them? I am guessing that they will just be allowed to return the Stage 2 planes that back these securities.

One further point on Continental: Their quarterly earnings were in yesterday's New York Times, listed on page D20. There is also a comparison to their March 31, 1991 quarterly earnings. Business is not particularly good, and Continental lost \$35.4 million on operating results in the last quarter. However, that is a reduction of over 80% from their loss of 1991. What happens to Continental if their business gets just a little bit better? I don't think they are in as bad a shape as people claim.

ASSEMBLYWOMAN OGDEN: Mr. Bernstein, is it possible for you to summarize the rest of your statement, because we still have a number of people waiting?

MR. BERNSTEIN: I am just going to point out that TWA leases airplanes. In the same issue of The Times, which I have for you, TWA has come up with a novel approach to getting Stage 3 airplanes. The summertime is normally the most heavily -- the heaviest air traffic in the country. What TWA has done-- They have managed to lease four MD-80s for the summer -- just for the summer. These MD-80s are Stage 3 planes. They are also considering leasing some Boeing 747s for the summer, which are also Stage 3 planes.

I was wondering if the Port Authority, the ATA, and the FAA have figured into their calculations of the cost of getting Stage 3 aircraft -- these novel approaches to procuring aircraft?

Roger Cohen, of the ATA, testified before former New Jersey Assemblyman Spadaro's Committee. He said, "We are buying them" -- meaning Stage 3 planes -- "as fast as they can make them." Boeing is the world's largest aircraft manufacturer and Stage 3 manufacturer. Ten years ago, 40 percent of Boeing's output went to the export market. Today, 60 percent of their output goes to the export market. I think Roger Cohen should be held accountable for his statement, and should explain it.

To finish up quickly, as I said two weeks ago, when the FAA issues their EIS, which will basically be a status quo result, what will you do? Mike Schatzki, of New Jersey CER, who testified today, knows a number of competent air traffic consultants. How about providing funds to the CAAN groups to work with New Jersey CER to hire such an air traffic consultant, to review what the FAA has done, and what can be done?

I'll finish with that, in order to expedite time.

ASSEMBLYWOMAN OGDEN: Thank you.

D A V I D N. D I K E N: Good afternoon. My name is Dave Diken. In the best interest of expediting time, I will try to cut through a lot of my prepared statement. A lot of this is ground that has already been covered. I just appreciate the opportunity of making the statement, although I do feel that some of this stuff has therapeutic results, as far as getting it off your chest when you are dealing with agencies like the FAA and the Port Authority.

We already know that the Stage 2 accelerated phaseout is one of the few opportunities we have to help all of the citizens of the State of New Jersey. We need to seize the

opportunity, because if we don't, other airports which are already in place, such as the John Wayne Airport-- We are going to have more of a mix, which we already know. That is all old ground.

But in addition to the noise benefit, Stage 3 are proven more fuel efficient. I hope we can remember about a year ago, when we were faced with another oil crisis. Let's not let the shortsightedness of the industry prevail here. Let's get on with more fuel efficient aircraft.

Common sense should tell us that Stage 3 aircraft are safer and they are less costly to maintain. A key issue is air pollution. I'm glad that that has been brought up a number of times, and that you are looking to expand on that issue.

I think it is very interesting that when a study was done for Newark Airport's expansion, they did look at the air pollution issue, but they conveniently forgot to check about the airplanes. Okay? The study went into such great detail that they checked on the emissions of the construction vehicles during construction, but they failed to remember the reason for building the airport in the first place, and that is the aircraft. So again, that is definitely an important issue here.

I wanted to touch base on the numbers that I am sure you are going to hear from both the Port Authority and the ATA, as far as the cost of the new Stage 3 fleet. Let's keep in mind that the numbers you are going to hear from ATA-- They have inflated by tenfold the numbers from the United States General Accounting Office. I believe the U.S. General Accounting Office is a very credible source, and when an industry multiplies it by 10, I have some real reservations as to their credibility.

The other economic issue we touched on a little bit today; that is, the property value of New Jersey citizens and how it is affected. Some numbers that you might be interested in: The Newark Star-Ledger mentioned -- I forget what page it



was on, it was on the front page, in fact -- that Newark Airport brings \$3.5 billion to the New Jersey economy, which is fine, and it better bring that, because we are really a loser at only \$3.5 billion. If you take just the calculations that we get from the FAA, and from a law firm called Cutler and Stanfield, which business is suing the FAA over property values, the loss to New Jersey property we estimate at \$92 billion. If you compare \$92 billion to \$3.5 billion, we're for sure a loser.

Now, you are also going to hear about how it is going to negatively impact the bottom line of the air transport industry. They are going to show you some real scary net year-end figures, as far as how they are losing money. Keep in mind that those are probably after depreciation of major assets, such as jetliners and so forth, and not a true measure of their profitability, which probably should be measured in cash flow. I don't think they really have a problem there.

ASSEMBLYMAN BIANCHI: How do you get the \$92 billion? I mean, that is an incredible number.

MR. DIKEN: Yes, it is.

ASSEMBLYMAN BIANCHI: Is that taking a small percentage off--

MR. DIKEN: What we did was take the communities, take the small percentage and just line item it out. Just multiply that, and you get \$92 billion.

ASSEMBLYMAN BIANCHI: How far out from the airport do you go?

MR. DIKEN: We go to wherever the flight tracks are for Newark Airport. We are just talking about Newark here; we are not talking about La Guardia and--

ASSEMBLYMAN BIANCHI: Yes. So that would be, like, a 5 percent reduction in all property values out that far, or whatever, right?

MR. DIKEN: Exactly, using the Cutler and Stanfield numbers and the FAA numbers. We will be happy to provide that to you, if you are interested in looking at it.

ASSEMBLYWOMAN OGDEN: We would be.

ASSEMBLYMAN BIANCHI: I wanted to thank Mr. Bernstein, at the end of your remarks, for the paperwork he sent me before. It was very helpful.

MR. BERNSTEIN: Thank you.

ASSEMBLYMAN BIANCHI: If you two wouldn't mind sending me background on those numbers, that would be very helpful, too.

MR. DIKEN: Okay, great.

ASSEMBLYWOMAN OGDEN: I would like it, as well.

ASSEMBLYMAN BIANCHI: You are a wealth of information, and I appreciate that.

MR. DIKEN: Sure.

One thing we do need to touch on, though, is the potential that the State of New Jersey faces with property tax appeals. That is a new thing in this State. It is a new industry. A lot of property owners are appealing their property taxes. Once the--

ASSEMBLYWOMAN OGDEN: Because of aircraft noise?

MR. DIKEN: Well, no, not for aircraft noise, just for common things, the many mistakes made, and so forth, and also with the economy the way it is.

ASSEMBLYWOMAN OGDEN: I see, okay.

MR. DIKEN: Now, if the word gets out that there is \$92 billion lost in the State of New Jersey alone -- we are not even addressing the State of New York -- can the State afford to lose that type of tax revenue on that base? They won't be able to dispute it. The FAA numbers are there. It is set in stone.

Basically we know the Port Authority is hand in hand with the FAA. We definitely have to get those folks in line.

I don't want to go into any details, but I did have a conversation with the man who runs the FAA Noise Abatement Office here for the Eastern Region. He oversees it, in fact. His name is Mr. Harvey DeGraw. According to Mr. Harvey DeGraw, it is customary for airport operators to present noise abatement procedures to the FAA, and it is customary for the FAA to virtually approve them and then implement them. He also informed me that the Port Authority has put forth no such plans.

Now, it is also interesting that the Port Authority did request more noise be put in New Jersey. Okay? They did request that the FAA increase their operations on Runway 11. They asked for a new microwave radar landing system. We had hearings on it, which many of us attended. They asked that it be upgraded, and that operations be increased. If they, in fact, do that, which they plan on doing, it is going to bring more noise to the already most noise sensitive area of New Jersey. So it is clearly evident where the Port Authority stands on this issue.

I don't want to go into the details, because--

ASSEMBLYMAN BIANCHI: I wish we had had this information when the Port Authority was up here speaking.

MR. DIKEN: That is why I was so upset. When I saw Mr. Plavin here, I was boiling. I have to apologize, because the man lied to this Committee. There is no question about it. We can prove that. Okay? Now, you know, where he says that the man who is responsible for the entire Aviation Department of the Port Authority is not aware that the Department of Defense released airspace-- It is ludicrous. (applause) He stated it; it is in the record. He stated it.

MR. BERNSTEIN: It was in all the newspapers, too.

MR. DIKEN: I mean, if he doesn't know, we really have a major problem. These are the experts. That's how scary this is.

Anyway, the final player in this issue is the air industry. Okay? I want to give you a little bit of an analogy as to, you know-- It is not always a good thing to not regulate industry, and let me give you a classic example. All right? In the early '70s, after the oil crisis, what happened was, the Federal government required that auto manufacturers meet a certain requirement of mileage for their cars. It was called the "CAFE" standard -- Corporate Average Fuel Economy. That meant that all their models across a broad mix had to meet this certain standard. Okay? And, do you know what they did? Do you know what they said, the auto industry? I'll give you 10 guesses. The first 10 don't count, because the ATA is going to give you all that rhetoric for me. They reacted in exactly the same fashion.

What's the bottom line? The bottom line is, we now have American auto manufacturers that are poised, that can compete internationally. Think of your cars in the '70s. Would you consider such a vehicle right now? No. We have a strong industry right now. They were forced, they were handcuffed into doing it, and the bottom line is, we all benefit from it, including the industry.

All I can ask you to do is-- The citizens of New Jersey have been abused by the FAA, the Port Authority, and the Air Transport long enough. The collective organizations with the power to solve this issue-- If they had done so voluntarily, there would be no reason for this hearing. We are all wasting our time here, in fact.

Last year alone, 14,000 people who called in jet noise complaints to the Port Authority alone could have been doing other things. That's 14,000 complaints in one year -- 1991. The Port Authority is still walking around with, you know, this look on their face like they are dazed.

I believe it is the duty of the Legislature to protect the people of the State and to protect the air transport

industry from itself. I urge you to enact this legislation, and get it out of Committee and out for vote as soon as possible.

That's all I have. (applause)

ASSEMBLYWOMAN OGDEN: Thank you. Questions?

ASSEMBLYWOMAN HECK: I just have--

MR. DIKEN: Oh, I'm sorry. (witness had walked away from microphone)

ASSEMBLYWOMAN HECK: Just to offer some clarification, during Mr. Plavin's testimony, he mentioned that the DOD offered airspace, but the FAA did not avail themselves of it.

MR. DIKEN: I believe we should check the record. What I believe--

ASSEMBLYWOMAN HECK: That is why I am so -- it aggravates me, because the FAA does not allow use of other space.

MR. DIKEN: Well, I believe Mr. Plavin stated -- if I can remember correctly -- that he was not aware that the Department of Defense did not need that airspace for military use and that it would be available for civilian use. I was flabbergasted by that statement. I am sure many of the people in this room here were on top of the issue. Obviously, Mr. Plavin is not on top of the issue. I can verify that, that both him and Dick Leone-- They have no interest, other than some photo opportunities, get their picture in the paper, and the Port Authority purposely misinforms the public. They have lobbied against jet noise restrictions in the past. The last time Mr. Spadaro had hearings similar to this, I believe a year ago, they actually refused to make their statement on this issue. The Port Authority refused to make a statement. It is absolutely ludicrous.

It has been stated here time and again that we keep going after them. They keep making us promises; they keep giving us sugar-coated misinformation; and they stall us and

stall us and stall us, and ultimately do nothing. We are still studying it how many years later?

Thank you.

ASSEMBLYWOMAN HECK: Okay, thank you.

ASSEMBLYWOMAN OGDEN: Assemblyman Bianchi has to leave shortly, because he has a long trip home. But he wants to hear any comments that Roger Cohen has from the Air Transport Association, before he leaves.

ASSEMBLYMAN BIANCHI: If you don't mind, I would appreciate it.

ASSEMBLYWOMAN OGDEN: Anything in addition to your testimony two weeks ago, or comments on--

R O G E R C O H E N: Just a couple of things, Madam Chairwoman, and I will submit a copy of my statement for the record. There are just a couple of additions.

I just want to make a couple of comments. First, I want to thank Mr. Schatzki -- and I thanked him outside -- for telling us about the \$100 million Admirals' Club at Newark Airport. I think American's management would be very interested in seeing that that Admirals' Club is going to cost \$100 million. I think that figure may not be quite accurate.

ASSEMBLYMAN BIANCHI: If it is not accurate, what is the number?

MR. COHEN: It's certainly not \$100 million.

ASSEMBLYMAN BIANCHI: What is it then?

MR. COHEN: I really couldn't tell you, but I will provide the Committee-- (disturbance in audience) I will be glad-- Madam Chairwoman, Mr. Bianchi, I will be glad to provide that information directly from American Airlines, directly to the Committee, exactly how much it will be.

ASSEMBLYMAN BIANCHI: My point is, since you called him a liar, I just wondered what your number was?

MR. COHEN: It's not \$100 million.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Ninety-nine.

MR. COHEN: No, it's not anywhere near \$100 million.

We spent a good portion of the last couple of weeks wrestling with these aircraft noise issues that have been vexing this community -- you all, and us -- since 1987. We are here to just tell you a couple of things:

One, we firmly believe that additional noise relief can be achieved within the context of Federal law and without risking the jobs or service the airlines provide. In this regard, we would like to take this opportunity again today to renew our long-standing pledge to sit down with all of the parties -- the communities, the Port Authority, and the FAA -- to craft alternative flight procedures that will provide meaningful noise reduction, but that do not compromise safety or needed capacity. This no-strings-attached commitment extends to review all procedures, new and old; to participate in any form, either an existing one or a new one; and to address these questions at any time, either before the EIS is completed or following the pending EIS.

We further pledge our good offices and our best efforts to pursue arrangements involving our member airlines, the FAA, and the Port Authority that meet applicable statutory tests, and that will help mitigate unwanted noise in communities surrounding Kennedy, La Guardia, and Newark Airports.

But let there be no question to our complete and unwavering opposition to any plan, proposed in State legislation or by the airport proprietor, that violates Federal law or that potentially jeopardizes the job of even one -- repeat, one -- resident of New Jersey or New York. This region and the airline industry have suffered enough job losses over the past two years. Frankly, our leading priority is to protect the jobs of our 70,000 workers here, and hopefully maybe create a few new ones in the future. New Jersey Assembly Bill No. 329, similar legislation in New York, and the Port

Authority's staff proposal, all directly conflict with this objective.

I want to thank you. I also want to throw out one other additional item that came up today on the issue of introducing legislation in both Legislatures that would require the Port Authority to spend funds on noise mitigation -- their PFC funds.

We think this is a very constructive proactive idea, that if the legislation is introduced we will take back to our member airlines and urge that we actively support such legislation. We believe that is what the PFC program was created for, and we think that is a constructive way to get the problem fixed.

Thank you.

ASSEMBLYWOMAN OGDEN: Do you have any questions?

ASSEMBLYMAN BIANCHI: No, you go ahead.

ASSEMBLYWOMAN OGDEN: Thank you, Mr. Cohen.

You know, I appreciate your offer to meet anytime, anywhere, with members of the Legislature or other elected officials or citizens, but we have done that for five years. As far as I am concerned, we were operating in good faith, but I don't believe everyone else was. I think it just enabled the airlines, the FAA, and the Port Authority to say, "We are meeting with citizen groups, and we are addressing the problem." So, in other words, it was just a postponement.

I would like you to furnish this Committee -- and I believe I asked this last time -- with a detailed analysis of all the jobs that are going to be lost. I would like to know what flights are going to be canceled, and which airlines are going to move out of the New York/New Jersey area? With one-third of the activity going on in our area now, where are you planning to move to? Where are all these planes going? You are not going to come anymore to the biggest consumer area in the entire country? You are going to reroute all the



activities so that we won't have any aircraft noise, because we won't have any aircraft?

MR. COHEN: I'm sorry?

ASSEMBLYWOMAN OGDEN: Well, I am trying to understand exactly what the airlines-- I am trying to understand the exact actions that the airlines will take when these bills pass both Legislatures and are enacted into law.

MR. COHEN: Well, I think the first thing that is going to happen--

ASSEMBLYWOMAN OGDEN: In terms of cutting down, or eliminating the service to the areas.

MR. COHEN: With all due respect, Madam Chairwoman, the bills are patently illegal on their face, and would be so proven in a court of law. So I don't think there would have to be any changes made.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We'll see.

ASSEMBLYMAN BIANCHI: It looks like we don't have a lot to talk about. See you in court. (applause)

ASSEMBLYWOMAN OGDEN: Let me just ask you one other question, then, Mr. Cohen: At the last meeting, the Port Authority said to have a phaseout schedule along the lines they propose by the end of 1999, that it would basically not cause any economic disruption, not a loss of jobs, and you said it would be a billion dollar cost. Do you have concrete statistics to justify that billion dollars?

MR. COHEN: Madam Chairwoman, that is the FAA estimate, as I cited. That is the FAA--

ASSEMBLYMAN BIANCHI: We don't believe the FAA, though. Anyone in the room who believes the FAA, please raise your hand. (laughter)

MR. COHEN: We were citing the FAA's figure. (multiple comments from audience; indiscernible to transcriber)

ASSEMBLYWOMAN OGDEN: Oh, please.

ASSEMBLYMAN BIANCHI: We're having fun.

ASSEMBLYWOMAN OGDEN: Okay, thank you.

ASSEMBLYMAN BIANCHI: Thank you.

ASSEMBLYWOMAN OGDEN: Do you have to leave now?

ASSEMBLYMAN BIANCHI: Do you mind?

ASSEMBLYWOMAN OGDEN: No, all right.

I understand that Mr. Engle, of Teterboro Airport, has material that he wants Assemblyman Bianchi to either hear, or take with him, or what is it?

P H I L I P W. E N G L E: Yes, ma'am. If you want, I can do it now, very briefly.

ASSEMBLYWOMAN OGDEN: No, he has to leave. Maybe you could just give him a copy, then. Okay.

To go back to those who have signed up, from two towns that we haven't heard from yet, we have a Councilman from Rahway, and we have the President of a concerned citizens group from Linden, Beatrice Burnsoff (phonetic spelling). Is she still here?

B E A T R I C E B U R N S O F F: I'm still here.

ASSEMBLYWOMAN OGDEN: Okay. Would you like to come up now, too? (witness complies)

C O U N C I L M A N W I L L I A M P. W N U C K: I thank you very much, Madam Chairman. I thought that was terrific. It's about time we put them where they belong. They think this is a playground -- the New Jersey/New York area is a playground for them.

I am Bill Wnuck. I am a Rahway Councilman. I have had some other background. I worked for the Boeing Airplane Company for two-and-a-half years, so I did bring up to the FAA a number of times about the droppings from their airplanes. I told them that when they are overloaded they do make fuel drops. It would affect their landing gear, and they could have a crash. You heard today that a number of people have seen droppings. I know it is true because I worked for them, and they don't always tell the truth.

I was temporary President of the Council in Rahway, and we passed a resolution a few years ago condemning the noise and air pollution. We sent it to our Governor. I understand now, like, today, that Livingston also did it, and Scotch Plains, Woodbridge, and many others. You never hear anything about it from our Governor. I'm sure there must be quite a few towns in New Jersey who have sent them there.

The East Coast Plan-- I'm for back to the ocean. Our Congressman Rinaldo keeps saying it, and I'm for it also. This is being done when you go down to Fort Lauderdale, you go to California, you go to these other areas. They go to the ocean. They fought it and won. We should do the same.

I don't want to take too much of your time. I know you want to leave.

Different people have talked about various things, like noise. I recall football teams. They can't hear the signals on the football field, and they have to stop. Teachers have to stop in our schools.

As far as air pollution is concerned, there are tons and tons of emissions coming out of these airplanes. They are not just carbon. I do have something here. Finally, somebody printed something here about the ozone and the nitric oxide. Well, there are millions of tons of this pouring out. It is going all over New Jersey. If you looked at Pittsburgh about 40 years ago-- You know what Pittsburgh was like. I am not looking for Pittsburgh being here. They cleaned up their act, and it is time we let the FAA know it is about time they cleaned up their act, too.

I am for one quick solution that I can think of. We create two large tennis courts, one in Staten Island and one in New Jersey, and bring international play here. Maybe we can clean this up quick.

Thank you very much. (applause)

MS. BURNSOFF: I am sitting down to luxury. Most public hearings I am standing up. My first name is Beatrice. My last name is Burnsoff, but as of this moment, my middle name is "Brevity."

Linden is the last community to come on board. They say, "Misery likes company." You're joining us; we're not joining you. The 1987 changeover affected the communities around here, but since the startup of the Newark Airport, we were the first ones to be dumped on. Cranford is getting noise, but all of you have to realize that the low flight gives us high impact. We are almost at the end of the runways.

It is something-- I am delighted that noise pollution has finally found its hour, because air pollution and water pollution have the Clean Air Act and the Clean Water Act, and they are-- Industry is cleaning up its act. It is part of the cost of doing business in New Jersey, as it should be. I did not circle what legislation I am for or against. (referring to sign-in slip) I cannot think of any legislation so people oriented being presented that I would oppose.

I am here basically because I am afraid when I hear "over the ocean" and "over the industrial areas," that once again Linden is going to get dumped on. To hear my sisters across in Staten Island say, "Bring the flights down the Arthur Kill over the industrial area--" Okay, for their section of Staten Island, that's fine. They're home free. But Travis, which has been helping us fight the siting of a hazardous waste incinerator in the Arthur Kill, would be in the same boat Linden would be.

I see the top of the coat of arms there, the egret. Well, the egret may come over here and visit Cranford, and up and down the river, but it breeds in Linden on our shores and on Shooters Island. Someone earlier mentioned that people and wildlife need protection from the noise. You see, air pollution will eventually bother you. Water pollution will

eventually bother you. But noise pollution has an immediate effect on every part of your system. It has an effect on things that are growing within you, and on your children outside of you, so that it is an insidious kind of thing that we can hear and react to. I am glad that we are reacting as a group of communities, not as individual "NIMBYs," and I have heard a little NIMBIISM here. Please! If you want to see an industrial area that is a suburban community, come to Linden.

Our borderline between Linden and Cranford is Wood Avenue and Raritan Road, and I defy any of you to find a difference between the houses on the Linden side and the Cranford side. It's all a small community of suburban homes.

Again, for the sake of brevity, because, quite frankly, my comments were gutted by the research and the comments that went before me. I think we have turned into a complaint panel. I don't think that is the purpose of this. I think we are all aware of the complaints. I want to heartily endorse those who went before me who said you definitely need a third hearing. But, from years of attending these things, time limits must be set, because everyone who attends is giving up their time, if they are a volunteer, or is on some taxpayer's clock. Repetition becomes a terrible thing to hear. In the past, I have attended things with time limits, where there was only allowed one spokesperson from each group, and we got out of there for lunch. It is not that we don't all have concerns, but I don't believe that my complaints should just be laid on your shoulders. I think I should come here to you with the hope of supporting a giant effort, with the hope of a partnership between the bistate legislation and the bistate communities, and that is what I am here for.

I am also here because I have been trying so hard to protect all of the Arthur Kill communities on both sides. This is not a history-making first bistate. We have had two of them between Staten Island and Linden. What I am endeavoring to say

is, let us concentrate on the solutions, and dumping on another community is not a solution. An immediate Band-Aid effect of putting the air flights out over the ocean is great, because you can sleep in your second-floor bedroom, because you can have peace and quiet in your backyard, and the telephone-- I mean, forget it. My aunt used to live in Clossen Point, right opposite La Guardia. You didn't bother calling her; it was an impossibility.

So, yes, I would push for the alternative, for the Band-Aid of a flight over the ocean. But please don't let the bottom line be that we are going to be NIMBYs and dump on each other, just so one community with perhaps a higher rent district doesn't have any noise. If that is going to happen, then I am going to insist that we look at the communities with the commuters, and let them have the airport noise, because our communities in Linden use the train.

So, if you understand what I am trying to say-- I'm glad you're here, because we have been complaining for years. We have been accused of being NIMBYs. They cannot accuse 250 cities of being NIMBYs. Again, I just want to stress the fact that having jet airplanes that are almost noiseless -- I know it is impossible to be noiseless -- is a matter of the cost of doing business in the State of New Jersey, which is concerned about the environment and the people.

I am so proud that we have legislators who are making us the better State. We can never go back to the Garden State, but it should be a place where people can live in peace and quiet. So, if industries had to put up waste treatment plants under the Clean Air Act -- I'm sorry, the Clean Water Act, and if industries had to put scrubbers on their stacks under the Clean Air Act, then solve the airplane problem permanently. We need a noise act; we need one with teeth in it.

I have been frustrated all of my activist life, because you deal with two or three very large agencies when you

have one problem. They split the authority. They are happy to grab the moneys and split them. But the bottom line is, no one wants the responsibility. So if you think the FAA or the Port Authority are bad, come aboard us who are fighting the chemical -- the storage of chemical trains in suburban backyards and the fact that they are making this noise at 2:00 in the morning as they put these trains together; and try dealing with the Federal Railroad Agency, DOT, and the State agencies. No one has responsibility.

So, legislators, I am giving you the responsibility of giving us an act with teeth in it. To all of these groups behind me, I am pleading with you. Linden has so much. Please! We are the start of the present flights. We have the most noise because they are flying lower over us. But if you follow the so-called Arthur Kill industrial corridor, we will be dying.

One last little cue for the piano: This is the "Real Estate Appraiser," put out by the Appraisal Institute. They are located at 875 North Michigan Avenue, Chicago, Illinois. Every real estate appraiser in the State who wants it, too, has subscribed to this. What they have done now-- They have started to recognize the outside adverse effects that can affect your property values. They may already have done a study on airplane noise. I am not an appraiser. This was given to me because if these hazardous waste landfills are impacting values-- Someone was trying to point out to me that a hazardous waste incinerator would make the values of all of Union County go down the tubes. So, if you contact these people, they might be willing, since they are a resource for appraisers, to do a study, if they haven't already done one, on the effect airplane noise would have on house property values, because this study about a closed landfill, about potential landfills, and toxic landfills--

It's really an eye-opener to see how it declines, and not just next to it, but in an ever-widening circle around it. Then when you have an area where 250 cities are affected-- The gentleman's figures before were very small, but he neglected to say something: Unless each and every one of us were to do a tax appeal, our house values will be going down, but not on the books. We'll still be paying those high taxes.

Thank you for listening to me. (applause)

ASSEMBLYWOMAN OGDEN: We have representatives from two other towns that have not been heard from. One is Colonia. Is Pat Bonaventura still here? (affirmative response from audience) The other town is Mountainside, Norman Heckel. Is he here? (no response) No, he isn't here.

P A T B O N A V E N T U R A: Thank you for your time and your diligence. Colonia is 11 to 13 miles south of Newark Airport.

ASSEMBLYWOMAN OGDEN: Please identify yourself for the record.

MR. BONAVENTURA: Pat Bonaventura, Colonia, New Jersey, which is part of Woodbridge Township, a community that numbers over 93,000 people. It is the largest community in Middlesex County. I am the only representative from Middlesex County. I have been in this thing from the beginning, also, second or third to Scotch Plains and Cranford.

Several of the things that were mentioned here today, I would like to comment on. The first is: I see that Roger Cohen has left. He said what he had to say, and he has been very impatient, I know. It is very interesting that Glenn Morris was the representative for the ATA, and had been against the New Jersey Coalition Against Aircraft Noise and rolling back the EECP. The past couple of months or so, Glenn seems to have changed his dialogue, and he now seems to be supporting what we have been fighting for. His reward for that seems to



have been that he has been replaced by Roger Cohen. I don't know if anyone else has picked up on that.

I don't think Roger Cohen knows what the hell is going on, in plain English. Excuse my crude language, but I have had it up to here. (demonstrates) I am tired of calling up the noise complaint hot line all hours of the day, all hours of the evening, and into the wee hours of the morning, giving detailed descriptions and times that the planes are coming over, calling back repetitively. I have not received a comment or any kind of correspondence from the FAA, and I have been complaining for several years.

I am also part of the Board of Directors for New Jersey CAAN.

The DOD report that was submitted to the Federal government with relation to the military airspace-- The report was left on Admiral Busey's desk. It was left on then Transportation Secretary Samuel Skinner's desk, for several months, I might add. Why? Did they keep putting it on the bottom? Perhaps it was because Samuel Skinner was going to be elevated to replace Sununu, as Mr. Bush's aide -- chief aide, which brings me to another point: When is George Bush going to come out and say something? Is it perhaps that he is afraid that maybe he is not going to get any more PAC money from the airlines? I say this to George Bush, okay, and I hope it does get publicized: "If you want to get reelected, you'd better not come to New York or New Jersey, because we don't want you anymore if you are not going to take a stand." We want relief here. We want rollback. We are tired of hearing rhetoric. We want relief. We don't want just hushkits. We don't want Stage 3 aircraft. We want rollback. We don't want the planes over here. We haven't had them before. Why should we have them now?

I grew up during those three very bad plane crashes in Elizabeth. I happened to live in Elizabeth at that time. I lived in Elizabeth for 30 years. I didn't leave Elizabeth to

escape the sound of aircraft. I left Elizabeth of my own volition because we wanted to live in suburbia, and because I could afford it. I will not forget what happened in Elizabeth, because I was a child at the time, and these things do remain in your memory. One crashed across the street from Battin High School, an all girls high school. One narrowly missed the Union County Courthouse. The third one crashed across the street from the Janet Memorial Home, which is an orphanage. How long does this go on? I mean, this is like deja vu.

Thirty-five years ago, this happened, and now the routes are very similar to what they were 35 years ago. I mean, are we looking for another mishap? How many mishaps are going to happen throughout this country? We had the problems in Los Angeles. We had the problems in Colorado. We had a plane crash and a helicopter crash within a year's time, within a mile of each other in Edison. I realize that the light aircraft and the helicopters have to fly lower because there is no airspace for them. I am getting tired of having my chandeliers rattled, my china rattled; the cracks in my walls because of the vibrations of the choppers flying over my home. Where does it end?

Now we are talking about expansion of the Atlantic City Airport. They are talking about the expansion of Princeton Airport, Robbinsville. Where does it end? When do we, the citizens, take back our country, and say, "Damn it, we don't want this anymore"? "Listen to what we're saying. Read our lips; just like George Bush says, 'Read my lips,' read our lips. You better listen to what we're saying, because not only at the polls, it is going to happen in other ways, too."

I hate like heck to keep scattergunning this, but I just ran together a few notes. I am going to try to be brief. Newark Airport was closed--

ASSEMBLYWOMAN OGDEN: Yes, could you please wind it up, Mr. Bonaventura, because there are about--

MR. BONAVENTURA: I will. Newark Airport was closed for two years because of those plane crashes in Elizabeth.

One more thing, and then I will leave: It is nice to see that Senator Bradley and Senator Lautenberg continue sending down their representatives. When are they going to make a personal appearance at these hearings? I travel all around this State, just as everybody else here does, and I participate in these hearings. We know that Assemblywoman Maureen Ogden has been at the forefront of this from day one, but we have to have the Federal government get more involved in it. They have to escalate this to the executive branch of the government, and George Bush has to get involved in it. If he is not going to, then I suggest that we don't vote for him.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you.

Barbara Frawley? Is she still here, from the Northern Morris County Coalition? (affirmative response from audience)

Let me just say while she is sitting down, we have, I believe it is four more people signed up: Frederick Obrock, Barbara Schwartz, both from Scotch Plains/Fanwood; Janet Murray and Frances Wismer from Cranford. Are there any other individuals who wish to speak?

R I C H A R D D. M c O M B E R, ESQ.: (speaking from audience) I am Richard McOmber. I see my name on the list.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Barbara Schwartz won't be here.

MR. CARAMALIS (Committee Aide): Mr. McOmber's name is on the original list.

ASSEMBLYWOMAN OGDEN: Oh, is it? I'm sorry.

MR. McOMBER: I believe it is on page 2 of the list -- Richard McOmber.

ASSEMBLYWOMAN OGDEN: Oh, I see. I'm sorry. We didn't realize you were here.

MR. McOMBER: Thank you.

**B A R B A R A F R A W L E Y:** I would just like to say, we've heard from people three miles from the airport. We've heard from people five and eight and ten. I live 22 miles from Newark, more than 35 miles from La Guardia, and I am here this morning -- Barbara Frawley is my name -- to present to you the opinions and the views of the citizens of my community and those of our neighbors, Boonton, Denville, and Mountain Lakes. Additionally, I am a member of the Board of New Jersey CANN.

When we chose to live in Boonton Township, it was to be far from the influence of New York City, and to be free of the noise from Newark Airport. My husband commuted to New York City and made frequent trips, often up to two hours, to the area's airports for business travel. We considered the commute and the airport trips to be an excellent trade-off because we could live in a community where people and animals were the dominant environmental factor. We had some jet noise, but it was a minor factor.

Then, in 1987, our environment was devastated by hundreds of airplanes, on a daily basis, flying at altitudes starting at 3000 feet -- mean sea level -- layered into four new highways, and from all three metropolitan airports. More than 50 percent of them were, and still are, old, noisy, inefficient jets.

Before EECF, our suburban/rural environment was dominated by the wind, our kids, birds and animals, varying amounts of automobile traffic, and a tolerable number of airplanes, including those from Morristown Airport. Now, our environmental day begins somewhere between 2:00 a.m. and 4:00 a.m., when a string of groaning, straining cargo transports send down an energy so powerful that 22 miles away from an airport, our storm windows vibrate. Then, usually after a respite that lasts until around 6:00 a.m., the transports are replaced by an intolerable variety of landings, takeoffs, and

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assorted delayed flights -- they're very big -- for much of the day and often into the night.

The sounds, depending on the age and operating mode of the jets, are whistles, screams, groans, and whines. Sometimes they are solo, but more often there are two, three, or four, all at the same time. I was speaking to a lady from the Port Authority. She said, "Well, yes, of course, you are a junction in New Jersey. Boonton Township is at the junction. We do have four and five layers over us." So now, sometimes for several hours at a time, old, noisy planes, one every minute or so, cut through the air directly overhead at ever-decreasing altitudes, as they prepare to land in Newark.

There now exists in northern Morris County, a five-way junction, carrying the nation's toughest air traffic, bringing every noise, exhaust, fuel dropping, and safety concern that comes with it. And the FAA and the ATA are determined to keep it that way. There is no economic gain that is worth the environmental damage that has been created by the frenetic search for profits that disguises itself as a necessary "service" to society. It is dead wrong to destroy one group in society by claiming a benefit to another group in that same society.

The "red herring" called efficiency that they have thrust in our faces over these years as a "pat" answer to every complaint or request for data that we have made is shameful. You heard them today. You heard when we asked the man from the Air Transport Association for data-- There is no data they are willing to give us. Translated, we hear the industry saying, "If we can't make the noise, we can't make a profit, and the industry will be destroyed."

Indeed, Robert Aaronson's recent letter to The Star-Ledger should have been titled, as Mike Schatzki said -- I think it was Mike -- "The sky if falling; the sky if falling."

Like Henny Penny, every time we complain, he accuses us of trying to bring down the entire industry. Bunk!

The airline industry in the United States, by its own devices -- and I wish Mr. Cohen were here -- is neither efficient nor effective. They flood the newspapers and other media with offers that would make a discount retailer blush, as they move in and out of bankruptcy. Delays, which were to be reduced by the EECF, have risen dramatically at all three metropolitan airports, and Newark is now the worst. We wouldn't be surprised to hear the FAA issue a new demand for another EECF by once more hiding behind the phony objective of "reduced delays."

The FAA has created a feeding frenzy for new and used gates, many of which airlines seek only with the hope that they can develop a market that does not exist now to be serviced by an aging, noisy fleet that the ATA is desperate to protect. That is the real problem.

The airline industry, encouraged and supported by the FAA, is the only industry in the United States that believes it has the unquestionable right to destroy the quality of life of the people who are its helpless neighbors. I am here to repeat that it is immoral and unethical. You can stop them from operating a 20th century industry with a 19th century attitude.

So, please, ladies and gentlemen, don't label all of us who have spoken to you as "those antinoise activists who are trying to bring down an industry," as Mr. Aaronson would try to make you believe. Rather, label us as your constituents who are normal people who have been forced together by an intransigent government agency that is primarily controlled by the airline industry.

Maureen, you know this better than I do. Please hear us and vote yes on A-329.

Just one more point: I guess you all read this New York Times article this morning, but it is just amazing that

all of us circled the same paragraph. To the complaints of the people on Long Island, this is the response from the FAA. Mr. Pardue said, "Until the data and complaints from the test are evaluated, the agency will not be able to say, with certainty, that the new pattern caused the problem. We don't want to argue the point," he said, "but we are not really sure where the noise from Great Neck might be coming from." Here there are people saying planes are flying over their houses every 90 seconds, rattling their windows, and Mr. Pardue doesn't know where the noise is coming from. It is unbelievable.

Thank you very much. (applause)

ASSEMBLYWOMAN OGDEN: Representing the Monmouth County Organization Against Aircraft Noise, we have Richard McOmber.

MR. McOMBER: Thank you. My name is Richard McOmber. I am an attorney.

First, thank you, Assemblywoman Ogden, for your perseverance, in light of a very frustrating subject. I don't mean just today. You have been at this a lot longer than I personally have, because you have been involved with this Committee longer than I have been conscious of the noise. I am aware of some of the correspondence, going back a number of years, with the FAA and with the Federal government.

I represent the Monmouth County Citizens Against Aircraft Noise and, as importantly, the Riverside Drive Association, which is a homeowners' group of about 350 homes in Middletown Township, along the Navesink River. We have the special treat of being able to watch them come in for a long distance, as they come over our homes and, for our area, go into Kennedy.

I think it is easy to say, as the gentleman did -- I guess his name is Roger Cohen -- that this Committee really has no function; that you really ought to pack up your bags and go home. I sense you don't believe that, and certainly as an attorney, I do not believe that, although it would be easy for

one to say, "Well, this is a Federal problem, let the Federal government deal with it," as I did, as I began to be bothered by the noise at our home. I wrote a very nice letter, not nasty, a very pleasant letter, to the FAA, and said, "Gee, you know, we are having a lot more air traffic over our home." I will admit that I was then unknowledgeable of everything.

On September 11, 1990, I said, 'Gee, in the last year, we have had the aircraft noise over our home increase geometrically." I am not going to repeat everything you have heard, but I will tell you that you can't sit out on the lawn on a Saturday afternoon at a house that we pay substantial real estate taxes for. Yes, in answer to somebody, I am filing appeals for people along the Navesink River. One of our points is additional aircraft noise. It decreases values. Okay? Is it going to be successful? I am going to take it to the Tax Court.

ASSEMBLYWOMAN HECK: Let us know if you are successful.

MR. McCOMBER: I guarantee-- I don't know what the tax judge will say, but I guarantee he is going to hear it.

So, I wrote kind of a nice letter to the FAA in September of 1990, and I got kind of a nice letter back from the FAA in November of 1990 that, looking back, was, at best, a prevarication and, at worst, an absolute lie. We are close to Kennedy. You have heard a lot about Newark; you have heard some about La Guardia. Aircraft coming over our house go into Kennedy. How do I know that? Not because the FAA told me, because they said, "Oh, no, you are in the Newark flight pattern. Don't bother us at Kennedy." So we went up to Highlands with a pair of binoculars. I am only a lawyer; I am not an expert. I am going to get back to that point. I watched them come in over my house, make a right-hand turn, and go into Kennedy. I kind of knew where Kennedy was, because I had a map.



What did the FAA say, when I said, "Gee, the planes are going very low over our house into Kennedy"? It came back, "Departures from John F. Kennedy International Airport overfly Monmouth County at altitudes of 6000 feet and above. Newark International Airport is at 5000 feet and above, while La Guardia is 12,000 feet and above." Naturally, they didn't say anything about incoming flights coming into Kennedy, because that is what I was complaining about.

I will tell you, they come in over our house at 2000, 2500. I mean, we don't just read the logos, we know the pilots. So, my point is, this Committee's activity is absolutely important. I think you can kiss off the Federal government. When a Congressman testified down in Monmouth County on the EIS, he got no greater respect from the FAA than did the rest of us. So my hope is this Committee.

Point one: As other airports have limited Stage 2, guess where they have gone? They have gone to Newark; they have gone to Kennedy; and they have gone to La Guardia. The Wall Street Journal article, April 5, 1991. The State organization also did an analysis which shows that Kennedy, Newark, and La Guardia are getting a disproportionate share of the noisier aircraft as the other airports ban them. Parenthesis: What has the FAA done for itself? We lived in Washington for three years. Guess what time National closes down today? After 10:00, you can't fly into the National Airport at night. Why? Probably because the members of Congress, and assuredly the FAA representatives, live close to National Airport. So, what is their answer? Close the thing down.

ASSEMBLYWOMAN OGDEN: It was the members of Congress that brought that about.

MR. McOMBER: I wonder if we asked them-- But in any event, in Washington, National closes down. I wish we could do

the same thing with Newark, La Guardia, and Kennedy, and you would probably eliminate 99 percent of the problem.

I am not going to talk about "over our house." You have heard it. I am not going to talk about frequency. You've heard it. I am not going to talk about heights. You've heard it. I am a relatively sound sleeper. At 6:00 in the morning, you get woken up, and I will tell you: I am an attorney. I come home late at night, as you do. At 1:00, 1:30 in the morning, they come over. I will tell you, they can talk about the Expanded East Coast Plan. It has been worse not just since that. It got worse in '90 and '91. It substantially and geometrically increased in 1990, '91, and '92 from the Expanded East Coast Plan. So for experts, representatives of the Federal agencies, to sit here and tell you, "Well, we adopted this plan. We're doing an EIS." Paren: When is it going to be done? Close paren. "We are going to look at that." I'm telling you, it has changed dramatically since the implementation of the EIS, in the last two years. When the EIS changed, we would sit out on Sunday afternoons and watch the planes come in occasionally. In 1990, '91, there was a dramatic increase.

It is interesting, and tragic, that we have to have a State organization; we have to have a county organization; we have to have 50 municipal organizations testify before this body. We have something in New Jersey that has been called into question lately. It is called the State Advocate. Where is that body on this issue? I mean, the Federal and State Advocates can talk about, should prisoners be located two in a cell? Big issue, substantial issue. It goes to my gut. We're prisoners in our house. Where is the Office of the Public Advocate on this issue? That is something this Committee could do. Why should all of us be running around like nuts? I mean, I am a lawyer. I am not an airplane expert. I don't have the money to retain expertise. The FAA does; the ATA does,

although they don't show it; and certainly the government does. We don't. Why doesn't the State kind of adopt a plan, fund experts, but let it work through the Office of the Public Advocate? That's what it is for.

Finally, two more comments. I know you have been here for a long time. Increased costs: Everything has increased in cost. This State, about 10 years ago, was considering the adoption of the BOCA code -- the building code. A number of contractors, some of them represented by counsel, some of whom are in this room, testified, "Oh, it is going to increase the costs substantially. We can't do it." This State had the foresight to adopt the BOCA code. Okay? Lives have been saved. We have sprinklers; we have better construction methods; we have safer buildings. Did it cost the contracting industry? Sure, absolutely. Did all the other states adopt the BOCA code? By and large, yes. Has it been anticompetitive? No. Have we saved lives? Yes.

I see no difference. Why should this State take an inordinate share of noisy aircraft, when other states have been bright enough to get out from under it? Why can't this State use its Office of the Public Advocate for doing something that will benefit all of the citizens, and not just a few? (applause)

Thank you very much. I know you're tired. I appreciate, individually, personally, on behalf of the 350 families of Monmouth County, the fact that you put up with this. I have to congratulate you, because if I had been doing this as long as you have been doing this, I would not be doing this.

ASSEMBLYWOMAN OGDEN: Let me just tell you for the record, we either passed a resolution in the Assembly, or Chuck Hardwick, when he was the Speaker, wrote a letter to the Public Advocate, asking for his help. In a similar fashion, we did the same thing. I know I wrote at least several letters to the

Attorney General on behalf -- to intervene in terms of the Expanded East Coast Plan on behalf of the State of New Jersey. I think that Governor Florio, when he was campaigning, said he would do this. Unfortunately, nothing has happened with either the Attorney General or the Public Advocate.

MR. McCOMBER: Well, there is one difference as we stand here today, in May 1992, as opposed to November 1991. The Legislature can do it. They can mandate it. They've got the votes. If our Governor does not think it is efficient to care for all of us from Morris County down to Monmouth, Union, Hudson, Middlesex, Essex-- Do you want to know something? God bless him. Let the Legislature, which now has substantially greater powers than it did prior to the last election-- Let the Legislature mandate it. You won't get in trouble on that one, I promise you.

ASSEMBLYWOMAN OGDEN: Thank you.

MR. McCOMBER: Thank you very much.

ASSEMBLYWOMAN OGDEN: Now, let's see, the last four people we have signed up are: Janet Murray -- is she still here? (no response) Frances Wismer? (affirmative response from audience) You're here. Frederick Obrock, from Scotch Plains, and Barbara Schwartz. (indiscernible comment from audience) All right. We have, what, two of the four people? And, oh, I'm sorry, Mr. Engle. Maybe I will take the two who had signed up previously. Ms. Wismer, would you like to come up? Then there are two others. We'll take both of you now, and then Mr. Engle, and then whoever else wants to speak, but didn't sign up.

F R A N C E S   W I S M E R: Have you noticed how quiet it is? I think Dan Peterson knew about this meeting, don't you? Every time we had noise monitors put around Cranford, lo and behold, the routes were changed and it was quiet. Well, that's an old story.

ASSEMBLYWOMAN OGDEN: It's like the tennis match.

MS. WISMER: I promise, I will be very brief. I do thank you, Assemblywoman Ogden. I don't know how you do it, but without you, I think we would all have a meltdown. I really mean that.

We have talked about noise. I have testified, you know, all over the State, meetings here and there. But I would like to bring out something that may seem a little trivial.

When we mention Geraldo Rivera's name, we all laugh and say, "Well, you know, here he goes again." But on November 16, 1991, he had some pilots on, and it had to do with pilot fatigue and safety. He could not have gone on with that program if he did not have the facts. I have the transcript, which I wrote for.

It is absolutely appalling when you realize that the airlines and the FAA poo-poo the pilot associations when they go to them and say, "We need more time to rest in between." Weather is a factor, as you know. But, they become so dead tired, that they fall asleep, not meaning to. Perhaps Senator Heinz -- our wonderful, late Senator Heinz's death may have been due to that sort of thing. They are still investigating Senator Towers' death. It could be that some of the pilots were overly tired, fatigued. In fact, Senator Heinz was in the process of doing some research on pilot fatigue when this horrible thing happened to him. It may seem trivial to talk about Rivera, because you know some of his programs. But the fact that I knew about Senator Heinz doing this study, when I was looking at TV and I saw the planes floating through-- Naturally, that is where you stop, and that is how I got to know about the pilot fatigue program that he had on the air. It was absolutely excellent.

Now, I know Assemblywoman Ogden knows about the "Great Swamp," saving the Great Swamp. There is a marvelous little book by Cam Cavanaugh which gives you the inside story of Chatham, Bernardsville, Basking Ridge. In the '60s, when the

FAA and the Port Authority wanted to put a huge jetport out there-- Can you imagine what could have happened? It is a little book, but it gives you the inside story of the Governor's representatives -- people. It took them nine years before they were successful, but thank the Lord they were, because I think New Jersey would be nothing but an airport runway -- period. And you know, our Peter Frelinghuysen was involved, and you know the name well in New Jersey, with Hartley Dodge, who was 80 years of age at that time. He gave his support, and his money. It is a story which you really should find out about, by getting that book.

The economics-- Again we are told, economics, economics, economics. Of course, they are very important, but at that time, the Port Authority said New Jersey would go down the drain if we did not have that jet airport. I think we are still viable in New Jersey without all that.

The other thing I would like to bring up is the pollution. I have left three sides of my home, the shingles, the facade, showing what, since '87, the exhaust pollution has done to my shingles -- the facade of my home. The front has been washed. It's beautiful. There is filth that comes down, and it's marvelous. So if anyone from the FAA or the Port Authority would care to come to my home, they can see. I don't live near a factory or a highway, but in a nice area of tall trees, which are supposed to aid your pollution. We are breathing that same air.

I can't thank you enough for all you have done, really. Your patience-- Without you, as I have said, I think there would be a meltdown, and we simply wouldn't be able to go on. You are an inspiration. As I said to you two years ago, the day will come, hopefully, when this State will have you as our Governor.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you.

F R E D E R I C K   O B R O C K: I am Frederick Obrock. I live in Scotch Plains, and I am associated with the Scotch Plains/Fanwood Citizens Against Aircraft Noise. I would like to thank you first for giving us this opportunity to be heard today.

We have heard testimony on a number of the detriments of the Stage 2 aircraft. I would like to add one more facet to the problem. On October (sic) 28, 1988, 18 feet of skin ripped from the then 19-year-old Aloha Airlines Stage 2 Boeing 737 while the plane was in flight. A post mortem inspection of the fuselage revealed many cracks and a great deal of corrosion.

At the time of the accident, the aircraft had accumulated 90,000 flight cycles -- that's takeoffs and landings -- the second highest number in the worldwide 737 fleet. Inspection of Aloha's other 737s with greater than 60,000 cycles, revealed that two of them had fatigue cracking and corrosion extensive enough for them to be taken out of service.

Instead of acting on foresight, it took this tragedy to compel the FAA and the airline industry to react. They concluded that the practice, at the time, of periodic airframe inspections was insufficient to ensure identification and repair of structural damage. The FAA issued ADs -- Airworthiness Directives -- to modify specified structural components that had a history of sustaining damage, regardless of their current condition.

These structural ADs represented the largest work requirement ever placed on air carriers. Subsequent corrosion ADs, also driven by this incident, added an even greater work load. Industry experts estimated the combined impact on the air carriers to be several billion dollars.

Unfortunately, the FAA does not evaluate progress in complying with ADs. The sole responsibility for compliance

rests with the airline industry itself. In a word, no one knows if the job ever gets done, and gets done right.

In conclusion, I would like to ask two things of you: First, phase out Stage 2 aircraft. They are antique, expensive flying time bombs. Second, given their poor report card on safety and noise abatement, please support oversight hearings on the FAA.

Thank you. (applause)

ASSEMBLYWOMAN OGDEN: Thank you.

Next I would like to call Nancy Selfridge. I'm sorry; I apologize. You were on the list. Someone had checked your name off, but--

N A N C Y S E L F R I D G E: (speaking from audience) Oh, okay.

ASSEMBLYWOMAN OGDEN: I know you have to leave by-- What it is, 3:00, 3:10?

MS. SELFRIDGE: I am very concerned. I came to Cranford because it was a nice suburban town. I am finding more and more that it is turning into more of an urban town, or city. I go outside-- I bought a video camera, and I can't even take a videotape without the noise of the jets. This is what I am going to share with you. It will be a form of entertainment, but that is not why I brought it here. I am not looking for any talent scouts either, as far as my daughter is concerned. It's a dancing thing.

Okay, this is going to be-- The gentleman who helped me to set this up-- (remainder of witness' comment lost to transcriber, as she was away from microphone. Videotape is shown at this point.)

I just wanted to show you that every few minutes that happened in the tape. Every time I go outside to try to videotape my children, this happens. I just wanted to share that with you so you would know it is really real, here in Cranford, as well.



ASSEMBLYWOMAN OGDEN: Thank you.

Last, but certainly not least, Philip Engle.

MR. ENGLE: Thank you, Assemblywoman Ogden. It has been a long day. Again, I will try to keep this as brief as possible.

For the record, my name is Philip Engle. I am the Airport Manager at Teterboro Airport. In that capacity, I am also the Co-Chairman of a group called the Teterboro Aircraft Noise Abatement Advisory Committee.

We welcome the opportunity to testify here today, and to relate some of the successes that are possible through mutual cooperation, accommodation, and understanding. I would also be remiss if I did not address the possibility of harm to those areas which have seen the benefits from an aggressive noise abatement policy, should broad-based legislation be enacted.

TANAAC, as the group is called, was formed approximately seven years ago. Initially, it was a vehicle for public monitoring of the Teterboro noise system. Today, it is a model. It has received national recognition for its scope and effectiveness. As you are aware, Teterboro Airport is located in Bergen County, in a very densely populated area. In the mid-1980s, after approximately 15 years of an aggressive, but really informal noise abatement program, the airport management, after receiving recommendations from our community leaders, elected to install a permanent noise monitoring system. This system was commissioned in 1987. TANAAC became a reality when we commissioned the system.

Although some communities have been added to the group and elections have changed some of the faces that sit around the table, the committee is essentially the same now as it was when it started: Our U.S. Congressman from the 9th Congressional District; the Bergen County Executive; the State Senators and Assemblypersons from both the 36th and 38th

Legislative Districts; Mayors from 14 communities; the airport management; the airport owner, which happens to be the same Port Authority of New York and New Jersey which has been mentioned here today; the FAA; and also representatives from the aviation community from the airport.

The success rate this group has had shows that if people are willing to sit down -- that if everyone is willing to sit down and work together with open minds and discuss problems and points of view, mutual consideration and accommodation are the end result.

From the very outset, we were determined to make the quality of life in and around Teterboro Airport better. We adopted strict, tough noise abatement standards for the airport, but we gave the aircraft the ability to operate from a runway where there was minimal noise impact on the residential community.

A system of issuing three letters was established for violations of our noise standards. The first and second letters are very simply violation notices that are sent out informing the aircraft operator that his noise abatement techniques need improvement. Those first two letters actually come from my Noise Abatement Officer. I send out the third letter. We invite the operator to find another airport to operate from.

The numbers tell their own story. They very much tell a story of cooperation and dedication from the entire airport population to noise abatement. To date, we have sent out 583 first violation letters; 152 second letters; and only 44 third letters. This shows the amount of cooperation the aircraft operator has given to the program, when only 7.5 percent of the first letters result in a third letter.

Speaking of those third letters, if it is reasonably assumed that these 44 aircraft operated twice a month from the airport, which is a minimum, that amounts to 156 (sic)

operations per year. Assuming that in each of those operations the aircraft were to spend \$1000 -- which again is minimal -- for things like landing fees, fuel, catering, hotels, meals in the area, that would represent an annual commitment by the airport community at Teterboro of over a million dollars to this process.

We, however, are not in operation to chase business away. The numbers also indicate that changes have taken place in the operation of Teterboro. When TANAAC began, most of our night couriers were operating old, noisy Stage 1 and Stage 2 airplanes. The prime contractor of these flights was the Federal Reserve Bank. TANAAC and our Congressman put pressure on the Federal Reserve to specify that the aircraft in the contracts comply with Stage 3 standards.

I am pleased to say that for the past year, all of the Federal Reserve operations have been using Stage 3 aircraft, and once the Federal Reserve came on board, so did the other operators. Now, all of the night courier flights from Teterboro Airport are Stage 3 operations.

TANAAC has worked with the FAA in developing alternative departure routes from the airport to keep the aircraft over the industrial areas and over the Sports Complex. It might upset the horses, but it is better than upsetting the residents.

There are many other accomplishments I could report, but the monitoring numbers really speak for themselves: At Monitor 1, the aircraft noise reading, since we started, in Ldn -- which I know has received some criticism today -- has gone from 62.3 down to 58.7. They are annual numbers. Monitor 2, 60.7 to 56.2; Monitor 3, 65.1 to 54.3; Monitor 4, 63.3 to 56.0 (sic); Monitor 5, 58.6 (sic) to 52.0; and Monitor 6, 66.0 (sic) to 58.2. Noise complaints have also gone from a high of 2293 to 1240 in 1991.

It is with these successes in mind that we must look at any proposed legislation with a certain amount of trepidation. The Noise Control and Capacity Act grandfathered our noise abatement policies at Teterboro. In 1991, because of a lot of hard work by many people, the percentage of Stage 3 operations at Teterboro Airport was 75.4 percent. Even though those aircraft were under 75,000 pounds, the vast majority of those that operated the aircraft are excluded under the Act.

Additionally, TANAAC and the aviation community have worked together with the FAA on delays, and hence ground noise from the airport. That noise has been reduced. Any measures which would increase the noise -- increase the delays, would have a detrimental effect on the residences surrounding the airport.

Through TANAAC, we have learned many valuable lessons. There are very few problems which do not have some semblance of a solution. Elected officials need to know what is happening at the airport from airport management, and not from a constituent or from reading it in a newspaper. Reasonable people, given a chance, will come to reasonable conclusions, and aircraft noise is not an isolated problem for one particular group or community. It must be treated as a regional issue, and parochialism has no place in the process.

The people and organizations represented in TANAAC do not want to see a degradation of what has been achieved to date because of any particular interest group or through well meaning, though potentially harmful, legislation.

The same Port Authority we have heard mentioned here today has provided us at TANAAC with some strong leadership and support. They have introduced an accelerated Stage 2 program at the other Port Authority airports. I would be remiss if I didn't thank the Port Authority for what they have done for us, the example they have set in the industry, and trust that their leadership is going to go far in the future.

In closing, I would like to say that no one likes aircraft noise. I can assure you that airport management doesn't. Really, the aircraft operators don't like hearing about it all the time, and most assuredly, the people on the ground don't like it, the ones who feel its effect. The way to change, however, is to treat the issue on a national level, in addition to individual airport operators communicating, educating, accommodating, and working with elected officials from the residential communities.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Engle. Any comments, Rose?

ASSEMBLYWOMAN HECK: Oh, just that I would say it is very important that the people in the community and, as Phil said, the elected representatives combine to make a concerted effort to meet with the surrounding airports. Rest assured, we did show some clout. We were very successful in fighting the FAA at that one turn of events, Phil. Will you refresh my memory about their wanting to close the tower?

MR. ENGLE: Oh, yes, when they were going to close the tower down because of budget considerations.

ASSEMBLYWOMAN HECK: They were going to come in blind at night with no tower and put us in jeopardy. I mean, we met immediately on an emergency basis. It was frightening to the 14 surrounding towns that the FAA was going to do this to save money. But we were successful. Of course, we also threatened that we would put our bodies on the runway. (laughter)

MR. ENGLE: And I was right there with you.

ASSEMBLYWOMAN HECK: So you have to do things together in a concerted effort, and made certain you are heard. And never give up. Assemblywoman Ogden is certainly testimony to that fact. I think we are going to be successful this time around.

ASSEMBLYWOMAN OGDEN: Thank you very much. I thank you, too, Rose, for coming to both hearings and staying until the bitter end. I thank all of you for being here, as well. Thank you.

(HEARING CONCLUDED)



## APPENDIX





NEW YORK STATE ASSEMBLY  
SUBCOMMITTEE ON AIRPORT NOISE CONTROL  
STANDING COMMITTEE ON CORPORATIONS, AUTHORITIES AND COMMISSIONS  
STANDING COMMITTEE ON COMMERCE, INDUSTRY AND ECONOMIC DEVELOPMENT  
AND  
NEW JERSEY GENERAL ASSEMBLY ENVIRONMENT COMMITTEE

JOINT PUBLIC HEARING ON AIRCRAFT NOISE CONTROL STANDARDS

DAVID Z. PLAVIN  
DIRECTOR, AVIATION DEPARTMENT  
THE PORT AUTHORITY OF NEW YORK & NEW JERSEY

MAY 1, 1992

AND

MAY 15, 1992

THANK YOU FOR INVITING THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY TO PARTICIPATE IN THIS HEARING ON THE ISSUE OF AIRCRAFT NOISE IN THE NEW YORK AND NEW JERSEY METROPOLITAN REGION. I AM DAVID PLAVIN, DIRECTOR OF THE PORT AUTHORITY'S AVIATION DEPARTMENT. AS THE OPERATOR OF THE REGION'S THREE AIRPORTS, WE APPRECIATE THE OPPORTUNITY TO HIGHLIGHT OUR AIRCRAFT NOISE MITIGATION EFFORTS, WHICH HAS BEEN A PRE-EMINENT CONCERN OF LOCAL AND STATE OFFICIALS, MEMBERS OF CONGRESS, AND COMMUNITY LEADERS OVER THE PAST SEVERAL YEARS. THE SUPPORT OF NEW YORK AND NEW JERSEY LEGISLATORS, AS WELL AS THAT OF OUR CONGRESSIONAL DELEGATIONS FOR OUR EFFORTS TO ACCELERATE A PHASEOUT OF STAGE 2 AIRCRAFT OPERATIONS AT OUR THREE AIRPORTS HAS BEEN ESSENTIAL. THE RESPONSE BY OUR CONGRESSIONAL DELEGATIONS AND STATE LEGISLATORS TO OUR EFFORTS HAS BEEN GREATLY APPRECIATED.

TODAY I WILL BRIEFLY DESCRIBE THE PORT AUTHORITY'S WORK WITH COMMUNITY GROUPS ON NOISE MITIGATION PROJECTS, OUR PAST ACTIONS WITH RESPECT TO AIRCRAFT NOISE, THE STATUS OF THE PORT AUTHORITY'S CURRENT LOCAL NOISE RULES PROPOSAL IN THE CONTEXT OF THE FEDERAL AVIATION SAFETY AND CAPACITY EXPANSION ACT OF 1990, THE EXPANDED EAST COAST PLAN, OUR SCHOOL SOUNDPROOFING PROGRAM AND OUR PLANS FOR CREATING MASS TRANSIT LINKS TO OUR AIRPORTS.

THE CONCERNS OF CITIZENS OF THIS REGION IMPACTED BY AIRCRAFT NOISE IS BROUGHT TO THE ATTENTION OF THE PORT AUTHORITY IN VARIOUS WAYS. MANY AIRCRAFT NOISE AFFECTED NEIGHBORHOODS ARE REPRESENTED BY COMMUNITY GROUPS WE WORK WITH. FOR MANY YEARS WE

HAVE PARTICIPATED IN THE QUEENS BOROUGH PRESIDENT'S AVIATION ADVISORY COMMITTEE ON A VARIETY OF AIRPORT-RELATED ISSUES. A SIMILAR COMMITTEE IN NEW JERSEY, THE NEWARK INTERNATIONAL AIRPORT AVIATION ADVISORY COMMITTEE, WAS ESTABLISHED THIS PAST YEAR BY THE PORT AUTHORITY IN COORDINATION WITH GOVERNOR FLORIO AND SENATORS BRADLEY AND LAUTENBERG. IT SHOULD BE NOTED THAT THIS COMMITTEE INCLUDES REPRESENTATIVES FROM STATEN ISLAND SINCE NEWARK INTERNATIONAL AIRPORT OPERATIONS IMPACT A PORTION OF THAT BOROUGH. ANOTHER COMMUNITY GROUP WITH WHOM WE WORK IS THE NASSAU COUNTY-BASED, TOWN-VILLAGE AIRCRAFT SAFETY & NOISE ABATEMENT COMMITTEE, REPRESENTING THOSE NEIGHBORHOODS JUST TO THE EAST OF JFK INTERNATIONAL AIRPORT. IN ADDITION, OUR BOARD HELD TWO PUBLIC HEARINGS ON NOISE IN LATE 1990 AT WHICH THESE GROUPS, ELECTED OFFICIALS, AVIATION INDUSTRY REPRESENTATIVES, AND PRIVATE INDIVIDUALS PRESENTED TESTIMONY TO OUR BOARD.

I WOULD LIKE TO POINT OUT THAT WHILE WE HAVE FOCUSED OUR NOISE REDUCTION EFFORTS AT ITS SOURCE, THE AIRCRAFT ENGINE, WE HAVE ALSO VIGOROUSLY PURSUED NOISE REDUCTION THROUGH SCHOOL SOUNDPROOFING PROGRAMS. TO DATE, WE HAVE COMPLETED THE SOUNDPROOFING OF 21 SCHOOLS IN OUR REGION AT A COST OF \$18 MILLION. THERE ARE AN ADDITIONAL 13 SCHOOL SOUNDPROOFING PROJECTS, ESTIMATED TO COST \$22 MILLION MORE, UNDER CONSTRUCTION. ADDITIONALLY, WE ANTICIPATE GOING TO OUR BOARD OF COMMISSIONERS IN MAY TO REQUEST FUNDING FOR SIX MORE SCHOOLS, AT A COST OF \$7.6 MILLION.

IN RECOGNITION OF THE IMPACT OF AIRPORT OPERATIONS ON SURROUNDING COMMUNITIES, ESPECIALLY IN OUR DENSELY POPULATED URBAN AREA, THE PORT AUTHORITY HAS LONG BEEN A LEADER IN IDENTIFYING AND PURSUING MEASURES TO REDUCE THE IMPACT OF AIRCRAFT NOISE. IN FACT, IN THE EARLY 1960'S THE PORT AUTHORITY WAS THE FIRST AIRPORT OPERATOR IN THE COUNTRY TO IMPOSE LOCAL NOISE RESTRICTIONS. IN THE 1970'S THE PORT AUTHORITY, ALONG WITH OTHER MAJOR AIRPORT OPERATORS, LOBBIED THE FEDERAL GOVERNMENT FOR THE PHASEOUT OF THE NOISIEST AIRCRAFT OPERATING AT THAT TIME -- STAGE 1 AIRCRAFT SUCH AS THE B-707 AND DCE'S.

IN 1989, THE PORT AUTHORITY BOARD ADDRESSED THE PROBLEM OF NIGHTTIME NOISE BY ADOPTING A NON-ADDITION RULE THAT PROHIBITED AIRLINES FROM ADDING NEW FLIGHTS TO THOSE ALREADY SCHEDULED USING STAGE 2 AIRCRAFT DURING THE HOURS OF 12:00 A.M. TO 6:00 AM. REALIZING THAT THE AIRCRAFT NOISE PROBLEM IS A COMPLEX ONE INVOLVING LOCAL NEEDS, THE NATIONAL AIR TRANSPORTATION SYSTEM, AND REGIONAL ECONOMIC CONSIDERATIONS, THE BOARD AT THAT TIME ALSO DIRECTED STAFF TO CONDUCT AN IN-DEPTH STUDY. A YEAR AND A HALF LATER, CONGRESS PASSED THE AVIATION SAFETY AND CAPACITY EXPANSION ACT OF 1990.

THE PORT AUTHORITY JOINED WITH OTHER AIRPORT OPERATORS IN LOBBYING CONGRESS FOR INCLUSION OF A NATIONAL STAGE 2 PHASEOUT SCHEDULE IN THE AVIATION SAFETY AND CAPACITY EXPANSION ACT OF 1990. IMPORTANTLY, THE RIGHT FOR LOCAL AIRPORT AUTHORITIES TO ADOPT THEIR OWN NOISE RULES WAS PRESERVED THROUGH THESE LOBBYING EFFORTS.

ALTHOUGH THE AIRPORT COALITION WAS SUCCESSFUL IN PRESERVING THOSE RIGHTS AND IN SEEING A NATIONAL STANDARD ENACTED FOR THE FIRST TIME, THE PORT AUTHORITY BOARD OF COMMISSIONERS IS CONCERNED THAT THE NATIONAL STAGE 2 PHASEOUT SCHEDULE ADOPTED BY THE FAA SIGNIFICANTLY REDUCED THE NOISE BENEFITS PROMISED BY THE ACT AND DOES NOT ASSURE THAT RESIDENTS OF OUR REGION WILL RECEIVE THEIR FAIR SHARE OF RELIEF FROM THE NATIONAL RULE AS PROMULGATED.

THEREFORE OUR BOARD DIRECTED THAT LOCAL RULES FOR PORT AUTHORITY AIRPORTS BE DEVELOPED BASED ON FINDINGS OF THE STUDY THAT WAS BEGUN PRIOR TO THE ADOPTION OF THE NATIONAL ACT. THE PORT AUTHORITY STAFF PROPOSAL IN RESPONSE TO THAT DIRECTIVE BUILDS ON OUR EARLIER RULES BY BROADENING THE HOURS OF RESTRICTED OPERATIONS FROM 11:00 P.M. TO 7:00 A.M. THE PROPOSAL PROVIDES THAT BY THE END OF 1993 ALL STAGE 2 OPERATIONS WILL BE BANNED DURING THE 11:00 P.M. TO 7:00 A.M. PERIOD. THE PROPOSAL ALSO CONTAINS A NON-ADDITION RULE THAT PROHIBITS AN INCREASE OF STAGE 2 FLIGHTS DAY OR NIGHT. ANOTHER IMPORTANT FEATURE OF THE PROPOSAL IS THE GUARANTEE OF A SYSTEMATIC REDUCTION IN STAGE 2 OPERATIONS BY EACH CARRIER AT EACH PORT AUTHORITY AIRPORT.

THIS LAST FEATURE WAS INCLUDED BECAUSE WE ARE CONVINCED THAT THE NATIONAL RULE, WITH ITS VARIOUS CREDITS, WAIVERS AND CARRY-OVERS, AS WELL AS ALLOWANCES FOR AIRLINES TO PHASE IN ADDITIONAL STAGE 3 AIRCRAFT RATHER THAN REDUCE THE NUMBER OF THEIR STAGE 2 AIRCRAFT TO MEET THE FLEET PERCENTAGE REQUIREMENTS, DOES LITTLE TO GUARANTEE OUR CITIZENS RELIEF FROM AIRCRAFT NOISE. IN

OTHER WORDS, THE FAA PROMULGATED RULES COULD ALLOW AIRLINES TO OPERATE IN OUR REGION THROUGH 1996 WITHOUT REDUCING THE NUMBER OF STAGE 2 OPERATIONS AT OUR AIRPORTS THROUGH NATIONAL FLEET REDUCTION RATHER THAN AIRPORT-SPECIFIC OPERATIONAL REDUCTIONS.

THE FAA HAS PUBLICLY CLAIMED THAT LOCAL AIRPORT AUTHORITIES MAY NOT ENACT THEIR OWN RULES. WE DISAGREE. AND IMPORTANTLY, MANY IN THE CONGRESSIONAL LEADERSHIP WITH RESPONSIBILITIES IN THIS AREA INCLUDING CHAIRMAN BOB ROE, CHAIRMAN JIM OBERSTAR, AND SENATOR FRANK LAUTENBERG DISAGREE WITH THE FAA. THE COURTS HISTORICALLY HAVE ACKNOWLEDGED THAT AIRPORT OPERATORS CAN ESTABLISH LOCAL NOISE RESTRICTIONS. SUCH RESTRICTIONS MUST BE REASONABLE, NON-DISCRIMINATORY AND CANNOT UNDULY BURDEN INTERSTATE AND/OR FOREIGN COMMERCE. THE AVIATION SAFETY AND CAPACITY EXPANSION ACT OF 1990 CLEARLY LIMITED AIRPORT OPERATORS' ABILITY TO IMPOSE LOCAL RESTRICTIONS ON STAGE 3 AIRCRAFT. IT REQUIRES THAT SUCH RESTRICTIONS BE SUBMITTED TO AND APPROVED BY THE FAA. HOWEVER, IN THE CASE OF LOCAL RULES AFFECTING STAGE 2 AIRCRAFT, SUCH APPROVAL IS NOT REQUIRED. WE BELIEVE THAT THE ONLY ADDITIONAL REQUIREMENTS IMPOSED ON AN AIRPORT OPERATOR BY THE ACT AND ASSOCIATED REGULATIONS ARE ESSENTIALLY PROCEDURAL.

IN ADDITION TO THESE LEGAL ISSUES, THE AIRLINES AND THE FAA HAVE BEEN ASSERTING THAT THE ECONOMIC CONSEQUENCES OF OUR PROPOSED LOCAL RULES WOULD BE SEVERE. BASED ON ANALYSES PERFORMED BY OUTSIDE CONSULTANTS, WE REMAIN CONFIDENT THAT THE IMPLEMENTATION OF OUR PROPOSAL WILL NOT CAUSE SERIOUS ECONOMIC CONSEQUENCES.

REST ASSURED THAT THE PORT AUTHORITY WOULD NOT TAKE ANY ACTION TO IMPEDE THE POSITIVE ECONOMIC BENEFITS GENERATED BY OUR AIRPORTS. THE FAA HAS BASED MUCH OF ITS OPPOSITION TO OUR RULE UPON THE RESULTS OF A COMPUTER SIMULATION WHICH, REPORTEDLY, CAN MODEL THE EFFECT OF LOCAL RESTRICTIONS UPON THE ENTIRE AIR TRANSPORTATION SYSTEM. WHILE WE ARE ATTEMPTING TO LEARN MORE ABOUT THIS MODEL, INCLUDING THE ASSUMPTIONS UPON WHICH IT IS BASED, WE REMAIN AT THIS POINT UNCONVINCED.

WE ARE, OF COURSE, AWARE OF LEGISLATIVE PROPOSALS TO ACCELERATE THE PHASEOUT OF STAGE 2 AIRCRAFT OPERATIONS AT THE THREE PORT AUTHORITY AIRPORTS INTRODUCED WITHIN THE LAST YEAR IN BOTH ALBANY AND TRENTON, WHICH ARE SIMILAR TO BILLS INTRODUCED IN PREVIOUS LEGISLATIVE SESSIONS. OUR REVIEW OF EACH OF THESE PROPOSALS INDICATES THAT THE EFFECT OF THE OPERATIONAL PHASEOUT CONTEMPLATED IN THESE BILLS WOULD BE EXTREMELY DAMAGING TO THE REGION'S ECONOMY. WE ARE PARTICULARLY CONCERNED THAT, DURING THESE DIFFICULT ECONOMIC TIMES IN OUR REGION AND THE ECONOMIC CONSTRAINTS FACING THE AVIATION INDUSTRY, THIS LEGISLATION WOULD HAVE SEVERE ECONOMIC CONSEQUENCES AND WOULD JEOPARDIZE TENS OF THOUSANDS OF JOBS DEPENDENT ON OUR REGION'S AIRPORTS.

THE ADJUSTMENT OF LONG ESTABLISHED FLIGHT PATHS BY THE FAA TO INCREASE SYSTEM CAPACITY AND REDUCE DELAY HAS ALSO PROVEN VERY CONTROVERSIAL AND I WOULD LIKE TO CLARIFY THE PORT AUTHORITY'S ROLE. WITH THE IMPLEMENTATION OF THE FEDERAL AVIATION ADMINISTRATION'S EXPANDED EAST COAST PLAN (EECP) IN FEBRUARY 1987,



A NUMBER OF NEW FLIGHT PATHS WERE ESTABLISHED OVER SUBURBAN AREAS IN NEW JERSEY, MANY OF THEM AT GREAT DISTANCES FROM NEWARK AIRPORT. TRAFFIC INTO AND OUT OF THE METROPOLITAN AIRPORTS WAS REDISTRIBUTED AMONG THESE NEW ROUTES IN THE INTEREST OF INCREASING SYSTEM CAPACITY AND REDUCING DELAY. ALTHOUGH THE DELAY REDUCTION BENEFITS WERE QUICKLY REALIZED, BASED UPON FAA STATISTICS, AN ACCOMPANYING NEGATIVE EFFECT WAS QUICKLY APPARENT -- QUIET SUBURBAN COMMUNITIES THAT HAD BEEN EXPOSED TO LITTLE OR NO AIRCRAFT ACTIVITY WERE NOW SUBJECT TO SIGNIFICANT NUMBERS OF DAILY OVERFLIGHTS.

RESPONDING TO AFFECTED COMMUNITIES AND THEIR ELECTED OFFICIALS, THE PORT AUTHORITY AGREED TO QUANTIFY THE CHANGES TO THE EXTENT POSSIBLE. WE RETAINED AN OUTSIDE CONSULTANT, AND, USING FAA RADAR DATA, IDENTIFIED AREAS THAT HAD RECEIVED A SIGNIFICANTLY CHANGED NOISE EXPOSURE. THIS WAS FOLLOWED BY AN EXTENSIVE ON-SITE MONITORING PROGRAM WHICH ESTABLISHED THE DEGREE OF CHANGE IN AVERAGE NOISE EXPOSURE WHICH RESULTED IN THESE AREAS FROM THE EECF CHANGES.

BASED UPON THE RESULTS OF THIS STUDY AND THE INPUT THAT WAS RECEIVED FROM A SERIES OF PUBLIC FORUMS CONDUCTED IN AFFECTED CONGRESSIONAL DISTRICTS, THE FAA, IN JUNE 1989, MADE A NUMBER OF CHANGES TO THE EECF IN AN EFFORT TO MITIGATE THE PROBLEM. WHILE THESE CHANGES WERE HELPFUL IN SOME AREAS, IN OTHER CASES THEY SIMPLY MOVED THE PROBLEM FROM ONE GROUP OF COMMUNITIES TO ANOTHER GROUP OF COMMUNITIES. BASED UPON THE REQUEST OF SCOTCH PLAINS RESIDENTS, WE EXPANDED THE EARLIER EFFORT TO ASSESS THE EFFECT OF

THE JUNE 1989 CHANGES. THIS INFORMATION WAS ALSO PROVIDED TO THE FAA AND IS, WE UNDERSTAND, BEING INCLUDED IN THE EVALUATIONS WHICH ARE CONTINUING AS A RESULT OF THE CONGRESSIONAL MANDATED ENVIRONMENTAL IMPACT STATEMENT (EIS) OF THE EECF.

WHILE WE CAN APPRECIATE THE SCOPE OF THE EIS AND ITS SOMEWHAT UNPRECEDENTED NATURE IN THAT IT IS BEING DONE "AFTER-THE-FACT," WE ARE CONCERNED THAT THE ISSUANCE OF A DRAFT EIS HAS BEEN DELAYED SEVERAL TIMES AND IS NOW NOT PROMISED UNTIL AUGUST OF THIS YEAR. WE URGE THE FAA TO COMPLETE THE ASSESSMENT AND TO SERIOUSLY CONSIDER FURTHER CHANGES IN ROUTES THAT COULD MITIGATE THE PROBLEM WITHOUT TRANSFERRING THE IMPACT FROM ONE SET OF COMMUNITIES TO ANOTHER.

THERE IS YET ANOTHER ISSUE. ONE OF THIS REGION'S HIGHEST PRIORITIES HAS BEEN IMPROVING ACCESS TO OUR AIRPORTS. FOR 25 YEARS THE PORT AUTHORITY HAS WORKED WITH OTHER TRANSPORTATION AGENCIES TO JOINTLY DEVELOP MASS TRANSIT LINKS TO THE AIRPORTS. ALL OF THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORTH OVER THE YEARS HAVE PRESENTED DIFFICULTIES OF ONE KIND OR ANOTHER. BUT THE PRINCIPAL PROBLEM HAS ALWAYS BEEN WHERE TO FIND THE MONEY TO BUILD THE SYSTEMS. IN 1990, WITH THE ENACTMENT OF THE SAME AVIATION ACT THAT CREATED THE NATIONAL STAGE 2 PHASEOUT, CONGRESS ALSO CREATED THE AUTHORITY FOR AIRPORT OPERATORS TO ESTABLISH A PASSENGER FACILITY CHARGE (PFC), WHICH MUST BE USED FOR CRITICAL CAPITAL INVESTMENTS IN AIRPORT PROJECTS.

OUR BOARD OF COMMISSIONERS, IN CLOSE COOPERATION WITH GOVERNORS CUOMO AND FLORIO AND OTHER REGIONAL LEADERS, HAS AUTHORIZED THE PORT AUTHORITY TO APPLY FOR AUTHORIZATION TO COLLECT A \$3 PFC TO FUND A GROUND ACCESS CAPITAL PROGRAM. THE DETAILS OF THIS PROGRAM ARE CURRENTLY BEING PLANNED, AND THERE ARE A NUMBER OF ALIGNMENTS UNDER CONSIDERATION FOR EACH AIRPORT. IN ADDITION TO THE OBVIOUS BENEFIT FOR THE REGION WE ANTICIPATE THAT THESE PROJECTS WILL GENERATE THOUSANDS OF JOBS, ESPECIALLY IN CONSTRUCTION AND PUMP HUNDREDS OF MILLIONS OF DOLLARS INTO THE REGIONAL ECONOMY.

THE REVENUES TO FUND THESE MASS TRANSIT LINKS AND FUNDS FOR SCHOOL SOUNDPROOFING PROJECTS ARE ENDANGERED BY THE FAA'S THREAT TO WITHHOLD AIRPORT IMPROVEMENT GRANTS, AS WELL AS APPROVAL OF OUR PFC PLAN, IF WE DO NOT WITHDRAW OUR LOCAL NOISE RULE. WE WILL FIGHT THE FAA'S ATTEMPT TO COERCE US.

AS OUR CHAIRMAN RICHARD C. LEWIS HAS SAID, THE FAA'S THREAT SEEMS TO BE LITTLE MORE THAN AN INDUSTRY-INSPIRED ATTEMPT TO SHAPE NATIONAL POLICY. IN ESSENCE, THE FAA HAS GIVEN RESIDENTS OF OUR REGION AN UNACCEPTABLE CHOICE -- EITHER THEY MUST DO WITHOUT THE RELIEF FROM AIRCRAFT NOISE WHICH THEY CLEARLY WANT AND DESERVE -- OR THEY MUST DO WITHOUT BADLY NEEDED MASS TRANSIT LINKS TO OUR AIRPORTS. THE FAA'S ACTIONS RUN COUNTER TO THE CLEARLY EXPRESSED INTENT OF CONGRESS.

WE ARE COMMITTED TO FIGHTING THE FAA TO PRESERVE THE  
ABILITY FOR NEW YORK AND NEW JERSEY TO DETERMINE ON OUR OWN, THE  
BEST MEANS TO MITIGATE NOISE AND TO STIMULATE ECONOMIC DEVELOPMENT  
IN OUR REGION. YOUR SUPPORT OF OUR EFFORTS IS VITAL.

I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

ATTACHMENTS 1. COMPARISON/PORT AUTHORITY & FAA NOISE RULES  
2. LISTING OF SCHOOL SOUNDPROOFING PROGRAMS

# LOCAL AIRCRAFT NOISE RESTRICTIONS

## Port Authority Staff Proposal

## Federal Noise Rules

### Stage 2 Operational Phaseout

- The baseline of 7/1/90 through 6/30/91 will be used to establish the level of Stage 2 Low By-Pass (LBP) aircraft activity conducted at each of the 3 airports by each aircraft operator.
- Effective 7/1/92 or (180 days after the promulgation of the restrictions), no additional Stage 2 LBP aircraft activity may be scheduled at any Port Authority airport.
- Beginning 6/30/94, the annual Stage 2 LBP aircraft activity for each operator must be reduced from the baseline level by one-third at each Port Authority airport.
- Beginning 12/31/95, the annual Stage 2 LBP aircraft activity must be reduced from the baseline level by one-half.
- Beginning 12/31/97, the annual Stage 2 LBP aircraft activity must be reduced from the baseline level by three-quarters.
- Effective 12/31/99, all Stage 2 LBP aircraft activity must be eliminated.

### Nighttime Rule

- Effective 12/31/92, the Stage 2 LBP aircraft nonaddition nighttime hours will be expanded by one hour at each end from midnight-6 A.M. to 11 P.M. - 7 A.M.
- Effective 12/31/93, all Stage 2 LBP aircraft operations between 11 P.M. - 7 A.M. must be eliminated.
- Exception: If a hushkit modification for a Stage 2 LBP aircraft type conducting a nighttime operation has not been certified by the FAA prior to 6/30/93, an exemption will be granted which will permit such operation to continue until 12/31/94.

### Aircraft Phaseout

- Carrier can establish fleet to be phased out on any day from 1/1/90 through 7/1/91.
- Beginning 12/31/94, each operator must reduce their Stage 2 fleet by 25% or achieve a 55% Stage 3 fleet.
- Beginning 12/31/96, each operator must reduce their Stage 2 fleet by 50% or achieve a 65% Stage 3 fleet.
- Beginning 12/31/98, each operator must reduce their Stage 2 fleet by 75% or achieve a 75% Stage 3 fleet.
- Effective 12/31/99, all Stage 2 aircraft must be phased out. Waivers permitted until 12/31/03 for carriers that are 85% Stage 3 by 7/1/99.

### Nighttime Rule

- None.

AIRCRAFT NOISE ABATEMENT PROGRAM  
SCHOOL SOUNDPROOFING 1983 - 1991

Kennedy International Airport

Cedarhurst School #5, Cedarhurst  
\*Lawrence High School, Cedarhurst  
Lawrence Middle School, Lawrence  
\*Lawrence Public School #4, Inwood  
**Our Lady of Grace, Howard Beach**  
**\*P.S. 104, Far Rockaway**  
P.S. 138, Rosedale  
\*P.S. 181, Laurelton  
P.S. 183, Far Rockaway  
\*P.S. 38, Rosedale  
P.S. 42, Arverne  
St. Rose of Lima, Rockaway Beach

LaGuardia Airport

\*Our Lady of Fatima, Jackson Heights  
\*P.S. 120, Flushing  
\*P.S. 143, Corona  
P.S. 161, Bronx  
\*P.S. 165, Flushing  
\*P.S. 219, Flushing  
P.S. 52, Bronx  
P.S. 62, Bronx

Newark International Airport

Ann St. School, Newark  
Barringer Preparatory, Newark  
\*Benjamin Franklin School #13, Elizabeth  
Branch Brook, Newark  
Franklin School, Kearny  
\*George Washington #1, Elizabeth  
\*Hawkins Street School, Newark  
\*John Marshall School, Elizabeth  
\*St. Adalbert School, Elizabeth  
\*St. Benedict, Newark  
\*St. Peter & St. Paul, Elizabeth  
\*St. Patrick Elementary, Elizabeth  
\*St. Patrick High School, Elizabeth  
\*Wilson Avenue School (New Wing), Newark

\* Completed Soundproofing Projects

TESTIMONY: REP. DEAN GALLO

JOINT PUBLIC HEARINGS:

NEW JERSEY ASSEMBLY ENVIRONMENT COMMITTEE, AND  
NEW YORK LEGISLATIVE COMMITTEES ON AIRCRAFT NOISE

MAY 15, 1992, CRANFORD, NEW JERSEY

MADAM CHAIRWOMAN. Thank you for convening this hearing today. Since 1988, we have been talking about the problem of aircraft noise, and, as you know, this has been an extremely frustrating process.

In spite of active and vocal protests by elected officials and citizens alike over a period of four years, the problem has not gotten any better.

In spite of a Congressional mandate requiring the Federal Aviation Administration to complete an Environmental Impact Statement by May, 1991, we are still in the dark about the extent of the problem -- nearly one year after the deadline, we still do not have the results of the EIS.

And, in spite of numerous complaints about the way the FAA is conducting the research toward development of the EIS, we are told today that the FAA has set ground rules for what they will or will not discuss here today.

The only thing that has changed in the last four years is our list of questions and concerns -- that list keeps getting longer and longer.

Why is the FAA dragging its feet on completion of the EIS?

Will the EIS truly reflect a comprehensive measurement of noise levels, or the insufficient one-week measurement originally proposed by the FAA?

Why is the Port Authority being punished for taking the steps that it feels are necessary to address the problem?

Why is the question of using air routes over the ocean still being glossed over, when ocean routes could well solve some of our noise problems?

Is the FAA dealing with air noise as the regionwide problem that it is, or limiting its review to areas close to the airports?

MADAM CHAIRWOMAN, in general, I am a supporter of a national standard for problems of this type, because I believe it is unrealistic to ask international carriers to meet hundreds of different local requirements. But, when it comes to air noise, I make an exception. If the Port Authority has a solution to the air noise problem by requiring quieter aircraft, then we should support their efforts.

The FAA has had four years to answer our questions and they have not done so. At this point, they should step aside and allow the Port Authority to act in a positive fashion to provide the answers we seek.



I want to compliment you on your leadership and your determination to solve this problem. I know that my colleagues in the Congressional District have supported your efforts, as I do. We believe that the ultimate solution will not come from Washington or from Trenton, but from the Port Authority -- in short, a regional solution for a regional problem.

The FAA has tried -- and failed -- to solve the problem. Now they should step aside in favor of the PA air noise plan.

In light of the Port Authority's willingness to tackle this issue, I am appalled by the FAA's stonewall of the PA proposal for solution to the air noise problem.

Immediately following the implementation of the East Coast Plan in 1988, members of the New Jersey Congressional delegation requested an independent assessment by the General Accounting Office of the way this plan was developed.

The GAO clearly stated that an Environmental Impact Statement should have been conducted before the plan was put into effect.

We also met with Department of Defense and FAA officials to insist that ocean routes be used to take the traffic away from populated areas.

All of this occurred in 1988.

It took three years and an act of Congress to require the Environmental Impact Statement, which was to be completed by May, 1991. The FAA has had two extensions on that date, and the EIS is still not completed.

Meanwhile, the FAA has stonewalled our delegation requests for ocean routes and has dragged its feet on the EIS.

The FAA is also threatening the Port Authority with sanctions, because they want to take action to solve the problem. That is not my idea of interagency cooperation.

Time and again, we have raised these questions and a whole host of other comments and concerns.

Time and again, we have been put off, sidetracked and given excuses for inaction.

The people of my district and throughout New Jersey are sick and tired of these delaying tactics and they are very suspicious of the motives of the FAA, based on past experience.

And, they are right to be skeptical.

After one recent newspaper story on air noise mentioned only the town of Cranford, I received more than two dozen calls from my constituents who were very concerned that Morris County residents were being ignored.

They were convinced that this was an effort by the FAA to paper over the problem and cut Morris County out of the process.

What could I say to relieve these understandable fears?

Based on the poor track record of the FAA so far, I am not about to defend them to anyone.

I share the outrage of my constituents and I am convinced that they are absolutely right to be concerned.

Let me say to you today -- my words to the FAA are clear.

We have a serious air noise problem in northern New Jersey.

Since the inception of the Expanded East Coast Plan, I have received more than 5,000 complaints from my constituents about the continuing and disruptive noise levels.

Congress has required the FAA to assess the problem and to propose solutions. The FAA has not met the mandate of Congress.

In addition, the FAA is blocking the Port Authority, which operates the three major airports in our area, from taking actions on their own to relieve the noise problem.

MADAM CHAIRWOMAN, The problem of aircraft noise must be solved by taking a regional approach that includes use of ocean routing and requirements for quieter stage 3 aircraft. That is what the FAA should do and it should be done now.

As a member of the House Appropriations Committee, I will be looking very closely at the FAA budget this year, because I would like to know where the priorities are, if not in solving this problem in a timely fashion.

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3004**

**CHRISTOPHER H. SMITH**  
9TH DISTRICT, NEW JERSEY

COMMITTEES  
**FOREIGN AFFAIRS**  
HUMAN RIGHTS AND  
INTERNATIONAL ORGANIZATIONS  
INTERNATIONAL OPERATIONS  
**VETERANS AFFAIRS**  
RANKING MEMBER—EDUCATION,  
TRAINING AND EMPLOYMENT  
HEALTH AND HOSPITALS  
**COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE**  
COMMISSIONER  
**SELECT COMMITTEE ON AGING**  
RANKING MEMBER—HOUSING  
AND CONSUMER INTERESTS  
HUMAN SERVICES  
**SELECT COMMITTEE ON HUNGER**  
POW/MIA TASK FORCE

**STATEMENT OF REPRESENTATIVE CHRISTOPHER SMITH**

**NJ ASSEMBLY ENVIRONMENT COMMITTEE HEARING ON AIRCRAFT NOISE**

**MAY 15, 1992**

Thank you, Assemblywoman Ogden, for holding this hearing on an issue important to many of my constituents and many in the New Jersey-New York metropolitan area.

For the past five years, residents of Monmouth County and other parts of the state have suffered from a constant barrage of noise from jets flying overhead at low altitudes. Often, these intrusive interruptions come in the middle of the night, making a good night's sleep nearly impossible.

The genesis of this problem came in the form of the FAA's decision to reroute flight plans up and down the East Coast in an effort to evenly distribute the volume of noise within a particular state or area. Unfortunately, this program, known as the Expanded East Coast Plan (EECP), became a nightmare for a number of previously serene communities.

I think it is important to note that the entire New Jersey Congressional Delegation has demanded that the FAA rethink the plan and look into the distinct possibility that the EECP made a bad situation even worse. In response to the delegation and many in the communities affected by excessive noise, the FAA ordered that an Environmental Impact Study be conducted (albeit five years too late). The results of this study are still pending, but we are hopeful that the outcome will result in less noise for those most affected.

I have personally visited areas and homes that have been hard hit by airplane noise problems. According to tests taken while I was at one of these homes, the noise far exceeded standards. This firsthand knowledge has strengthened my resolve that something absolutely must be done to curb the noise.

I would like to commend Congressman Rinaldo for introducing legislation, which I have signed on to as an original cosponsor, which would result in the development of quieter airplanes in the long term. I believe that the bill will prove to be a comprehensive, long term solution

for the problem of air noise and I was pleased to lend my support.

Nobody is suggesting that the final result of this matter would be the elimination of aircraft noise across the state. The noise must go somewhere, and I am sure that residents would tolerate putting up with their fair share. But a better plan can, and should, be developed. A number of proposals include more routes over the ocean and fewer low-altitude, high-throttle flights, especially at night.

I commend the Assembly for taking up this matter and am hopeful that a satisfactory solution will come to pass in the very near future.

**HOUSE SUBCOMMITTEE ON AVIATION  
MARK-UP OF H.R. 4691  
WEDNESDAY, APRIL 1, 1992**

**REQUEST OF CONGRESSWOMAN SUSAN MOLINARI TO  
ENTER INTO A COLLOQUY ON THE FAA'S  
INTERPRETATION OF SEC. 9304 (c) and SEC. 9304 (e) OF  
THE AIRPORT NOISE AND CAPACITY ACT OF 1990**

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Mr. Chairman, as you are aware, the FAA has recently notified the Port Authority of New York and New Jersey that it may not approve the PA's application for a Passenger Facility Charge if the PA goes ahead with its plans to phase-out Stage 2 aircraft. This is extremely disturbing, not only because of the FAA's disregard for the New York-New Jersey region's unique noise problems, but because their threat is a misrepresentation of Congressional intent.

The Airport Noise and Capacity Act of 1990 does not link local Stage 2 aircraft restrictions to eligibility for PFC and AIP funds. This linkage exists only with airport noise and access restrictions on Stage 3 aircraft operations.

Mr. Chairman, I considered offering an amendment to reenforce the 1990 law, yet the existing law is so clear it needs no clarification. However, the FAA apparently plans to pursue this faulty linkage. Any unnecessary delays caused by the FAA, will mean additional suffering for hundreds-of-thousands of New York and New Jersey residents.

I ask that we consider report language to reaffirm the Congressional intent of the Airport Noise and Capacity Act of 1990. By making a firm stand against this misinterpretation now, I hope we can speed relief to those Americans that live where the sky is not always friendly.

MR. ROE: I WOULD LIKE TO ASK THE CHAIRMAN OF THE SUBCOMMITTEE FOR CLARIFICATION ON AN ISSUE INVOLVING FEDERAL POLICY UNDER THE NOISE ACT OF 1990. THE FAA HAS RECENTLY INTIMATED THAT A LOCAL AIRPORT OPERATOR MAY LOSE THE AUTHORITY TO IMPOSE A PASSENGER FACILITY CHARGE UNDER THE SAFETY AND CAPACITY EXPANSION ACT OF 1990 OR COLLECT AIP MONIES IF IT ADOPTS A PHASEOUT OF STAGE 2 AIRCRAFT FOR ITS AIRPORTS THAT IS DIFFERENT FROM THE NATIONAL PHASE OUT SCHEDULE FOR STAGE 2 AIRCRAFT MANDATED BY THE NOISE ACT AND REGULATIONS.

IT IS MY UNDERSTANDING THAT UNDER THE NOISE ACT, THE FAA HAS THE AUTHORITY TO APPROVE LOCAL RESTRICTIONS ON STAGE 3 AIRCRAFT, NOT STAGE 2 AIRCRAFT. IT ALSO IS MY



VIEW THAT THE ACT CLEARLY PRESERVED A LOCAL AIRPORT OPERATOR'S AUTHORITY TO ADOPT REASONABLE NOISE RESTRICTIONS ON STAGE 2 AIRCRAFT FREE FROM THE RISK OF LOSS OF AIP MONIES AND PFC COLLECTION AUTHORITY. I AM EXTREMELY INTERESTED IN THE CHAIRMAN'S VIEWS ON THIS MATTER.

MR. OBERSTAR: THE CONGRESSMAN IS ABSOLUTELY CORRECT IN HIS VIEW OF THE PURPOSE AND INTENT BEHIND THE NOISE ACT AND THE SAFETY AND CAPACITY ACT ON THIS MATTER. ONCE LOCAL OPERATORS HAVE ACCOMPLISHED CERTAIN PROCEDURAL GUIDELINES THEY RETAIN THE AUTHORITY TO ENACT REASONABLE RESTRICTIONS ON STAGE 2 AIRCRAFT WITHOUT BEING SUBJECT TO PRIOR APPROVAL OF THOSE RESTRICTIONS BY THE FAA. WHILE PRIOR APPROVAL IS REQUIRED FOR RESTRICTIONS ON STAGE 3 OPERATIONS, THE NOISE ACT PLAINLY SETS FORTH NO SIMILAR REVIEW AND

APPROVAL REQUIREMENTS FOR STAGE 2  
RESTRICTIONS. SO THE DISTINCTION BETWEEN THE  
TREATMENT OF STAGE 2 AND STAGE 3 LOCAL RULES  
IS CLEAR. LIKEWISE THERE WAS NEVER AN INTENT  
TO LINK THE AUTHORITY TO IMPOSE A PFC WITH  
THE AUTHORITY TO ENACT STAGE 2 RESTRICTIONS,  
SO LONG AS AN AIRPORT COMPLIES WITH THE LAWS  
PROCEDURAL GUIDELINES.

MR. ROE: I THANK THE GENTLEMAN FOR THAT  
CLARIFICATION.

MS. MOLINARI: MR. CHAIRMAN, I WOULD LIKE  
TO ADD THAT I AM ALSO AWARE OF THE FAA'S  
ERRONEOUS VIEW THAT THERE IS A LINKAGE  
BETWEEN THE IMPOSITION OF STAGE 2  
RESTRICTIONS AND AUTHORITY TO IMPOSE A PFC.  
MY CONSTITUENTS LIVE IN THE MOST HEAVILY  
NOISE IMPACTED REGION IN THIS COUNTRY. WHILE  
THE FAA REGULATIONS ADOPTING A NATIONAL NOISE

POLICY ARE NOW COMPLETE, THOSE RULES GRANT THE AIRLINES GREAT LEEWAY IN MEETING FEDERAL DEADLINES TO PHASE-OUT NOISY STAGE 2 AIRCRAFT. THOSE RULES, THEREFORE, FAIL TO PROVIDE ANY ASSURANCE THAT THEIR NOISE BENEFITS WILL BE PASSED ON TO REGIONS OF THE COUNTRY WHICH NEED IMMEDIATE RELIEF FROM AIRCRAFT NOISE. I HAVE EXAMINED THE NOISE ACT AND I AGREE WITH CHAIRMAN OBERSTAR THAT LINKAGE BETWEEN NOISE RESTRICTIONS AND PFC OR AIP FUNDS IS NOT APPLICABLE TO LOCAL ADOPTION OF STAGE 2 RESTRICTIONS.

MR. HAMMERSCHMIDT: MR. CHAIRMAN, I ALSO SUPPORT THE VIEW EXPRESSED BY YOU AND MY COLLEAGUE. IN FACT, IT HAS ALWAYS BEEN MY UNDERSTANDING, AND CERTAINLY OUR INTENT, THAT WHEN WE APPROVED THIS LEGISLATION IN 1990, AN AIRPORT OPERATOR WOULD RETAIN THE AUTHORITY TO IMPOSE RESTRICTIONS ON THE

NOISIEST AIRCRAFT - STAGE 2 - WITHOUT RISKING  
ANY LOSS OF AIP FUNDS OR IMPAIRING ANY ABILITY  
TO QUALIFY FOR THE AUTHORITY TO IMPOSE PFC'S.

FINAL ~~Draft~~ Language

-19-

Although many PFC applications have come from large hub airports, there have been a significant number of applications from smaller airports. The applications cover a wide variety of development needs.

The Committee has been generally satisfied with FAA's administration of the PFC program. However, there is one respect in which FAA's implementation is contrary to the PFC law. FAA has recently implied that it would refuse to approve a PFC if an airport adopts a schedule for a phase-out of Stage II aircraft that is different from the national phase-out schedule under the Airport Noise and Capacity Act of 1990.

The governing law is quite clear that FAA has no authority to refuse to approve a PFC on the grounds that FAA does not approve of an airport's restrictions on Stage II aircraft. The governing law, Section 9307 of the Airport Noise and Capacity Act of 1990, provides that an airport shall not collect a passenger facility charge or receive AIP funds unless "the Secretary assures that the airport is not imposing any noise or access restrictions not in compliance with this subtitle". The phrase "this subtitle" refers to the Airport Noise and Capacity Act of 1990, which was subtitle (D) of title IX of the Omnibus Budget Reconciliation Act of 1990. The subtitle imposes no limitation on the right of an airport authority to impose restrictions on Stage II aircraft, except to require that before a restriction can be imposed the airport operator must follow certain procedural requirements. In general these involve preparing and making public various economic studies, at least 180 days before the effective date of a restriction.

Failure to follow these procedural requirements is the only possible basis for refusing to approve a PFC on the grounds of an airport's noise policy. Under the law, FAA has no authority to disapprove a PFC because it disagrees with the substantive content of an airport's noise restriction.

Apart from the question of the relationship between noise policies and PFCs, it should be clearly understood that the Airport Noise and Capacity Act of 1990 does not prevent an airport from imposing restrictions on Stage II aircraft. In this regard the 1990 Act clearly distinguishes between Stage II aircraft and Stage III aircraft. For a restriction on Stage III aircraft, the Act provides that the restriction must be approved by the FAA. For Stage II aircraft, the Act does not provide for prior FAA approval, but requires only that an airport follow the procedural requirements discussed above before imposing a restriction.

*it is permissible*

The 1990 Act recognized that ~~there is a need~~ for the national schedule for the phase-out of Stage II aircraft to be complemented by local restrictions. The FAA's national regulations grant the airlines great leeway in meeting federal deadlines to phase out noisy Stage II aircraft. The rules provide no assurance that particular airports will receive any benefits from the national standards, since these standards only require a phase-out on a national basis and do not require any reduction in noisy aircraft operated at particular airports. Complimentary local restrictions will ensure that all airports share in the benefits of noise reduction.

The legislative history of the 1990 Act makes clear that airports are allowed to impose restrictions on Stage II aircraft. When the bill was being discussed on the Senate Floor, Senator Lautenberg of New Jersey pointed out that there was a serious noise problem in the areas surrounding the airports operated by the Port Authority of New York and New Jersey, and that he would "oppose any policy that would preempt the accomplishments we've made, or the efforts we are making" to reduce noise. Senator Lautenberg asked Senator Ford, who was managing the bill, to confirm that under the bill "an airport operator would be allowed to impose restrictions on Stage II operations without the approval of the FAA, and without risking the loss of AIP money. This is particularly important, as reducing the number of Stage II planes serving Newark International as a critical part of our efforts to reduce noise in New Jersey." The noise reduction program to

which Senator Lautenberg referred was a widely publicized directive from the Board of the Port Authority to the staff to prepare a plan directing a phase-out of Stage II aircraft at the three Port Authority airports (including Newark).

Senator Ford assured Senator Lautenberg that "the Senator is correct on each of these points. He has made the case for his constituents, and I believe we have taken the steps in the legislation to protect the efforts he has been making to reduce aviation noise in New Jersey". Thus, in context, Senator Ford was stating that the new law would not interfere with the Port Authority's program to phase out Stage II aircraft at Newark.

Senator Ford's assurances were confirmed during the House Floor debate on the bill which included the following statement from Congressman Hammerschmidt, the Ranking Republican Member on our Committee:

"it is important to note that this legislation will not prevent local airports from banning noisy Stage II aircraft as long as they analyze the need for the restriction and wait 180 days before it goes into effect. Likewise the bill permits airports to impose restrictions on flights of Stage III aircraft as long as the Secretary of Transportation approves the restriction."

Another noise issue of concern to the Committee arises from Section 9119 of the 1990 Act, which directed FAA, not later than 180 days after enactment, to issue an Environmental Impact Statement (EIS) on the effects of changes in aircraft flight patterns over the state of New Jersey, caused by implementation of the initial expanded East Coast Plan (EECP).

The FAA is now at least a year late in delivering the Congressionally mandated EIS. In defending the delay, FAA cites the complexity of the evaluation and the thousands of locations at which noise impacts must be calculated and the difficulties in reconstructing the air routes and traffic distributions that existed prior to the EECP. This approach is making the analysis unduly and unnecessarily complex. Necessary data is already available.

In 1988 and 1990, a study was done by a private consultant with FAA data. The study showed not only where the flight tracks were and where they are now, but also what the noise impacts were and what they are now.

It appears to this Committee that indecision, as much as complexity, is affecting the FAA's ability to state clearly that the changes had an effect or did not have an effect, and further to state that the changes should stand, be modified, or rolled back to the pre-EECP condition.

Moreover, the FAA is not conducting field evaluations of potential new procedures that have merit. Such new route trials can and should be accomplished even while the environmental effects of the existing EECF route is being evaluated.

## V. FACILITIES AND EQUIPMENT

The reported bill authorizes funding of \$2.7 billion for FY 1993 and \$2.9 billion for FY 1994 for the Federal Aviation Administration's Facilities and Equipment. The FAA owns, operates and maintains virtually all of the facilities and equipment that are used to control aircraft operated in the United States airspace.

The F&E account is devoted to implementing the agency's Capital Investment Plan, a strategic, comprehensive, and integrated effort to replace and modernize all of the equipment used in the air traffic control, communication, and navigation systems. The reported bill would permit full funding of the FAA's proposals for Facilities and Equipment as indicated in the President's budget proposal.



**Testimony of**  
**Staten Island Borough President**  
**Guy V. Molinari**  
**Before the Joint Assembly Subcommittee**  
**on**  
**Airport Noise Control**  
**May 15, 1992**

It is commendable to see that New York and New Jersey are coordinating their respective legislative efforts to fight the aircraft noise problem that has progressively afflicted both of our states these past five years since the Expanded East Coast Plan took effect.

I am also pleased to see that the combative and blackmailing stance taken by the FAA against the Port Authority with regards to their proposed earlier phasing out of the Stage II aircraft in the New York/New Jersey metropolitan area is being roundly deplored at all levels of our elected officials: City, State, and Federal.

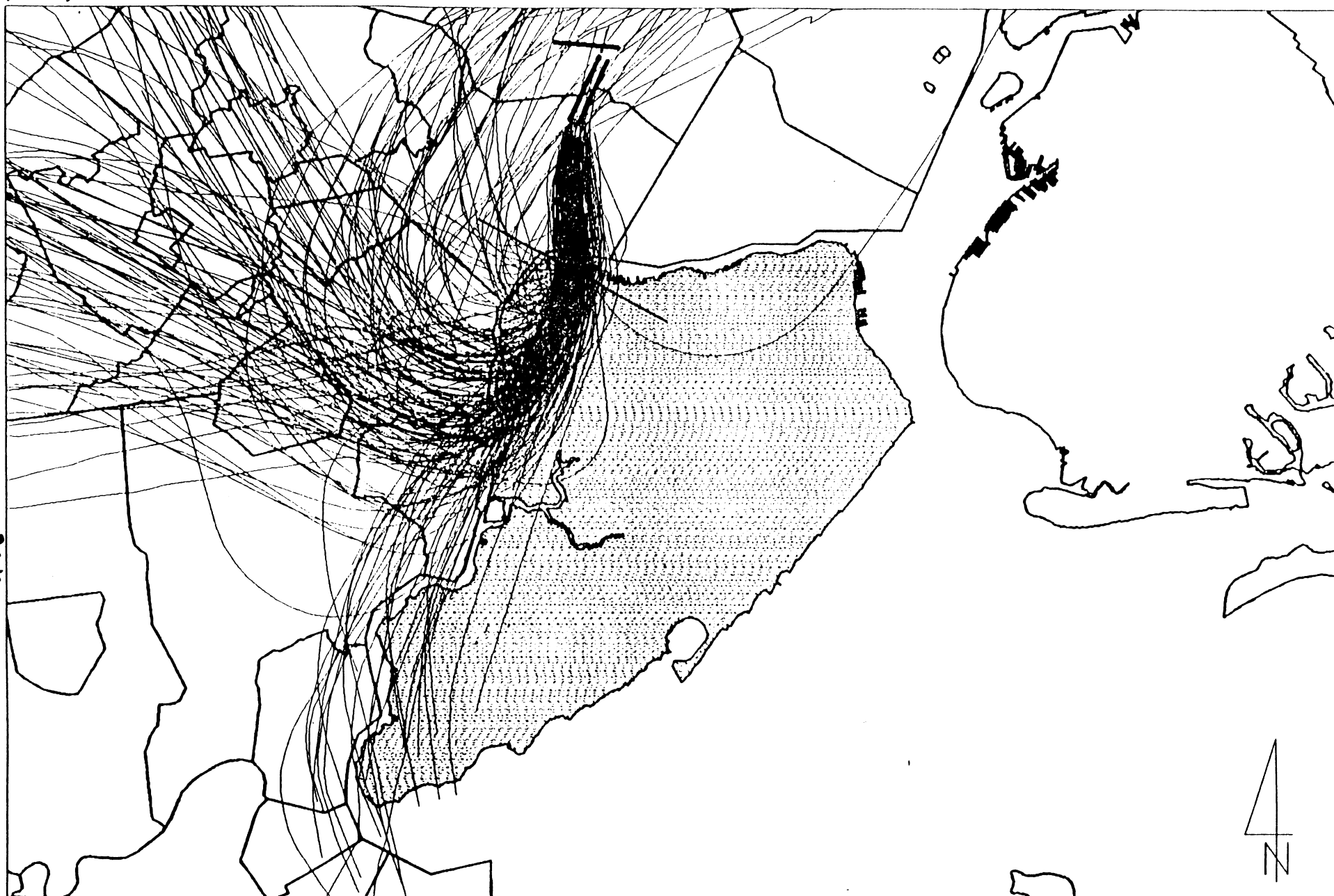
Perhaps the biggest tragedy in all of this has been that the FAA has succeeded in pitting one town against another and finally one State against another. Why I say one State against another is the fact that the northwestern portion of Staten Island is just three miles away from the end of Newark's Runway 22 and it is the only New York City area directly impacted by another State's aircraft flying below 3,000 feet.

As my "flashcards" show - and the Committee has a reduced copy before you - the aircraft departure patterns over Staten Island for a typical Saturday and Monday are quite graphic. Also included are copies of accompanying altitude graphs for each of these days, showing that the average elevation for one day is approximately 2,250 feet and for the other less than 2,00 feet. As a side note, on several occasions my office has recorded ground level decibel readings between 95-102 dBA during these typical takeoffs.

To save time, instead of reading off the litany of residential complaints and the severe noise pollution recorded, I am including with today's statement the testimony I presented before the FAA Noise Mitigation hearing held in Staten Island in November, 1991. It will give this Committee a good overview of the terrible impacts my borough has endured.

All that I can ask from this group is that when the Committee reviews the testimony that has been presented either orally or in

35X



# LEGEND

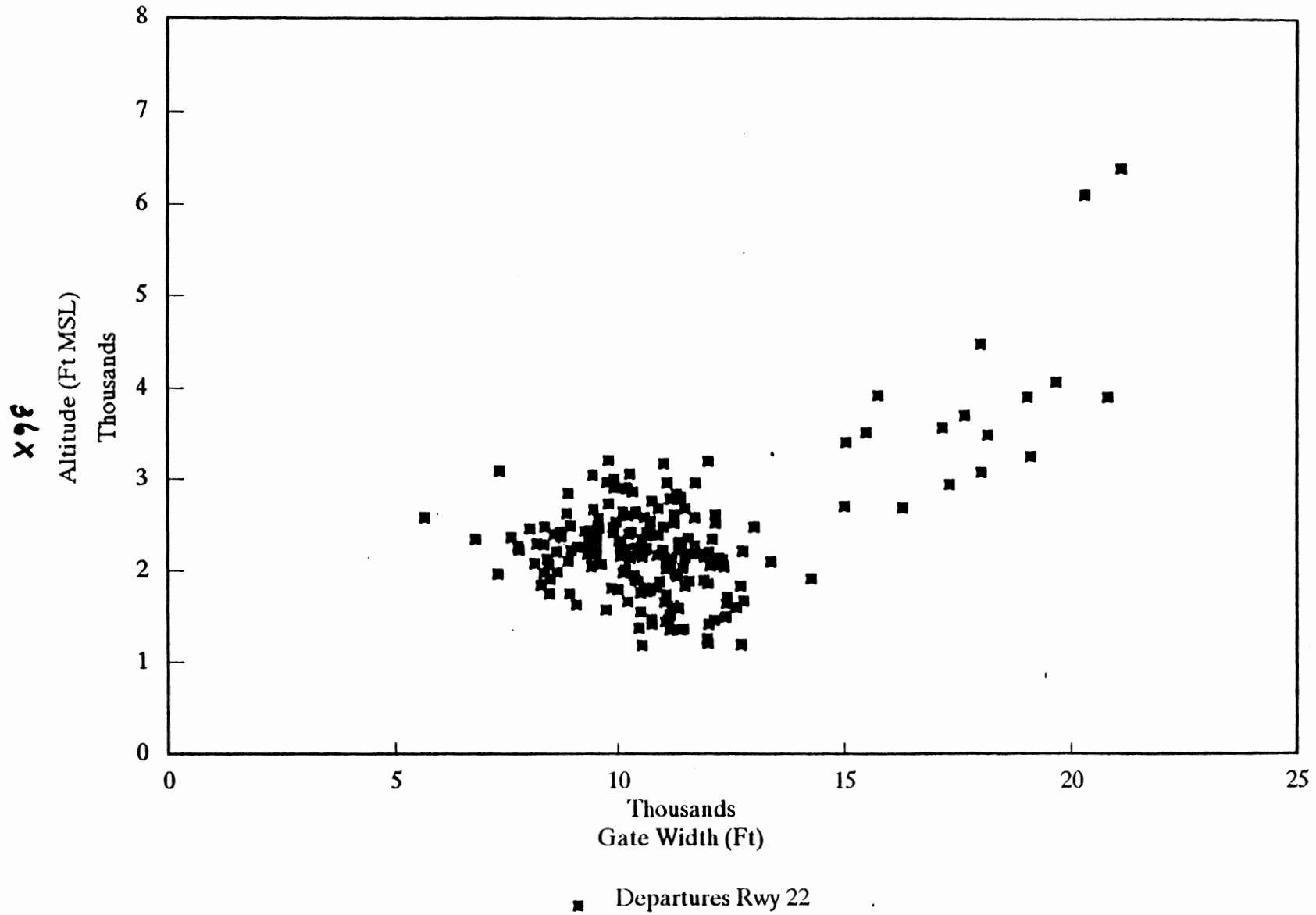
- Gates
- Dep Rwy 22
- EWR
- Township

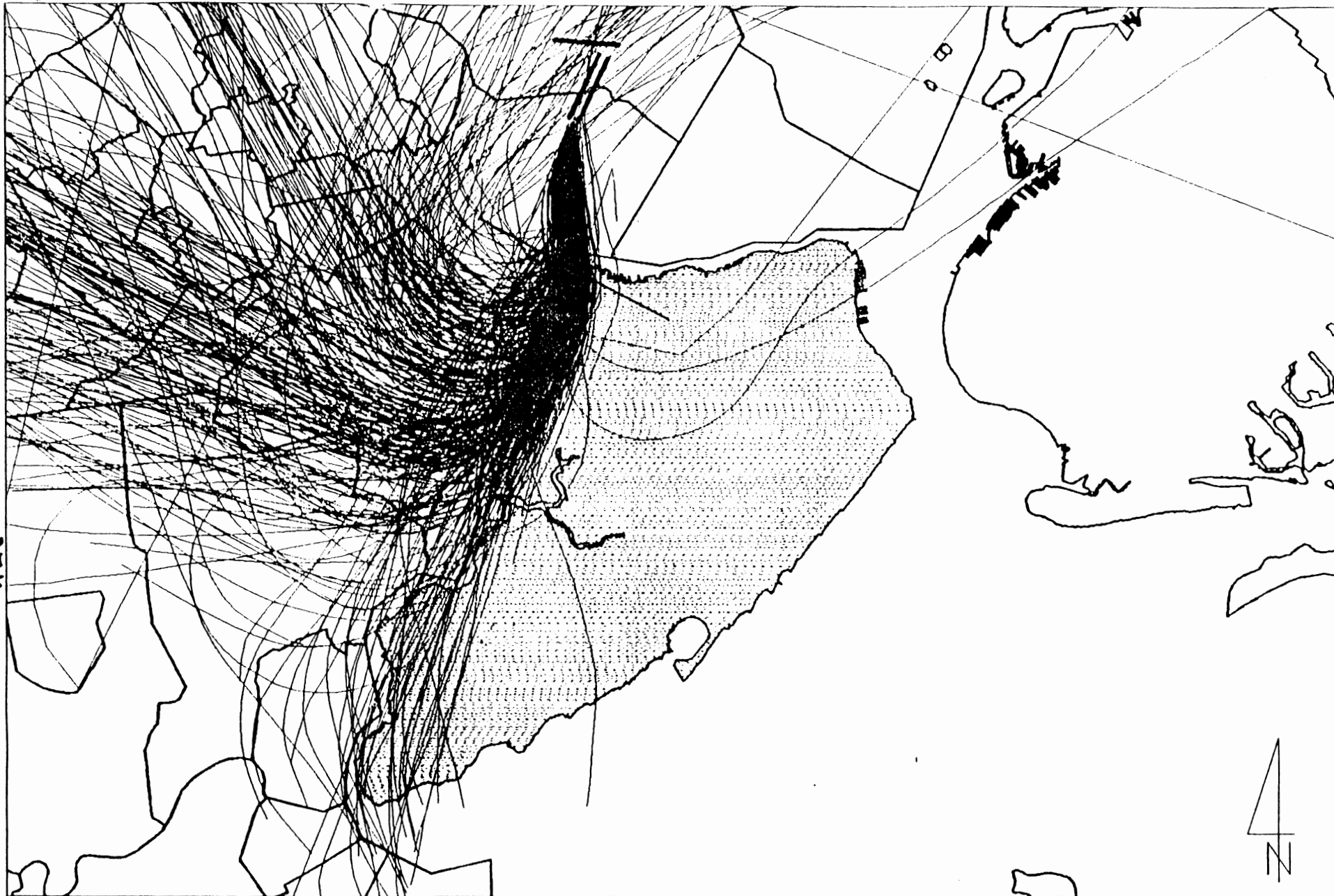
The Port Authority of NY & NJ  
Aircraft Noise Abatement Monitoring System  
Data Collected on January 25, 1992  
Newark International Airport

NOTE: Track widths are not to scale

# Gate Penetration

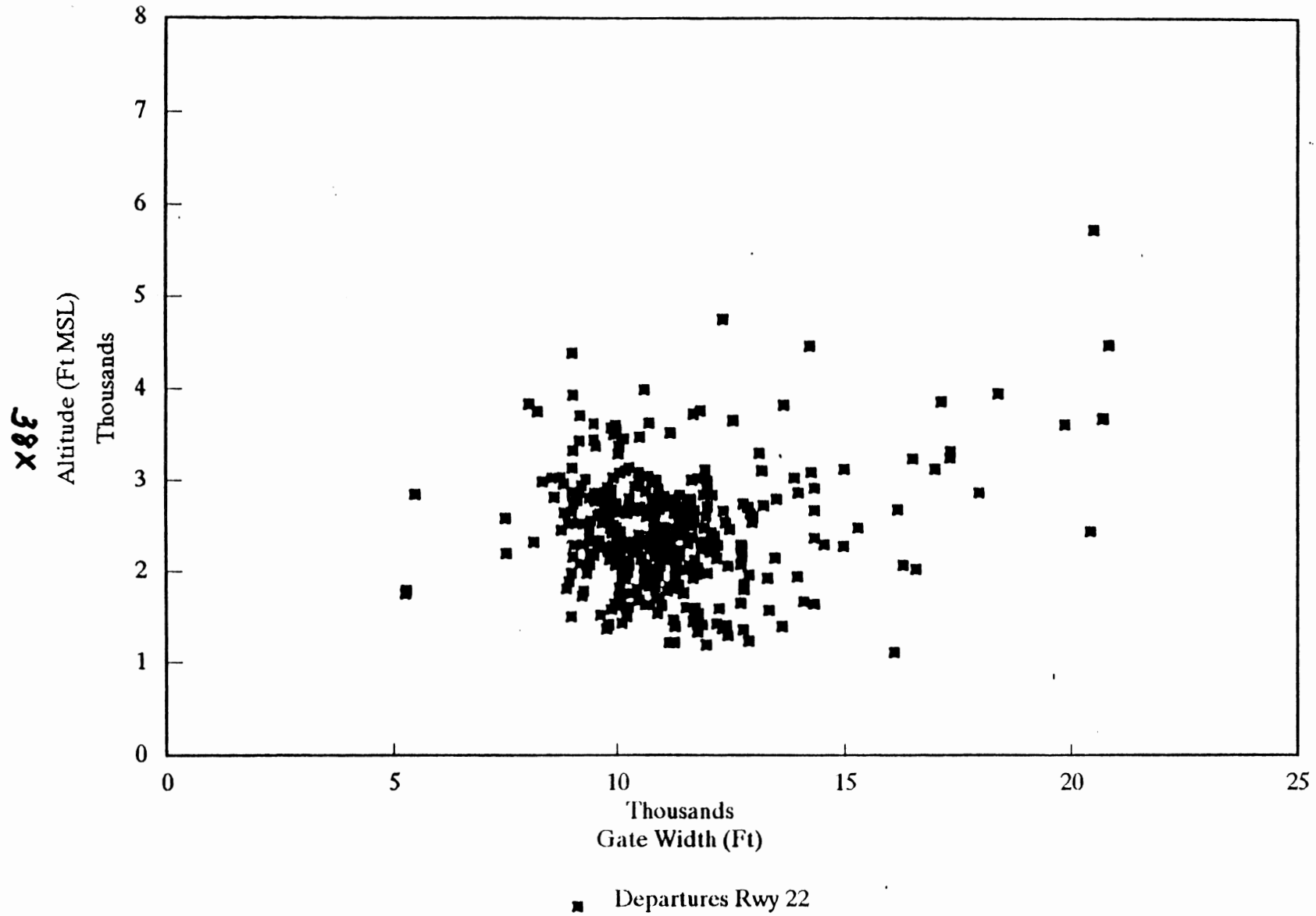
Gate 14 - 1/25/1992





# Gate Penetration

Gate 14 – 1/27/1992



writing, look carefully at the information being presented by the FAA, the ATA, and the Port Authority. This Committee should ask itself the questions that I have had to deal with since 1987:

1. What is the definition for "significant" noise change that the FAA and PA refer to, or avoid, as it relates to the effects of the Expanded East Coast Plan?
2. I learned that the FAA has no historical record as to why an altitude of 3,000 feet was chosen as the cut-off point for implementing of an EIS? Why is that? Is this not important when reviewing their statements concerning the noise impacts due to the Expanded Plan?
3. What has been the historical record of the Port Authority as it relates to monitoring aircraft noise pollution beyond the airport's perimeter? How does the PA relate to other airport operators on noise mitigation and monitoring :



good or indifferent until forced?

4. Why do the airlines always talk about the economic impacts of their businesses and the impending loss of their employees' jobs due to quicker phasing in of quieter aircraft when not once have I ever seen an economic analyses performed by these same groups on the effects of aircraft noise on property value? Why is there a severe distinction made between the economics of a job and the economics of a home? What is the justification?
5. Examine the record as to how the FAA, the airlines, and the Port Authority relate to each other. When airport changes are passed, how often are the environmental consequences to residents around the airport of equal importance to the economics of those decisions?
6. How does the Port Authority environmentally relate to

the FAA? When does the PA initiate on their own environmental concern before the consequences are felt? And what of the airlines - have they ever expressed environmental concerns?

7. Where is the proof that with a phasing out of Stage II aircraft - according to the FAA - by the year 2000 this will lessen the impact of aircraft noise on 94% of the population surrounding the New York/New Jersey metropolitan area?
8. How does the FAA quantify noise reduction? the PA? the airlines?
9. What have been the noise investigation initiatives undertaken by the FAA, PA, and airlines to date - and I don't mean just starting with this year?

I look forward to supporting in any way that I can the work efforts that each State's legislative groups are striving for. The FAA, the PA and the airlines should start re-evaluating the environmental anger caused by a problem they created.

Thank you.

**TESTIMONY OF**  
**STATEN ISLAND BOROUGH PRESIDENT**  
**GUY V. MOLINARI**  
**BEFORE THE FAA PANEL ON**  
**AIRCRAFT NOISE MITIGATION REVIEW**  
**STATEN ISLAND**  
**NOVEMBER 20, 1991**

THE ONLY WAY THAT I PERSONALLY BELIEVE I CAN PRESENT TRULY EFFECTIVE TESTIMONY WOULD BE TO MOVE THESE HEARINGS TO THE ARLINGTON COMMUNITY. BUT, AS I CAN'T, I WILL DO THE NEXT BEST THING. I WILL ASK THE PANELISTS TO IMAGINE THAT, INSTEAD OF BEING IN I.S. 51, WE ARE IN THE HOME OF MS. JEAN CRISSON IN THE HEART OF THE ARLINGTON COMMUNITY, THREE MILES FROM NEWARK INTERNATIONAL AIRPORT'S RUNWAY 22. THE ONLY THING YOUR IMAGINATION DOES NOT HAVE TO WORK OVERTIME ON IS THE AIRPLANE NOISE - I WILL SUPPLY THAT FOR YOU.

BEFORE I BEGIN MY PRESENTATION, THEREFORE, I WOULD LIKE TO INFORM THE FAA PANEL THAT I AM SUBMITTING THE FOLLOWING DOCUMENTS AS SUPPLEMENTS TO MY ORAL TESTIMONY:

- O A VIDEOTAPE, SHOWING ON SPLIT SCREENS, DECIBEL READINGS WHILE PLANES WERE FLYING OVERHEAD ABOVE THE COMMUNITY OF ARLINGTON. THE TAPE, APPROXIMATELY 2 HOURS IN LENGTH, WAS TAKEN ON A TYPICAL MORNING AND AFTERNOON THIS PAST SUMMER.
- O PEAK DECIBEL READINGS IN ARLINGTON, RECORDED MANUALLY, WITH AN MSHA PERMISSIBLE SOUND LEVEL METER, PHOTOGRAPHS OF WHICH ARE ATTACHED. THE DATA WAS RECORDED DURING TYPICAL SUMMER DAYS ON AUGUST 30, 31, SEPTEMBER 2, 3, 4, 9, AND 10, BETWEEN 7:30 AM AND MIDNIGHT.
- O THIS ENTIRE WRITTEN TESTIMONY AS I AM READING IT TO YOU, UNDERSTANDING THAT YOU LIKELY WILL NOT HEAR EVERYTHING I AM SAYING. - PLEASE READ ALONG WITH ME.

I AM NOT GIVING YOU SOUND EFFECTS TRICKS. WHAT YOU WILL HEAR ARE ACTUAL RECORDINGS OF THE AIRPLANE NOISE FROM OUR VIDEOTAPES. EARLIER THIS WEEK WE CAME HERE AND MEASURED SCIENTIFICALLY THE VOLUME NEEDED FROM THIS TAPE DECK TO PRECISELY REPRODUCE THE SOUND LEVELS CONSTANTLY SURROUNDING THE INTERIOR AND EXTERIOR OF A TYPICAL ARLINGTON HOME. I AM NOT PIPING THIS INTO THE SCHOOL'S P.A. SYSTEM TO EXAGGERATE THE NOISE. THIS IS THE LEVEL THAT OCCURS EACH DAY. TO FURTHER EXEMPLIFY THAT THE SOUND LEVELS ARE NOT TRICKS I AM HANDING OVER TO YOU, THE PANEL, THE SOUND METER AT THE dBA MEASUREMENT LEVEL, EXACTLY THE SAME WAY THE VIDEO TAPE AND MANUAL RECORDINGS WERE TAKEN.

***(SOUND SHOULD BEGIN HERE)***

THE SOUND LEVEL METER WE USED MEASURED THE NOISE IN "A-WEIGHTED" SCALE, A SCALE METHOD THAT REPRESENTS THE HUMAN EAR'S INTERPRETATION OF THE LOUDNESS OF AN EQUAL SOUND LEVEL THROUGHOUT THE AUDIBLE FREQUENCY RANGE. IT IS ALSO MY UNDERSTANDING THAT RESEARCH HAS SHOWN THAT A FIVE DECIBEL INCREASE WOULD BE A NOTICEABLE CHANGE, WHILE A 10 DECIBEL INCREASE WOULD BE PERCEIVED AS **TWICE AS LOUD**. IF MOST CONVERSATIONS, STANDING ABOUT 4 FEET APART, OCCUR IN THE MID-60S dBA RANGE, THAN SHOUTING WOULD BE IN THE MID-80S DECIBEL RANGE. AND EVIDENCE HAS SHOWN THAT CONTINUOUS EXPOSURE ABOVE 85 dBA IS LIKELY TO DEGRADE THE HEARING OF MOST PEOPLE.



SO WHAT DID OUR NOISE READINGS SHOW? DURING THE SEVEN DAYS OF MANUAL DECIBEL READINGS, A TOTAL OF 403 PEAK READINGS WERE TAKEN WHILE PLANES WERE FLYING OVERHEAD:

- 29 READINGS WERE BELOW 80 dBA - THAT'S 7.2% OF THE TIME.
- 79 READINGS WERE BETWEEN 90 AND 99 dBA - THAT'S 19.6% OF THE TIME.
- 2 READINGS WERE AT 100 dBA - THAT'S 0.5% OF THE TIME.
- THE REMAINING READINGS - ACCOUNTING FOR 72.7% OF THE TIME - WERE BETWEEN 80 AND 89 dBA.

THEREFORE, USING THE SHOUTING COMPARISON I MENTIONED ABOVE, A TOTAL OF 92.8% OF THE TIME IN ARLINGTON THE NOISE THESE PEOPLE LIVE WITH IS EQUIVALENT TO ONE OF HEARING CONTINUOUS, IF NOT PAINFUL, SCREAMING AND SHOUTING.

DURING THE TWO VIDEOTAPING SESSIONS, THE FOLLOWING BECAME VERY CLEAR:

- O WHEN A PLANE IS NOT PASSING OVER, THE BACKGROUND NOISE READINGS WERE AN AVERAGE OF 55 dBA, WHICH IS TYPICAL FOR A NON-MIDTOWN MANHATTAN URBAN BEDROOM COMMUNITY.
- O WITHIN 10 TO 20 SECONDS, NOISE LEVELS FROM OVERFLYING PLANES JUMPED ANYWHERE FROM 20 TO 40 DECIBELS, AND THEN BACK DOWN AGAIN TO BACKGROUND.
- O WITHIN A 10 MINUTE PERIOD OF TIME ON A TYPICAL MORNING IN ARLINGTON - 7:45 AM TO 7:55 AM - BACKGROUND NOISE LEVELS OSCILLATED FROM BACKGROUND TO A PEAK OF 95 dBA FIVE TIMES.

THE AIRPLANE NOISE THAT HAS BEEN COMPLEMENTING MY TESTIMONY - TAKEN FROM THESE VIDEOTAPES - RANGES BETWEEN 80 AND 95 dBA. SO IF YOU COULDN'T HEAR ALL OF MY TESTIMONY, YOU NOW ARE BEGINNING TO UNDERSTAND WHAT THESE PEOPLE FACE EVERYDAY!

THEY CAN'T SLEEP; THEY CAN'T EAT IN PEACE; THEY CAN'T TALK TO EACH OTHER; THEY CAN'T CONVERSE ON THE PHONE WITH EACH OTHER WITHOUT GOING INTO CLOSETS; CHILDREN CAN'T STUDY. AIRPLANES ARE THE PLAGUE OF THEIR EXISTENCE. THEIR LIVES ARE INTERMINABLY CAUGHT UP IN AN ATMOSPHERIC SAN ANDREAS FAULT - EVERY DAY THEY ARE HIT WITH THE BIG ONE!

STATEN ISLANDERS ARE EXHAUSTED FROM SCREAMING ABOUT A PROBLEM **WE NEVER CREATED**. BUT WE CAN'T JUST TALK ABOUT IT - THOSE THAT COULD HEAR US, WON'T LISTEN. WE ARE TIRED OF BEING THE ENVIRONMENTALLY DUMPED ON COMMUNITY: GARBAGE, SLUDGE, AIRPLANE NOISE FROM ANOTHER STATE. WE ARE DEMANDING A MENTAL DIVORCE IN THE FAA'S PHILOSOPHY: A DIVORCE TO THE NOTION THAT NEWARK AIRPORT **ONLY** AFFECTS NEW JERSEY RESIDENTS.

WHAT LAPELS DO I GRAB AND SHAKE TO MAKE YOUR GROUP PAY ATTENTION TO US? DON'T TELL ME THAT NEWARK AIRPORT BENEFITS THIS COMMUNITY OR STATEN ISLAND UNTIL YOU ADDRESS ITS BURDENS ON THE COMMUNITY. YOU HAVE NEVER PUBLICLY RECOGNIZED YOUR EXPANDED EAST COAST PLAN'S EFFECT ON US. YOU HAVE NEVER DONE NOISE STUDIES ANYWHERE ON STATEN ISLAND. YOU HAVEN'T EVEN CAPITULATED TO US BY

VISITING THESE PEOPLE IN THEIR NEIGHBORHOODS TO DETERMINE IF IT'S TRUE THAT STATEN ISLAND IS SCREAMING NOT ONLY TO BE HEARD ABOVE THE NOISE -- BUT TO BE HEARD AT ALL.

AS A MINIMUM, I CALL ON THE FAA FOR THE FOLLOWING:

1. YOUR NOISE FOOTPRINT FROM NEWARK AIRPORT IS AT LEAST 20 YEARS OLD, AND EVEN THE 1980S FOOTPRINT WAS BASED ON PROJECTIONS FOR THE 1980S. CHANGE THIS TO REFLECT REALITY. CHANGE THIS TO ACCURATELY DESCRIBE WHAT IS GOING ON ABOVE OUR HEADS.
2. I AM CALLING FOR EQUITY IN SHARING THE BURDEN. THIS IS NOT A MONO-STATE ISSUE; THIS NOISE DISEASE IS AFFECTING NEW YORK. INVESTIGATING THE EQUITABLE SHARE OF NOISE BURDENS BY CHANGING THE ANGLES OF

DEPARTURE WITH CLOSER DISTANCES FROM THE CONTROL TOWER MUST PROMOTE A MIDDLE GROUND FOR SHARING THE NOISE BURDEN BETWEEN STATEN ISLAND AND NEW JERSEY.

3. AND FINALLY, BY THE FAA ADMITTING THAT THESE HEARINGS ARE A SUPPLEMENT TO THE NEW JERSEY DRAFT EIS, WHEN I GET MY COPY OF THAT DOCUMENT, I AM EXPECTING TO SEE THE DISCUSSIONS TO OUR PROBLEM AND THE SOLUTIONS.

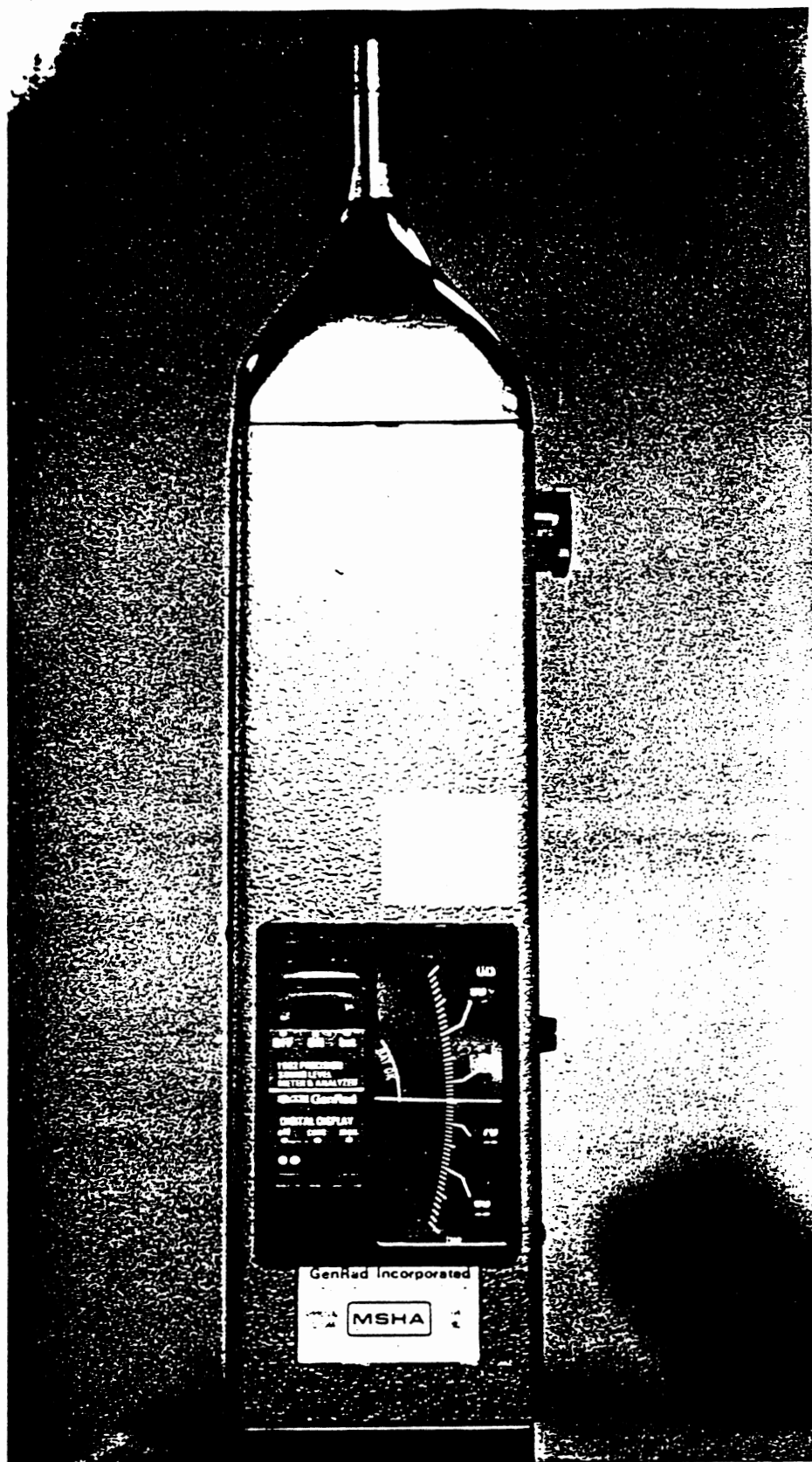
IF YOU WANT US TO WORK WITH YOU, TO BUILD UP TRUST, THEN COME OUT FROM BEHIND THE CAMOUFLAGE OF LIES AND DISRUPTION OF THE EXPANDED EAST COAST PLAN. START BY UNDERSTANDING WHAT IS GOING ON HERE THREE MILES AWAY. DON'T TELL US THERE'S NO SOLUTION - YOU PUT THE NOISE HERE IN THE FIRST PLACE. *(TURN OFF NOISE AT THIS POINT.)* NOW, AS I

TURN OFF THIS SOUND, PERHAPS YOU CAN UNDERSTAND  
WHAT THIS COMMUNITY IS CONFRONTING DAILY. DO WE  
NOT HAVE THE RIGHT TO LIVE IN A WORLD SUCH AS THE  
ONE YOU HEAR RIGHT NOW?



55x





Samples of decible reading, with dates and approximate times of airplanes departing Newark Airport, N.J. and flying over Arlington and surrounding communities and areas:

Friday 8-30/91

<u>7:36</u>	a.m.	84
37		88
40		<del>93</del>
42		89
43		88
44		87
45		87
46		84
48		<del>90</del>
50		87
52		84
54		86
55		80
59		81

8:00 a.m. till after 9:00 - readings were in high 80's into 99 and a few readings 102

Afternoon readings were in high 80's and also very high 90's.

Friday Night

<u>5:51</u>	p.m.	87		<u>7:38</u>	p.m.	85
52		81		42		88
55		80		46		86
<u>6:58</u>		<del>90</del>		52		82
59		86		54		85 (big 4 engine)
<u>7:08</u>		<del>90</del>		56		86
09		80		58		86
12		79				
16		87		<u>8:01</u>	p.m.	87
23		83		06		86
25		85		<u>9:01</u>	p.m.	<del>94</del>
26		83		03		83
29		81		09		88
31		82		30		84
33		81		31		86
35		81				
36		80		<u>10:00</u>	p.m.	85
				55		<del>90</del>
				<u>11:10</u>	p.m.	<del>90</del>

Saturday 8/31/91

<u>7:05 a.m.</u>	<u>-90</u>	<u>8:35 a.m.</u>	<u>83</u>
14	91	39	84
35	80	41	86
37	93	52	80
40	96	56	93
42	82	59	88
43	80		
44	82	<u>9:00 a.m.</u>	<u>87</u>
46	85	02	84
48	93	05	83
51	81	08	81
52	87	09	92
54	81	10	81
56	82	16	81
59	93	20	88
<u>8:00</u>	<u>95</u>	24	89
05	82	25	87
08	94	35	84
09	82	44	92
11	86	45	89
15	88	46	82
19	80	48	84 (wide body)
24	82	49	92
25	88		
27	83		
30	95		

Monday 9/2/91 Labor Day

<u>12:03 P.M.</u>	<u>87</u>	<u>6:01 P.M.</u>	<u>86</u>
05	88	15	82
56	80	16	84
<u>1:05</u>	<u>86</u>	17	88
07	81	30	82
12	80	38	80
14	80	46	80
19	88		
23	84	<u>7:40 P.M.</u>	<u>87</u>
26	82	41	88
33	88	45	86
<u>3:15 P.M.</u>	<u>87</u>	<u>8:09 P.M.</u>	<u>81</u>
17	81	14	83
19	82	19	85
20	80	20	82
		22	86
		34	85
		51	80
		52	83
		57	82
		<u>10:15 P.M.</u>	<u>86</u>
		20	85

Tuesday 9/3/91

6:52	a.m.	-94	12:50 P.M.	84
54		78(wide body)		
7:01		86		
07		85	1:02 P.M.	81
14		82	05	86
17		86	07	86
20		83		
21		83	4:25 P.M.	87
22		80	28	90
25		90	5:50	82 (company small plane, high up)
28		91		
29		80	8:15	92
31		86	16	86
48		81	18	80
51		82	20	83
52		91	22	83
55		82	28	85 (very low heavy plane)
8:01		83	30	95 (very cracky & low over bldgs.13 st
41		82	31	88 (very low heavy plane)
44		81	33	84
45		89	36	88
46		82	43	88
48		88		
50		82		
54		81		
56		81		
59		80		
9:00		86		
03		80		
05		80		
06		87		
07		80		
08		84		
12		93*		
15		92*		
17		91*		
18		85		
19		86		
11:21		88		
22		82		
27		80		
28		83		
40		91		
49		80		
50		88		
52		92*		

BETWEEN 10:00 P.M. - 11:00 Planes extremely bad, averaging 86 - 93

Between 11:00 P.M. - 12:00 A.M. Planes in 80's and 90's.

Midnight Plane.....89

Wednesday 9/4/91

<u>6:47</u> a.m.	87	<u>9:05</u> a.m.	100
53	82	07	91
<u>7:02</u>	95	09	99
04	79	12	94
05	82	13	91
06	82	15	86
08	88	17	98
09	80	18	87
10	79	22	82
15	90	26	86
18	90	28	84
37	90	30	82
39	92	31	84
40	80	33	93
42	83	34	86
44	84	35	91
47	83	37	81
46	81 (wide body)	39	84
49	93		
50	91		
53	91		
55	92		
56	82		
<u>8:05</u>	92		
18	83		
20	80		
22	81		
24	81		
28	80		
29	91		
30	86		
32	82		
55	88		
56	87		
58	88		

READINGS TAKEN AT: AMADOR STREET 1 1/4 Miles away from Martineau St.  
were in the low 80's, not many planes to record at time of survey there...

At Meadowbrook Mobile park Forest Ave. near Goethals Bridge: 83 and 88

Western Avenue & Richmond Terrace near waterfront: 73 - 85 , not many planes.

Grandview Ave. & Richmond Terrace, planes 75 - 85, not too many planes.

Many propeller Planes evidenced at certain times. they average in 70's

28 Martineau St  
S. I. N. Y.  
10303

Jan Cusson  
Arlington Comm Assoc  
S. I. N. Y.

60X

Decible Readings : Heron Pond, Arlington, S.I.N.Y.

September 4, 1991

1:15 P.M.	92	3:56	90	9:00	82
1:20	88	4:00	91	9:05	92
1:22	81	4:05	72	9:07	96
1:30	79	4:34	85		
1:31	91	4:36	88		
1:33	84	4:39	92		
1:36	80	4:45	90		
1:37	87	4:52	91		
1:38	87	4:54	87		
1:39	82	4:59	86		
1:40	84	5:00	86		
1:42	89	5:07	80		
1:44	86	6:12	82		
1:45	83	6:24	81		
1:48	88	6:27	89		
1:50	90	6:33	89		
1:55	84	6:36	79		
1:56	86	6:38	82		
1:58	82	6:40	74		
	88	6:52	94		
2:00	81	7:19	77		
2:02	96	7:21	81		
2:04	90	7:22	89		
2:05	85	7:26	90		
2:30	88	7:30	84		
2:31	89	7:31	84		
2:38	89	7:32	83		
2:45	96	7:34	86		
3:00	89	7:35	82		
3:31	89	7:38	84		
3:14	77	7:39	76		
3:16	84	8:13	79		
3:17	75	8:14	84		
3:21	95	8:26	100		
3:23	76	8:31	85		
3:24	88	8:36	89		
3:26	91	8:51	97		
3:30	92	8:55	78		
3:34	89				
3:54	96				

September 9, 1991

1:45 P.M.	85
1:48	89
1:50	72
1:55	71
1:58	89
1:59	81
2:00	80
2:05	82
6:26	84
6:28	89
6:30	89
6:38	76
6:42	82
6:44	88
7:15	89
7:18	76
7:31	75
7:40	89
8:00	80
8:01	74
8:09	86
8:13	79
8:27	84
8:32	88
8:35	<del>96</del>
8:50	84
9:10	85
9:12	<del>83</del>
9:18	<del>83</del>
10:40	92
11:25	91
11:40	94

September 10, 1991

6:40 A.M.	90	9:14	90
6:43	89	9:15	78
6:45	81		
6:52	80		
7:01	75		
7:04	85		
7:10	86		
7:14	88		
7:15	86		
7:17	81		
7:21	82		
7:24	84		
7:26	76		
7:30	89		
7:31	84		
7:35	86		
7:36	88		
8:40	87		
8:41	85		
8:51	88		
8:55	87		
8:56	80		
8:57	89		
8:58	80		
8:59	82		
9:00	<del>72</del>		
9:01	82		
9:02	87		
9:03	94		
9:04	78		
9:05	84		
9:06	66		
9:08	73		
9:09	86		
9:10	85		
9:11	78		
9:12	91		
9:13	62X		72

July 27, 1990

Mr. Pat Russell  
PO Box 284  
Far Hills, New Jersey 07931

Dear Pat,

Enclosed are figures I have arrived at from Port Authority Bond Official Statements dated April 21, 1988 and June 6, 1990 pages 21-25.

KENNEDY PLANE MOVEMENTS

1986....279,150  
1987....285,900  
1988....303,000  
1989....301,000

KENNEDY PASSENGERS

27,193,000  
30,193,000  
31,160,000  
30,316,000

LaGUARDIA PLANE MOVEMENTS

1986....350,870  
1987....356,000  
1988....358,000  
1989....355,000

LaGUARDIA PASSENGERS

22,189,000  
24,226,000  
24,160,000  
23,014,000

NEWARK PLANE MOVEMENTS

1986....400,130  
1987....367,900  
1988....368,000  
1989....360,000

NEWARK PASSENGERS

29,433,000  
23,475,000  
22,500,000  
20,906,000



PLANE MOVEMENTS

1986

KENNEDY.....279,150  
LaGUARDIA.....350,870  
NEWARK.....400,130  
TOTAL.....1,030,150

1987

KENNEDY.....285,000  
LaGUARDIA.....356,000  
NEWARK.....367,900  
TOTAL.....1,008,900

1988

KENNEDY.....303,000  
LaGUARDIA.....358,000  
NEWARK.....368,000  
TOTAL.....1,029,000

1989

KENNEDY.....301,000  
LaGUARDIA.....355,000  
NEWARK.....360,000  
TOTAL.....1,016,000

PASSENGERS

KENNEDY.....27,193,000  
LaGUARDIA.....22,189,000  
NEWARK.....29,433,000  
TOTAL.....78,815,000

KENNEDY.....30,193,000  
LaGUARDIA.....24,226,000  
NEWARK.....23,475,000  
TOTAL.....77,894,000

KENNEDY.....31,160,000  
LaGUARDIA.....24,160,000  
NEWARK.....22,500,000  
TOTAL.....77,820,000

KENNEDY.....30,316,000  
LaGUARDIA.....23,014,000  
NEWARK.....20,906,000  
TOTAL.....74,236,000

PASSENGERS

KENNEDY PASSENGER INCREASE 1986-1989.....+3,123,000 or +11.48%  
LaGUARDIA PASSENGER INCREASE 1986-1989....+825,000 or +3.71%  
NEWARK PASSENGER **DECREASE** 1986-1989.....-8,527,000 or -28.97%

PLANE MOVEMENTS

KENNEDY 1986-1989.....+21,850 or +7.82%  
LaGUARDIA 1986-1989....+4,130 or +1.17%  
NEWARK 1986-1989.....-40,130 or -10.02%

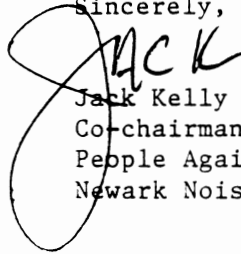
(2)

Total plane movements at Kennedy, LaGuardia and Newark are off 14,150 or 1.37% and total passenger movements are down 4,579,000 or 5.80% over the past four years.

In other words, we have less traffic and less passengers, most particularly at Newark airport. We have an environmental disaster in New Jersey because New York traffic has taken Newark air space over New Jersey forcing Newark planes to new and lower altitude routes over previously quiet areas.

Keep fighting! This sets the absolute basis for ROLL BACK!

Sincerely,

A large, stylized handwritten signature that appears to read "JACK" in all caps, with a large loop on the left side.

Jack Kelly  
Co-chairman  
People Against  
Newark Noise

JK/nw

# THE PORT AUTHORITY OF NY & NJ

AVIATION DEPARTMENT

David Z. Plavin  
Director of Aviation

Morris Sloane, Director  
Aviation Operations

September 15, 1989

Mr. Angel Garcia  
7 Markham Drive  
Long Valley, NJ 07853

Dear Mr. Garcia:

In my letter of July 17, 1989 I had advised you that the Port Authority's Board of Commissioners would be considering an aircraft noise related item at their August meeting. I am pleased to report that the Board adopted new regulations that will prohibit further introduction of Stage 2 low-bypass ratio aircraft operations, during the nighttime hours, while allowing the existing operations of such aircraft to continue for a period of two years. In addition, the Board authorized a study to examine the feasibility of a program for the eventual phase-out, over time, of all Stage 2 low bypass ratio aircraft at our airports.

I have attached, for your information, a news release covering this recent action by the Port Authority's Board of Commissioners as well as the Board item itself.

Sincerely,



Morris Sloane  
Director of Aviation Operations

Atts.

66X

## SOUNDPROOFING AT MASSACHUSETTS PORT AUTHORITY

Information supplied by Ardis Stiffler - Project  
Manager/Soundproofing - Massport

### History/Funding

- \* 1983 - Pilot project - 4 houses
- \* 1986 - FAA grant - 150 houses (FAA \$7M/Massport \$1.75M)
- \* 1988 - FAA grant - 335 houses (FAA \$20M/Massport \$5M)
- \* 1990 - 200 houses
- \* 1991 - 215 houses
- \* 1992 - 210 scheduled for completion
  
- \* as of 1989 - 27 schools - project began with FAA funding and program so successful, FAA established a permanent program of financial assistance for school soundproofing nationwide.

### Cost

- \* 30K per house average (range 13K-80K)
  - \* 5-10K design cost
  - \* 20-25K construction costs (5K room of preference)

### Construction

- \* replace every window, all doors to prime living space
- \* room of preference (room within a room) - windows plus walls and ceiling

### Results

- \* Acoustical tests conducted before and after construction
  - \* with windows/doors total improvement averaged 31-37 dB's
  - \* room of preference total improvement averaged 37-47 dB's
  - \* schools experienced 75% reduction of noise

### Jobs (estimated per year excluding school construction)

- \* 80 carpenters
- \* 25 electricians
- \* 25 plumbers
- \* 8 architects

69X

ATTACHMENT 11

**NEW JERSEY  
COALITION AGAINST AIRCRAFT NOISE**

---

P.O. BOX 291, BASKING RIDGE, NJ 07920

December 3, 1991

Mr. Richard C. Leone  
Chairman  
Port Authority of New York and New Jersey  
One World Trade Center, Room 67W  
New York, NY 10048

Dear Chairman Leone:

The New Jersey Coalition Against Aircraft Noise is pleased that the Port Authority, under your direction, is after long delays moving towards phasing out noisier Stage 2 aircraft. Everyone agrees that reducing noise at its source is an important element of noise abatement.

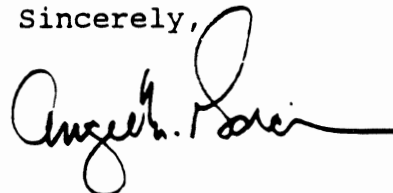
We urge you to direct your staff to re-calibrate the proposed schedule to address two major problems: the schedule has to phaseout Stage 2 aircraft sooner and faster.

According to our analysis, phaseout of Stage 2 aircraft would not have to begin until 6/30/94, which further delays relief for noise impacted communities. The proposed phaseout allows Stage 2 aircraft to continue to operate until the year 2000, yet another delay in reaching all Stage 3 operations. There needs to be a fair share provision which would prohibit an air carrier from operating more Stage 2 aircraft at an Port Authority airport than their Stage 2/Stage 3 mix. Most importantly, the proposed phaseout schedule considerably lags the schedule which would be mandated by New Jersey A-4386; the lag is 50% by the end of 1996.

The Stage 2 non-addition rule, the expanded nighttime hours, and the elimination of Stage 2 aircraft operations during nighttime hours are positive steps which will bring about noise relief.

We encourage you to adopt a schedule which initiates noise reduction next year, phases noisier jets out faster, and by 1997 has phased them out completely. The situation calls for acting with a sense of urgency and developing a truly effective plan. As the new president of NJCAAN I believe it would be mutually beneficial to meet with you to discuss our recommendations and other aircraft noise abatement solutions. I hope to hear from you soon.

Sincerely,



Angel M. Garcia  
President

Copy: Port Authority Board of Commissioners

70X

ATTACHMENT ✓



*Natural Resources  
Defense Council*

40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

STATEMENT OF

RICHARD A. KASSEL  
Senior Project Attorney

and

HAFEEZ AHMED  
Research Associate

Prepared for a joint public hearing

on

Airport Noise Control Standards

before the

New Jersey Assembly Environment Committee

and the

New York State Assembly

Subcommittee on Airport Noise Control,

Standing Committee on Corporations, Authorities and Commissions

and

Standing Committee on Commerce, Industry and Economic Development

May 15, 1992



*Natural Resources  
Defense Council*

May 15, 1992

40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

I. William Bianchi, Jr.  
Member of New York Assembly  
Chair, Subcommittee on Airport Noise Control  
Legislative Office Building, Room 734  
Albany, New York 11772

Jerrold Nadler  
Member of New York Assembly  
Chair, Committee on Corporations, Authorities and Commissions  
200 West 72nd Street, Room 58  
New York, New York 10023

Eileen C. Dugan  
Member of New York Assembly  
Chair, Committee on Commerce, Industry and Economic Development  
343 Smith Street  
Brooklyn, New York 11231

Maureen Ogden  
Member of New Jersey General Assembly  
Chair, Environment Committee  
General Assembly Democratic Office  
Suite LA40  
State House, South Wing CN098  
Trenton, New Jersey 08625

Dear Assemblypersons Bianchi, Nadler, Dugan and Ogden:

The Natural Resources Defense Council, Inc. ("NRDC") is pleased to have the opportunity to comment on the subject of airport noise control standards and the Port Authority's accelerated Stage 2 phase-out proposal and its impact on the communities surrounding Newark, Kennedy and LaGuardia airports. We congratulate the New York and New Jersey legislatures for having the foresight to review this important issue and to consult with the public by organizing these hearings.

NRDC is a national non-profit environmental organization with over 170,000 members throughout the country. For over 20 years, NRDC has worked in Congress, with administrative agencies, in courts, and through research and public education to improve public health and the environment. In the past year, NRDC has begun an Airport Project within the framework of its Urban Environment Program to focus on airport, aircraft and other related transportation issues. It is with this background that we hope to work with members of the airport and legislative community to plan an environmentally and economically responsible air and ground transportation system for the metropolitan area and the nation as a whole.

2

NRDC has several major concerns with the Port Authority's accelerated Stage 2 phase-out proposal and the threats of the Federal Aviation Administration ("FAA") to link this proposal to the Port Authority's noise abatement and airport rail link programs to be funded with its recent Passenger Facility Charge ("PFC") application.

1. Port Authority has the right and the obligation to phase-out Stage 2 aircraft as soon as possible.

Prior to the enactment of the Airport Noise and Capacity Act of 1990 (the "Noise Act"), the courts had defined the standards for acceptable noise restrictions. Although the Noise Act limited the right of airport operators to impose noise restrictions on Stage 3 aircraft, it was not intended to change the law concerning when it is permissible for an airport to impose noise restrictions on Stage 2 aircraft.<sup>1</sup> In fact, the Noise Act did not grant airport proprietors any authority which they did not have before the Noise Act was enacted.<sup>2</sup>

Under the Noise Act and existing case law, an airport's noise restriction is legal if it is:

- (1) reasonable in the circumstances of the particular airport;
- (2) carefully tailored to local needs and community expectations;
- (3) based upon data which supports the need and rationale for the restriction; and
- (4) not unduly restrictive of interstate commerce.<sup>3</sup>

In a very recent case involving a Stage 2 noise restriction at the Long Beach, California airport, the United States Court of Appeals for the Ninth Circuit reaffirmed these principles of law and observed that a local Stage 2 airport restriction will not be unduly restrictive of interstate commerce so long as its burdens do not grossly outweigh its benefits and so long as it is neither unreasonable nor irrational.<sup>4</sup> The Noise Act merely sets forth procedural hurdles -- in the form of notice and analysis

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1. Airport Noise and Capacity Act of 1990, Pub. L. No. 101-508, 104 Stat. 1388 ("Noise Act") §9304(h), 49 U.S.C. App. §2153(h).

2. Id.

3. Alaska Airlines, Inc. v. City of Long Beach, No. 89-55278, 1991 U.S. App. LEXIS 24918 (9th Cir. Cal. Oct. 24, 1991), amended, 1992 U.S. App. LEXIS 105 (9th Cir. Cal. Jan. 9, 1992).

4. Id.



requirements -- as preconditions to a valid Stage 2 restriction. Although the FAA may argue that the Noise Act's provisions with respect to Stage 2 restrictions do not apply to an accelerated Stage 2 phase-out plan, the statute itself does not make this distinction. The legislative history is somewhat helpful but is in the end somewhat inconclusive.<sup>5</sup>

Furthermore, traditional interpretation of federal environmental law illustrates that federal rules and regulations are generally established to set the minimum requirements for the states, not the maximum, thereby allowing the states to enforce stricter regulations within the federal framework, in accordance with local needs. Examples of such rulemaking are found throughout the environmental statutes. For example, the Clean Air Act, while setting national goals and deadlines, delegates implementation of its provisions to the states. Each state is thereby allowed to set its own schedule to reach interim and final attainment deadlines, and is free within the parameters of the Clean Air Act to impose stricter standards than the federal law. Nothing in the intent or language of the Noise Act evidences an intent to abandon this basic theory of environmental rulemaking.

In fact, the Noise Act regulations acknowledge this concept, as applied to aircraft operators, by providing carry-forward provisions as an incentive to early compliance with the interim Noise Act deadlines.<sup>6</sup>

2. **It is inappropriate for FAA to link Port Authority's accelerated phase-out plan with its application to collect a passenger facility charge ("PFC").**

The FAA's threat to link the Port Authority's accelerated phase-out plan with its PFC application to raise funds to finance noise abatement and an airport rail link system is unacceptable. It has been estimated that the Port Authority PFC would raise over \$100 million annually at the Port Authority airports. This revenue would enable the Port Authority to begin construction on a rail link between the airports. This revenue, and the resulting benefits that would accrue to the region, far outweigh the economic concerns of the airline industry as enunciated by the FAA, as shall be detailed below.

---

5. See, e.g., 56 Fed. Reg. at 48,662.

6. 14 C.F.R. § 91.869.

a. Investment in our transportation infrastructure will create jobs, attract business and improve the efficiency of our regional transportation system.

NRDC firmly supports the proposed rail link as part of an integrated regional mass transit system linking New York City, the New York and New Jersey suburbs and the three Port Authority airports. An airport rail link will have economic and environmental benefits for the region beyond the convenience felt by its riders.

There are two major economic benefits to the region from an airport rail link project. First, the building of the airport rail link system would create jobs in a number of industries directly and indirectly related to the airport rail link. These jobs would include positions in the construction and planning of the rail link system, as well as in the continued maintenance of the system, thereby providing a long-term stimulus to the region's economy. Second, the improvements in the transportation infrastructure would attract and keep businesses in the region that require efficient, dependable and cost-effective access to our airports. In addition, the symbolic importance of an efficient airport rail link system linking the region's airports with its residences, businesses and tourist attractions should not be underestimated by today's panel, the Port Authority or the FAA.

b. Failure to alleviate automobile congestion at the Port Authority airports will hamper regional efforts to timely comply with the 1990 Clean Air Act Amendments.

Airports are an overlooked source of air pollution, both from aircraft emissions as well as from the indirect emissions of motor vehicles travelling to, from and in airports. In what is probably incomplete accounting, one government estimate has suggested that 5,500 tons of hydrocarbons, 5,000 tons of nitrogen oxides and 19,000 tons of carbon monoxide, along with unknown quantities of particulates and air toxics are generated at Kennedy and LaGuardia airports every year from aircraft emissions alone. In addition, during peak times at Kennedy Airport, over 5,000 motor vehicles jam its access roads hourly.<sup>7</sup> With passenger volumes already at record highs at both LaGuardia and Kennedy, and Port Authority projections of increases of 25 and 45 percent for the year 2000, respectively, toxic air emissions from our airports will continue to be a problem. In order to comply with the Clean Air Act, the region will have to reduce these indirect airport emissions or provide for them with offsets and

---

7. E. Goldstein, M. Izeman, The New York Environment Book, Island Press, 1990, p. 120-1.

reductions from other sources.<sup>8</sup> The Port Authority's airport rail link system will help alleviate this problem by reducing the number of cars clogging the roadways leading to, from and around these airports.

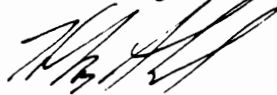
Finally, it should be noted that the entire New York-New Jersey metropolitan area has been designated "Severe" in terms of nonattainment under the ozone provisions of the Clean Air Act. One consequence of this designation is that state, regional and local permitting authorities will have to consider the ozone emissions of all mobile and stationary sources in the SIP revision process and prior to issuing permits for additional new stationary sources. An airport rail link will reduce the indirect ozone pollution caused by motor vehicles and aircraft at our region's airports, thereby helping the states of New York and New Jersey meet their ozone attainment goals under the 1990 Clean Air Act Amendments.

We appreciate the opportunity, on behalf of NRDC, to testify at today's hearing and file this testimony. If we can be of further assistance, please do not hesitate to contact us.

Respectfully submitted,



Richard A. Kassel  
Senior Project Attorney



A. Hafeez Ahmed  
Research Associate

---

8. Id.

REFERENCE F

AVIATION NOISE EFFECTS

Federal Aviation Administration  
Washington, DC

Mar 85

U.S. DEPARTMENT OF COMMERCE  
National Technical Information Service

**NTIS**

106X

Submitted with Testimony to

TESTIMONY

Oberstar sub Committee  
on Aviation  
October 4, 1990

A. P. Jurgensen  
709 Bryant St.  
Paramus, N. J 07652

Tel: 201-652-6224

EXHIBITS:

- A. Measured Jet Aircraft Noise Level
- B. Aircraft Noise and Psychiatric Hospital Admission Rates (Psychological Medicine, May 1990) Up 40%
- C. Sources of Materials in Exhibits
- D. Effects of Aircraft Noise (from "Ear Protection" to "Wish to Move Away")
- E. Physician Contact Rate re Disorders Related to Aircraft Noise
- F. Increased Use of Drugs in High Aircraft Noise Areas
- G. Blood Pressure of Students in Reaction to Intruding Street Noise
- H. Effect of High Aircraft Noise on Nutrition of Foetus (HPL Levels) During Months of Pregnancy
- I. Effect of Aircraft Noise on Birth Weight of Female Babies
- J. Reactions of U. S. Population to Aircraft Noise
- K. Percent of People Who Complained About Aircraft Noise as a Function of the Percent Highly Annoyed
- L. Depreciation of House Values as Function of Aircraft Noise
- M. Student Achievement Related to Community Noise Level
- N. Sound Level Recommendations for Various Residential Spaces
- O. Graph Showing Effects of Aircraft Noise on Annoyance, Health, Housing Values, and Complaint Activity.
- P. Levels of Population Highly Annoyed by Aircraft Noise: "55% of Population a Little or More Annoyed at LDN of 55 decibels." GAO Report "Transportation Noise" October 1989

**Board of Education**  
**Roselle Park, New Jersey**  
**07204**

Ernest J. Finizio, Jr.  
Superintendent  
201-245-1197

William Clarke  
Board Secretary/  
Business Administrator  
201-245-2103

**AIRCRAFT NOISE OVER THE BOROUGH OF ROSELLE PARK,  
ITS IMPACT ON PUBLIC EDUCATION**

A 1988 survey of Roselle Park High School students revealed the following:

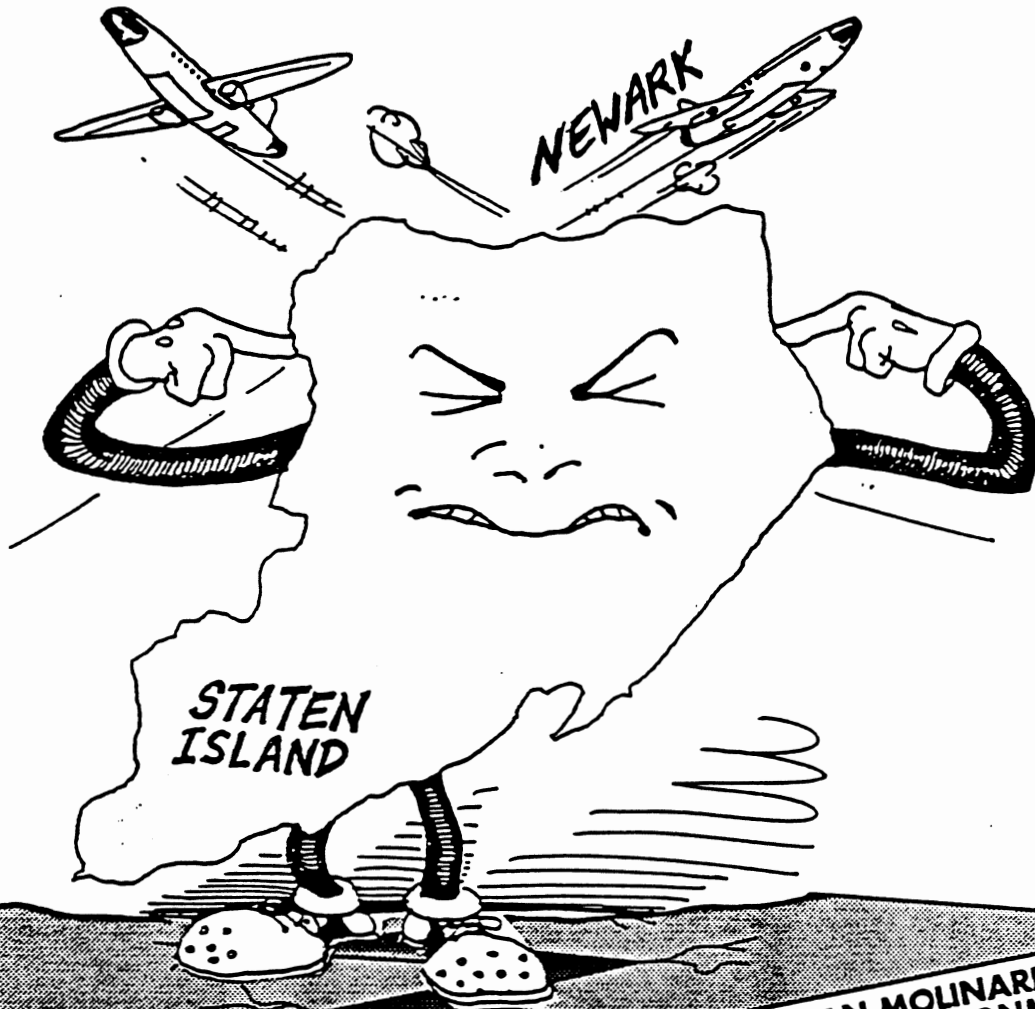
1. There are three major areas in Roselle Park which are impacted by aircraft routes:
  - Homes located along Bender Avenue and Galloping Hill Road
  - Homes located along Locust Street and Larch Street
  - Homes located on the diagonal from the Church of Assumption to Bridge Street to the Woodside Apartments
2. Problems Created by Aircraft Noise along these Routes:
  - In older homes (30 years or more) windows rattle, structural vibrations are felt, china dishes rattle on shelves and plumbing fixtures rattle.
  - T.V. reception via antenna (as opposed to cable reception) is distorted during the pass over of a plane.
  - R.V. sound is muffled or drowned out completely.
  - Radio reception becomes complete static during a fly over.
  - Family conversation is disrupted.
  - Telephone conversations, especially on cordless phones, must cease during a fly over. Students report experiencing dead air spaces and static while on cordless phones.
  - Airplane flights cause cordless telephone base stations to ring and telephone answering machines to activate. There is no one on the other end of the phone.
  - Airplane flights disrupt sleep.
  - In warm weather, airplane noise disrupts outdoor conversation and activities and intrudes on indoor activities when windows are open.
3. Direct Impact of Aircraft Noise on Public Education:
  - The flight of airplanes over schools disrupts the learning process.
  - Teachers have reported that it is necessary to pause in their instruction during the pass over of planes so students do not miss information which is presented orally.
  - It is difficult to hear student questions as planes pass overhead.
  - Students/faculty/staff have reported their sleep is disrupted by air traffic.

(Over)

110X

# STOP THE NOISE!

**TELL THE F.A.A. THAT STATEN ISLAND IS FED UP WITH AIRPLANE NOISE & POLLUTION!**



JOIN BOROUGH PRESIDENT MOLINARI, CONGRESSWOMAN SUSAN MOLINARI AND THE  
CITIZENS GROUP F.A.T.E. - FIGHT AIRPLANES THREATENING THE ENVIRONMENT -

## PUBLIC HEARING

WEDNESDAY, NOVEMBER 20 • 3 - 5 P.M. AND 7 - 11 P.M.  
THURSDAY, NOVEMBER 21 • 7 - 11 P.M.  
MARKHAM JUNIOR HIGH SCHOOL (I.S. 51)  
WILLOWBROOK ROAD NEAR FOREST AVENUE

# The Scotch Plains-Fanwood Public Schools

Evergreen Avenue and Cedar Street  
SCOTCH PLAINS, NEW JERSEY 07076

(201) 232-6161

At the Regular Public Meeting, held on June 27, 1991, the Scotch Plains-Fanwood Board of Education unanimously approved the following Resolution:

"WHEREAS, there has been a proliferation of air traffic over the communities of Scotch Plains and Fanwood since 1989, and

"WHEREAS, the increased noise levels due to air traffic may contribute to stress-related illnesses and behaviors, and,

"WHEREAS, low-altitude air traffic and the excessive noise generated may create fear and apprehension in children and contribute to disruptions in sleep patterns, and,

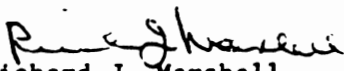
"WHEREAS, the increased environmental pollution resulting from additional airline fuel being exhausted may have an adverse effect on the health and development of children, and,

"WHEREAS, airplane noise can be disruptive to classroom instruction and other educational activities, and,

"WHEREAS, increased air traffic can negatively affect property values and thus undermine the tax base that is the major source of support for local public schools,

"NOW, THEREFORE, BE IT RESOLVED that the Scotch Plains-Fanwood Board of Education supports the efforts of the CAAN organization in seeking the reduction, redistribution and/or elimination of air traffic routed over our communities since June, 1989.

"BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Executive Director of CAAN, the United States Secretary of Transportation and the United States Secretary of Health and Human Services."

  
Richard J. Marshall  
Assistant Superintendent for Business  
Board Secretary

RJM:gc



Air Transport Association **ata** OF AMERICA

1709 New York Avenue, NW  
Washington, DC 20006-5206  
Phone (202) 626-4000

May 15, 1992

The Honorable Maureen Ogden  
Chair, Assembly Environment Committee  
New Jersey State Legislature  
Legislative Office Building  
Trenton, New Jersey 08625 -0068

Dear Assemblywoman Ogden:

Attached is a copy of the ATA testimony as delivered to the meeting of the joint New Jersey and New York legislative committees on May 1. To remain consistent, we again submit this statement for the record.

The Air Transport Association has spent a good portion of the past two weeks wrestling with the same aircraft noise issues that have been vexing our industry and communities across northern New Jersey since 1987. We firmly believe that additional noise relief can be achieved, within the context of Federal law and without risking the jobs or service the airlines provide.

In this regard, we want to take this opportunity to renew our longstanding pledge to sit down with all of the parties -- the communities, the Port Authority and the FAA -- to craft alternative flight procedures that will provide meaningful noise reduction but that do not compromise safety or needed capacity. This "no strings attached" commitment extends to review all procedures, new and old; to participate in any forum, existing or not; and to address these questions at any time, before and/or following the pending EIS.

We further pledge our good offices and best efforts to pursue arrangements involving our member airlines, the FAA and the Port Authority that meet the applicable statutory tests and that will help mitigate unwanted noise in communities neighboring Kennedy, LaGuardia and Newark Airports.

The Honorable Maureen Ogden  
Chairperson, New Jersey/New York Joint  
Legislative Committee  
May 13, 1992  
Page two

But let there no question to our complete and unwavering opposition to any plan, proposed in state legislation or by the airport proprietor, that violates Federal law or that potentially jeopardizes the job of even one resident of New Jersey or New York. This region and the airline industry have suffered enough job losses over the past two years. Frankly, our leading priority is to protect the jobs of our 70,000 workers here and hopefully, create new jobs in the future. New Jersey Assembly Bill 329, similar legislation in New York, and the Port Authority's staff proposal all directly conflict with this objective.

Thank you for your consideration, and we stand ready to provide anything further.

Respectfully,

A handwritten signature in black ink, appearing to read "Roger Cohen", with a stylized flourish at the end.

Roger Cohen  
Staff Vice President  
Government Affairs

AIR TRANSPORT ASSOCIATION  
NEW YORK/NEW JERSEY  
JOINT LEGISLATIVE HEARING  
MAY 1, 1992

Mr. and Madame chairpersons, my name is Roger Cohen, staff vice president of government affairs for the Air Transport Association (ATA), and with me is our assistant general counsel John Meenan. ATA's member airlines provide virtually all of the scheduled passenger and freight service to the New York metropolitan area and nationwide. We appear here today on behalf of these airlines and their 500,000 employees -- 65,000 of whom live and work here in this region.

I asked John to accompany me here today for two reasons. Most importantly, to provide legal guidance and to answer any questions you might have about the applicable statutes. Second, to bring a fresh voice to this process which we have been so deeply and constantly engaged in over the past four years. I personally can't help but hear the words of a wise man who left an indelible mark on this region, Yogi Berra: "It's deja vu all over again"...and again...and again.

This is not to say that nothing's changed since implementation of the Expanded East Coast Plan in 1987, when aircraft noise became an issue for individual state legislators in Trenton, and later Albany. A great deal has changed, especially in the airline industry. Let me take a moment to jog everyone's memories:

The U.S. went to war in the Persian Gulf, causing passenger traffic to plunge, especially internationally. The drop was so severe that 1991 was the first year in history

which saw an actual decline in the number of people flying. Another result of the war was that jet fuel prices skyrocketed, adding \$4 billion to the industry's fuel bill in one 3-month period.

The double whammy of the war and the ravages of the recession has inflicted more than \$6 billion in airline losses over the past two years -- that's more than \$9 million per day, and more than the airline industry has earned in profits cumulatively since the Wright Brothers.

There have been plenty of other changes, especially if you used to work for Eastern, Midway or New York-based Pan American, all of which have gone out of business. In fact, the 50,000 people who had jobs working for airlines in 1988, but don't now, have suffered through a great deal of change -- and none of it for the better. Changes, too, at America West, New York-based TWA, and Continental -- the single largest private employer in the City of Newark -- they've all declared bankruptcy.

And these 50,000 airline workers haven't been standing in the unemployment lines by themselves. According to the *New York Times*, the metropolitan area has lost some 495,000 jobs since 1989, and the Port Authority's own economist predicts the elimination of an additional 200,000 jobs this year.

Smack dab in the middle of all this turbulence, the Congress of the United States enacted landmark Federal legislation demanding the quieting of the nation's skies and creating the potential for a multi-billion dollar investment in new, environmentally-compatible airport

infrastructure. These measures, pushed by the Bush Administration and then-DOT Secretary Sam Skinner, and overwhelmingly supported by Congressional leaders in both parties and in both houses, struck a Solomon-like compromise addressing the decades-old standoff around our nation's airports. The legislation and ensuing regulations accomplished three primary things:

- To reduce aircraft noise at its source, the law caps the number of Stage 2 jets operating in the U.S. and mandates a phased elimination of all Stage 2 aircraft nationwide by the year 2000. These deadlines are the same for all airlines and all communities nationwide.
- To protect the integrity of a national air transportation system, the law established uniform ground rules by which airport proprietors could adopt local aircraft noise restrictions. Contrary to widespread rhetoric, it did not, repeat not, prohibit airports from enacting lawful restrictions; it simply prohibits schemes which interfere with the orderly national Stage 2 phaseout program.
- To create new funding to enhance aviation capacity (including improved noise management), the law permitted local airports to collect local Passenger Facility Charges (PFCs) or "head taxes" from travelers using the airport. The ability to impose these PFCs is directly linked to an airport's not having a noise rule in conflict with Federal law. For your information, the Port Authority of New York and New Jersey has recently submitted an application for a PFC program totalling some \$6.4 billion.

Passage of this legislation was not a "blip" in the long-running debate over the issue of aircraft noise, and everyone should recognize that it significantly changed the quality of the debate -- it gave airlines, airports and communities an enhanced set of tools with which to work the issues. It should also be noted that this Federal Stage 2 phaseout plan will reduce the number of noise impacted residents in this region by 94%. One thing the legislation did not do, however, was empower state legislatures to exercise police powers in the area of airport noise. The Supreme Court made clear 20 years ago that exercise of such power is pre-empted by the Federal government and that fact has not changed.

So, while many of the same individuals and principles are still involved in this debate, much has changed over the past four years. But one very critical item has not changed: this industry's \$130 billion commitment to achieve an all-Stage 3 fleet and quieter skies for this and every community as required under Federal law. We will adhere to Federal law. We are dancing as fast as we can, and we can't do it any faster.

Honorable chairpersons, I am sure you are aware that the staff of the Port Authority of New York and New Jersey has proposed its own noise restrictions for Kennedy, LaGuardia and Newark Airports. The ATA member airlines are unanimous in their absolute opposition to this proposal. The FAA, in expressing its preliminary view that the Port Authority plan violates Federal law, indicated that the Port's noise restrictions could cost this region more than \$1 billion. That \$1 billion represents the jobs and salaries of countless people in this regional economy. And behind every airline worker are dozens of employees in support activities -- from preparing inflight meals to laundering uniforms. That's a concern shared by the Mayor of Newark, the major labor organizations and leading business groups across the

region. And frankly, we don't believe the job of even one resident of New York or New Jersey should be risked for some potential noise reduction that has not been quantified, nor does it address the real cause of most of the complaints about aircraft noise in this region -- enroute flight patterns above northern New Jersey.

Our position is clear and unqualified: the airlines will reduce aircraft noise as rapidly as we can and in accordance with Federal law. We will oppose, at every turn and to the finish, any attempt that attacks our air transport system and the job of even one of our 500,000 employees.

Thank you and we will answer any questions.

Frederick Obrock  
20 Fieldcrest Drive  
Scotch Plains, NJ 07076

Testimony Given on May 15, 1992 for Assembly Bill #329 (Ogen and Mazur)

On April 28, 1988, eighteen feet of skin ripped from the then nineteen year old Aloha Airlines Stage 2 Boeing 737 while the plane was in flight. A *post mortem* inspection of the fuselage revealed many cracks and a great deal of corrosion.

At the time of the accident, the aircraft had accumulated 90,000 flight cycles (take-offs and landings), the second highest number in the worldwide 737 fleet. Subsequent inspections of Aloha's other 737s with greater than 60,000 cycles revealed two of them had fatigue cracking and corrosion extensive enough for them to be taken out of service.

Instead of acting on foresight, it took this tragedy to compel the Federal Aviation Administration (FAA) and the airline industry to react. They concluded that the practice, at the time, of periodic airframe inspections was insufficient to insure identification and repair of structural damage. The FAA issued Airworthiness Directives (AD) to modify specified structural components that had a history of sustaining damage, regardless of their condition.

These structural ADs imposed the largest work requirement ever placed on air carriers. Subsequent corrosion ADs added an even greater workload. Industry experts estimated the cost of completing the repairs to be several billion dollars.

Unfortunately, the FAA does not evaluate progress in complying with ADs. The sole responsibility for compliance rests with the airline industry itself. In a word, the job is not getting done.

I would ask two things of you. First, phase out Stage 2 aircraft; they are antique, inefficient, flying timebombs. Second, given their poor report card on safety and noise abatement, support oversight hearings on the FAA.



**TESTIMONY**

**AT THE**

**JOINT PUBLIC HEARING**

**ON**

**AIRPORT NOISE CONTROL STANDARDS**

Greeting:

My name is Philip Engle, I am the Airport Manager at Teterboro Airport. In that capacity I am also the co-chairman of the Teterboro Aircraft Noise Abatement Advisory Committee (TANAAC).

We welcome the opportunity to testify here before you today, and to relate the successes that are possible through mutual cooperation, accommodation and understanding. I would also be remiss if I did not address the possibility of harm to those areas which have seen the benefits of an aggressive noise abatement policy should broad-based legislation be adopted.

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Testimony  
Philip W. Engle  
May 15, 1992  
Hearing - Airport Noise Control Standards

TANAAC was formed approximately seven years ago. Initially, it was a vehicle for public monitoring. Today, it is a model which has received national recognition for its scope and effectiveness. Teterboro Airport is located in Bergen County in a very densely populated area. In the mid 1980's after approximately 15 years of an aggressive but informal noise program, the airport management, after receiving the recommendation of community leaders elected to install a permanent noise monitoring system. This system was commissioned in 1987. TANAAC became a reality with the commissioning. Although some communities have been added to the group and elections have changed some faces, the committee is essentially the same now as it was when it started. The U.S. Congressman from the 9th Congressional District, the Bergen County Executive, State Senators and Assemblypersons from the 36th and 38th Legislative Districts, Mayors from 14 communities surrounding the airport, airport management, the airport owner (the Port Authority of New York and New Jersey), the F.A.A., and representatives of the aviation community from Teterboro Airport.

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Testimony  
Philip W. Engle  
May 15, 1992  
Hearing - Airport Noise Control Standards

The success rate of this group shows that if people are willing to sit down with an open mind and discuss problems and points of view, mutual consideration and accommodation are the end result.

From the very outset, we were determined to make the quality of life better around Teterboro Airport. We adopted strict, tough, noise standards for the Airport, but gave the aircraft the ability to operate from a runway where there was minimal noise impact on the residential community. A system of issuing three letters was established for violations of our noise standards, the first and second letters are sent as violations informing the aircraft operator that his noise abatement techniques must be improved. The third letter invites the operator to find another airport to operate from. The numbers tell their own story of cooperation, and also the dedication of the entire airport population to noise abatement. To date: 583 first letters have been sent, 152 second letters and only 44 third letters. This shows the amount of cooperation the aircraft operator has given this program when only 7.5% of the first letters result in the third letter.

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Testimony  
Philip W. Engle  
May 15, 1992  
Hearing - Airport Noise Control Standards

Speaking of the third letters, if it is reasonably assumed that these 44 aircraft operated twice a month, that amounts to 1,056 operations per year. Assuming those operators spent at least \$1,000.00 (landing fees, fuel, catering, hotels, meals, etc.) that represents an annual commitment of over \$1,056,000 by the airport community to this process.

We are not, however, in operation to chase business away. These numbers also indicate the changes that have occurred in the operation. When TANAAC began most of the night couriers at Teterboro were operating with old, noisy aircraft. The prime contractor was the Federal Reserve. TANAAC and our congressman put pressure on the Federal Reserve to specify the aircraft in the contracts they let comply with Stage 3 standards. I am pleased to say that for the past year all of the Federal Reserve operations have been using Stage 3 aircraft and the other operators have fallen into line and all our night courier flights are Stage 3.

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Testimony  
Philip W. Engle  
May 15, 1992  
Hearing - Airport Noise Control Standards

TANAAC also worked with the F.A.A. in developing an alternative departure procedure for aircraft from the runway which has the aircraft overfly the industrial area and the sports complex in the Meadowlands.

There are many other accomplishments I could point to but the monitoring numbers really tell the story by themselves. At Monitor #1, the aircraft noise reading in Ldn went from 62.3 to 58.7 on an annual basis. At Monitor #2 - 60.7 to 56.2, Monitor #3 - 65.1 to 54.3, Monitor #4 - 63.3 to 58.0, Monitor #5 - 56.6 to 52.0, and Monitor #6 - 65.0 to 58.2, and noise complaints also went from a high of 2,293 to 1,240 in 1991.

It is with these successes in mind that we look at any proposed legislation with a great deal of trepidation. The Noise Control and Capacity Act grandfathered our noise abatement regulations at Teterboro. In 1991, because of hard work by many individuals the percentage of Stage 3 operations at Teterboro was 75.4%. Even though those aircraft under 75,000 lbs, the vast majority of TEB jet operations, are exempted under the Act.

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Testimony  
Philip W. Engle  
May 15, 1992  
Hearing - Airport Noise Control Standards

Additionally, with TANAAC and the aviation community working together with the F.A.A., delays and hence ground noise has been reduced at Teterboro. Any measures which would increase delays would have a detrimental effect on the residential communities surrounding the airport.

Through TANAAC we have learned many valuable lessons. There are very few problems which do not have some semblance of a solution. The elected officials need to know what is happening on the airport from the airport management and not from a constituent or in the newspaper. Reasonable people, given a chance, will come to reasonable conclusions, and aircraft noise is not an isolated problem for one particular group or community, it must be treated as a regional issue, and parochialism has no place in this process.

The people and organizations represented in TANAAC do not want to see a degradation of what we have achieved to date because of any particular interest group or through well meaning, though potentially, harmful legislation.

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Testimony  
Philip W. Engle  
May 15, 1992  
Hearing - Airport Noise Control Standards

The Port Authority has provided strong leadership and support in our TANAAC efforts. They have provided for an accelerated Stage 2 phaseout at the other Port Authority Airports. We thank the Port for the example they have set in the industry and trust that the leadership we have seen in the past will continue in the future.

In closing, I would like to say that no one likes aircraft noise, not airport management, aircraft operators or those persons on the ground who feel its effects. The way to change, however, is to treat this issue on a national level. In addition to the individual airport operators communicating, educating, accommodating and working with elected officials from the residential communities.

Thank you.

PE92078.WP:lr



NEW JERSEY STATE  
CHAMBER OF COMMERCE  
ONE STATE STREET SQUARE  
50 WEST STATE STREET - SUITE 1110  
TRENTON, NEW JERSEY 08608

Testimony of the New Jersey State Chamber of Commerce

by

William R. Healey

Director, Governmental Relations

on New Jersey Assembly Bill A-329

Joint Meeting of the Environment Committees of  
the New Jersey and New York Legislatures

Cranford, New Jersey  
Friday, May 15, 1992

**129X**

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Assembly Bill A-329

Chairs of the respective committees, and colleagues from the New Jersey and New York Legislatures, thank you for the opportunity to offer testimony on New Jersey Assembly bill A-329.

As the legislators from New Jersey are well aware, the issue of promoting the importance of airline and air transport industry jobs to our state is one on which we have labored long and often. For benefit of the legislators from New York, and for the benefit of the new legislators on the New Jersey General Assembly Environment Committee, I am including copies of our past testimony.

In discussing the issue of aircraft noise, we feel it is imperative that the impact and importance of jobs in our economy be placed "front and center." That's been our message to this committee and the entire New Jersey Assembly and Senate for the past four years.

And it's for that primary reason that we must again express our opposition to Assembly Bill A-329 and any other piece of legislation that would establish "NJ only" or "regional only" standards for aircraft noise.

Those who advocate such a bill should note with caution that during the month of April, while the national unemployment average went down, the unemployment rate in our state ROSE by seven-tenths of a percent. That's a significant increase to say the least. These unfortunate circumstances lead further credence to the argument that providing jobs in this economy should be our first and foremost concern.

At the same time, loss of jobs is likely to be the real result if legislation such as A-329 was to be implemented. As I believe was stated at the May 1 hearing of your committees in Manhattan, better than 60,000 jobs are at stake in this one industry alone. That certainly does not take into account the many thousands of jobs that are indirectly tied to the air transport industry.

The economic activity that developed at the Newark Airport during the course of the 1980's provided a great boon to a period of unprecedented economic growth for our state. (Improvements that are now being made to that airport will position our state and our region to take full advantage of the trade opportunities that are now starting to coalesce in a unified European market and indeed around the world.

In making our points on this matter in the past, we have used the example of our one-time preeminence in waterborne port activity as an example of how this region let a leadership position in a key commercial activity slip away. Because our ports became less competitive and because we allowed some key port infrastructure to deteriorate at the same time, many of the thousands of jobs that we once had are now in places like Baltimore, Charleston, Hampton

Roads and other waterports up and down the East Coast. The same could happen to our position as a national and international airline hub.

Wisely though, infrastructure improvements are being made to Newark Airport, and we hope that it can (as it must) retain its important commercial importance in our region. That airport, the jobs it creates, and the related facilities that are now being developed, are important business attraction tools for a region that's unfortunately lost better than a half-million jobs in just the past five years.

Nearly two years ago, the Congress of the United States adopted a plan that we feel addressed both the aircraft noise concerns of residents of this region and other states, while at the same time also recognizing that newer, quieter aircraft must be phased in. The latter point was recognized simply because of the fact that newer aircraft were being built as fast as they could be produced.

Although we appreciate the concerns expressed by many of your constituents who advocate for A-329 and like legislation, the New Jersey State Chamber of Commerce believes the net effect of this bill, will not be to quiet our skies, but merely to shift jobs to other regions and could ensure that our state and area will remain in a recessionary economy for a great deal of time to come.

Although the State Chamber must express unaltered opposition to this legislation, thank you to the legislators of both the New York and New Jersey General Assemblies for this opportunity to be heard on this important issue, one which is inextricably linked to jobs and our economy.



NEW JERSEY STATE  
CHAMBER OF COMMERCE  
ONE STATE STREET SQUARE  
50 WEST STATE STREET - SUITE 1110  
TRENTON, NEW JERSEY 08608

New Jersey State  
Chamber of Commerce

Statement on Aircraft Noise Legislation

A-2949

A-4168

ACR-30

Assembly Transportation Authorities, Telecommunications  
and Technology Committee

Edison Township, New Jersey  
November 28, 1990

Assemblyman Spadaro and fellow committee members and staff, thank you for holding this field hearing on the important issue of aircraft noise. I am William R. Healey, Director of Governmental Relations for the New Jersey State Chamber of Commerce.

The State Chamber has spoken on this issue on many different occasions, most recently at a public forum held last month by the Port Authority of New York and New Jersey. Since that hearing on October 17, significant developments have taken place, including action by the United States Congress. I know that one of the bills on this evening's agenda was drafted in response to that action.

The actions of the Senate and House of Representatives have laid the groundwork for implementation of national standards on aircraft noise, an action which the State Chamber called for in our presentation to the Port Authority last month.

Airports and airport services are critical to our economy--- now, more than ever. If I may, I'd like to take this evening's agenda one step further, to discuss the historic and increasingly valuable role of airports in New Jersey's economy. Since my organization represents businesses of all sizes and local chambers throughout the state, that's obviously an issue of great importance to us. Our airports have become even more crucial as we continue our shift from a manufacturing to a service-based economy.

National noise standards are a necessity, and the State Chamber is pleased that Congress has recognized that fact. However, with Congress' recent blueprint for national action, we're even more concerned about additional state legislative attempts to enact local restrictions.

In our view, such restrictions, as evidenced in A-2949, A-4168 and ACR-30 could be more successful in pushing away jobs and economic activity to other regions of the country; rather than their intended purpose of creating acceptable local aircraft noise standards. Many of the jobs allied with airports, both direct and indirect, can be relocated such as the "hubs" facilities of overnight package delivery firms and the reservations centers for passenger airlines. Searching back in history for a parallel, we should remember that our region was once the dominant water port as well.

We believe the legislative action proposed would be "a wash", that is, its net effect would be not to deliver quieter aircraft any sooner than that outlined in the federal legislation. Yet, still another state legislative attempt to impose arbitrary and unreasonable aircraft noise standards sends out the wrong signal; one that says "we don't want the jobs that airports provide". In our floundering economy, that's certainly not the message New Jersey should convey.

Inevitably, the issue of aircraft noise has been inexorably linked with the operation of airports. The noise issue is not a new one, and just scanning the list of speakers on this evening's agenda shows there are many individuals from the private and public sector who are far better equipped from a technical standpoint to discuss the many issues that make up the greater question of aircraft noise.

This evening, we have many diverse interests represented. The State Chamber firmly believes that the many "players" in this issue have a much greater understanding of the perspectives of others than was the case nearly four years ago when the current debate began.

What has concerned us deeply during this discussion is the characterization of aircraft noise as an "all or nothing" issue, one which would seemingly trivialize the role of airports and aircraft. To New Jersey's economy, airports are anything but trivial.

The goals of reducing aircraft noise can be accomplished, but cannot be accomplished overnight, as was realized in the just enacted congressional legislation. They must not be accomplished in a manner that would jeopardize the economic health of one of the most significant parts of our transportation economy.

As I mentioned earlier, the Garden State is moving toward a service economy. Wherever we travel around the state, meeting with our member businesses, the State Chamber finds the availability and accessibility of air passenger travel and cargo service plays a large role in business decisions. Crucial to the enhancement of our economic future will be new businesses that want to call New Jersey home.

To a much greater degree, those businesses will be foreign based or domestic businesses based in other parts of the country. These enterprises will ask very pointed questions about potential new business locations. Inevitably, one of the key questions will center on the availability of air travel. Without a doubt, the attractive network that New Jersey now presents is one of the many things that makes our state an attractive location to do business.

Over the next few years, residents of South Jersey will be looking to development of a much needed airport facility in Atlantic County, one that will ensure economic growth in the region. That facility could be a turning point for the economic future of the eight southern New Jersey counties. Onerous "New Jersey only" noise restrictions could hamper the development of such a facility.

Yet, many residents throughout the state are very much concerned about the issue of aircraft noise and "want something done" about the matter. Yet shutdowns of airport facilities or immediate prohibitions of various types of aircraft are not the answer, and not in our region's long-term best interest. Technology is our best bet in that regard, and that technology is being churned out by aircraft manufacturers just as quickly as possible. For evidence, just take a look at any of the production schedules of major aircraft manufacturers, which have been noted in at least one of the bills being discussed here tonight.

The State Chamber has spoken at many forums on the aircraft noise issue. In many cases, I've served as their representative at such hearings. Each time, I've tried to stress the importance of air travel to our economy. We should try to avoid at all costs the convenience of short-term solutions. Now that Congress has set goals that would treat all airport facilities equally, we should work with our federal representatives in implementing these national standards. They will ultimately benefit the entire country and help this region avoid the trap of overregulating itself out of its pre-eminence in a key field of transportation.

On behalf of the 45,000 business enterprises represented by the New Jersey State Chamber of Commerce and its affiliated regional and local chambers of commerce, thank you for the opportunity to provide our comments to this evening's hearing.

WRH 11/90

**CITIZENS AIR RIGHTS, INC.**

P.O. BOX 174

ALLENDALE NJ 07401-0174

May 12, 1992

New York, New Jersey  
Joint Public Hearings On Aircraft Noise  
Assemblywoman Maureen Ogden, Chair  
Cranford, N.J.  
May 15, 1992

TO: Members of the ASSEMBLY ENVIRONMENT COMMITTEE

On behalf of the thousands of residents residing primarily in Bergen and Passaic counties of New Jersey that comprise Citizens Air Rights Inc., I should like to forward the following testimony:

The severity of destruction that has occurred in New Jersey since the now infamous Expanded East Coast Plan (EECP) was implemented in 1987 by the Federal Aviation Administration (FAA) has long been documented. The intensity of change and total submergence into an alien environment that was forced upon an unknowing civilian population has been unheard of previously, in the history of aviation.

With this being the undeniable fact, and with more than five years of outrageous inaction by the same federal agency (FAA) that is responsible for the plan in the first place, changes are clearly necessary. We simply cannot allow an agency (FAA) to continue making decisions which effect the total population of any given area in this country, while that same agency represents the interests of private industry, in this case the airline industry.

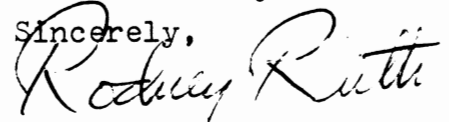
The State of New Jersey is seriously short of compliance to the 1990 Federal Clean Air Act, yet we continue to hide the fact that the EECP has added enormously to our already poor quality air. The EECP is out of compliance with every noise regulation ever written within the State of New Jersey, yet the impact of jet aircraft noise over areas that experienced zero commercial overflights prior to 1987, is devastating beyond belief.

To add insult to injury, we continue to use a totally useless instrument of noise measurement (LDN), touted by the FAA, when in fact the entire procedure of aircraft noise studies must be directed away from any FAA influence.

The quality of life for residents of the N.Y., N.J. metropolitan area has deteriorated significantly these past five years because of the Expanded East Coast Plan. Passage of N.J. Assembly bill A-329 is but a small step in the right direction. Two factors are inseparable: When the quality of life deteriorates, the economic structure of the area deteriorates as well.

We simply must recognize air and noise pollution generated by commercial jet aircraft to be a major environmental problem in this country.

Sincerely,



Rodney Ruth, President

CITIZENS AIR RIGHTS is a member of the  
NATIONAL AIRPORT WATCH GROUP, a national citizens coalition

151X

16 Rambling Brook Drive  
Holmdel, New Jersey 07733  
May 14, 1992

Assemblywoman Maureen Ogden, Chairperson  
Environmental Quality Committee  
Legislative Office Building, CN-068  
Trenton, New Jersey 08625-0058


Dear Assemblywoman Ogden:

Since the inception of the Expanded East Coast Plan, the residents of Monmouth County have been enduring relentless aircraft noise. These planes fly as low as 1,500 feet for inbound routes and 2,000 feet for outbound routes. Needless to say the never-ending noise level is intolerable.

Assemblywoman Ogden, as a result of the "marriage" between the FAA and the airline industry, it is essential that the New Jersey legislature take a pro-active role in stopping the continual onslaught of airplane noise in Monmouth County.

Enacting legislation (A-329) would accelerate the phase-out of Stage 2 aircraft and is a very positive step in the elimination of aircraft noise over Monmouth County.

Yours truly,



Francis T. Coakley  
Executive Board Member  
of MOAAN (Monmouth  
Organization Against  
Aircraft Noise)



# THE PORT AUTHORITY OF NY & NJ

AVIATION DEPARTMENT

David Z. Plavin  
Director of Aviation

One World Trade Center  
New York, N.Y. 10048

(212) 435-7000  
(201) 961-6600

June 4, 1992

Hon. Maureen Ogden  
Assemblywoman 21st District  
Essex-Union Counties  
266 Essex Street  
Millburn, New Jersey 07041

Dear Assemblywoman Ogden:

I am writing in reply to your May 20th letter requesting responses to several questions.

1. The new noise rule, prohibiting the addition of Stage 2 aircraft operations during the hours of midnight to 6 AM, adopted by the Board of Commissioners on August 10, 1989, remains in effect pending the adoption of more stringent regulations which, as you know, are currently under discussion.
2. We understand that the U.S. Department of Defense has on occasion made over-water military airspace available to the FAA for commercial aviation purposes. As you are aware, it is the FAA that makes the determination as to the most appropriate air traffic route. As I mentioned in my testimony, the Port Authority has supported the idea of the use of ocean air space whenever possible, as long as the new routes do not negatively impact any other community. To simply move the noise problem from one community to another, is not, in our opinion, an appropriate approach to the noise problem.
3. The Port Authority, with federal participation through the FAA's Airport Aid Program (AIP), has been sound-proofing schools since 1983. To date, the Port Authority has sound-proofed 34 schools, at a cost of \$40 million. I have attached a complete summary sheet of our school sound-proofing program. Approximately \$6.0 million was spent on school sound-proofing in 1990 and also in 1991. The current year amount is expected to be \$7.6 million. We anticipate that the 1993 program will be budgeted at \$6.0 million.
4. The Port Authority has not developed, nor are we aware that others have developed a methodology for measuring the effects of aircraft noise on property values.

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY**

Hon. Maureen Ogden

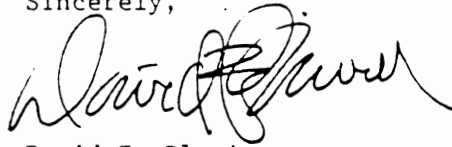
- 2 -

June 4, 1992

5. The Port Authority has not undertaken measurements of the effects of aircraft noise on property values or human health.

Thank you for the opportunity to provide these answers as they may be part of the public hearing record. Should you have any further questions or require additional information, please do not hesitate to contact me.

Sincerely,



David Z. Plavin  
Director of Aviation

Attachment

156X

AIRCRAFT NOISE ABATEMENT PROGRAM  
SCHOOL SOUNDPROOFING 1983 - 1991

Kennedy International Airport

Cedarhurst School #5, Cedarhurst  
\*Lawrence High School, Cedarhurst  
Lawrence Middle School, Lawrence  
\*Lawrence Public School #4, Inwood  
Our Lady of Grace, Howard Beach  
\*P.S. 104, Far Rockaway  
P.S. 138, Rosedale  
\*P.S. 181, Laurelton  
\*P.S. 183, Far Rockaway  
\*P.S. 38, Rosedale  
P.S. 42, Arverne  
St. Rose of Lima, Rockaway Beach

LaGuardia Airport

\*Our Lady of Fatima, Jackson Heights  
\*P.S. 120, Flushing  
\*P.S. 143, Corona  
P.S. 161, Bronx  
\*P.S. 165, Flushing  
\*P.S. 219, Flushing  
P.S. 52, Bronx  
P.S. 62, Bronx

Newark International Airport

Ann St. School, Newark  
Barringer Preparatory, Newark  
\*Benjamin Franklin School #13, Elizabeth  
Branch Brook, Newark  
Franklin School, Kearny  
\*George Washington #1, Elizabeth  
\*Hawkins Street School, Newark  
\*John Marshall School, Elizabeth  
\*St. Adalbert School, Elizabeth  
\*St. Benedict, Newark  
\*St. Peter & St. Paul, Elizabeth  
\*St. Patrick Elementary, Elizabeth  
\*St. Patrick High School, Elizabeth  
\*Wilson Avenue School (New Wing), Newark

\* Completed Soundproofing Projects



US Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave. S.W.  
Washington, D.C. 20591

JUN 8 1992

The Honorable William Bianchi, Jr.  
Chairman, Subcommittee on Airport Noise Control  
New York State Assembly  
Albany, New York 12248

Dear Mr. Chairman:

Thank you for the invitation to testify at the joint hearings held in May 1992 before the Subcommittee on Airport Noise Control of the New York State Assembly and the Environment Committee of the New Jersey Assembly. While the Federal Aviation Administration (FAA) was unable to send a representative to attend and testify at the hearing, we appreciate the opportunity to provide the following comments for the record.

In commenting upon New Jersey Bill 4386, by letter dated January 15, 1991, the FAA advised you and other members of the New York State and New Jersey State Legislatures that States lack authority to ban aircraft operations at airports owned and operated by the Port Authority of New York and New Jersey. A copy of that letter is attached. The Federal courts have held consistently that the airport owner is the only nonfederal authority empowered to control airport access for noise purposes. The courts have stated that the Federal preemption of airport access matters, including aircraft noise abatement, is otherwise total because Federal preemption is essential to maintain a unified and coordinated national air transportation system. The United States Court of Appeals for the Ninth Circuit has stated:

The pervasiveness of Federal regulation in the field of air commerce, the intensity of the national interest in this regulation, and the nature of air commerce itself, require the conclusion that State and local regulation in that area has been preempted.

City of Burbank v. Lockheed Air Terminal, 457 F.2d 667, 671 (9th Cir. 1972), aff'd 411 U.S. 624, 633-39 (1973).

The history of the limited proprietary exception to total Federal preemption makes it clear that the sole reason for this narrow exception is the liability of the airport owner for noise damages. See Griggs v. County of Allegheny, 369 U.S. 84 (1962). Even though New Jersey and New York have important responsibilities with respect to their relationship

to the Authority, that does not confer upon them airport proprietor status derived from liability for aircraft noise.

Action by the State of New Jersey or the State of New York to restrict aircraft access to the Port Authority's airports by regulating the Port Authority would intrude upon the Federal preemption that is the foundation of the integrated national system of airports and airways. This is true even where a State attempts to control aircraft operations through regulation of an airport proprietor that is a political subdivision of the State. San Diego Unified Port District v. Gianturco, 651 F.2d 1306 (9th Cir. 1981), cert. denied sub. nom., Department of Transportation of California v. San Diego Unified Port District, 455 U. S. 1000 (1982). Only the Port Authority itself is the proprietor in the context of the Griggs decision. See British Airways Board v. Port Authority of New York and New Jersey, 558 F.2d 75 (2d Cir. 1977) ("Concorde I"), aff'd, as modified, 564 F.2d 1002 (2d Cir. 1977) ("Concorde II").

Turning to the Port Authority, the FAA is aware that the Port Authority is considering a staff proposal containing noise restrictions similar in content to pending State legislation. By letters dated March 12, 1992, November 25, 1991, and March 22, 1991, senior officials of the U.S. Department of Transportation and the FAA have expressed major reservations about this proposal. Copies of these letters are attached. In particular, we believe that the provision to accelerate the phaseout of operations by Stage 2 aircraft locally may stand as an obstacle to the pervasive scheme of regulation embodied in the Airport Noise and Capacity Act of 1990 and the national noise policy and national phaseout schedule adopted by the Secretary of Transportation in September, 1991.

By this letter, the FAA reaffirms its position that the pending State legislation is contrary to FAA's exclusive and plenary powers to regulate the Nation's air transportation system to assure safety and efficiency. We also reaffirm the serious concerns expressed in prior correspondence about the restrictions on aircraft operations drafted by staff of the Port Authority. The FAA is committed to working with the Port Authority to resolve this matter amicably. Senior officials of the FAA have met and will continue to meet with representatives of the Port Authority or other officials towards an outcome that will accommodate the legitimate noise concerns of airport neighbors within the framework of existing law.

We would be pleased to provide any further information desired by the Committee.

Sincerely,



Richard W. Danforth  
Acting Assistant Chief Counsel  
Airports & Environmental Law

Enclosures

cc: The Honorable Maureen Ogden, Chair, Environment Committee,  
New Jersey General Assembly

160X

TESTIMONY TO HEARING OF JOINT NEW JERSEY GENERAL ASSEMBLY  
ENVIRONMENT COMMITTEE AND NEW YORK LEGISLATIVE COMMITTEES ON  
AIRCRAFT NOISE HELD MAY 15, 1992, CRANFORD, NJ

FROM

BARBARA S. KRAUSE  
20 PITTSFIELD STREET  
CRANFORD, NJ 07016



Assemblywoman Ogden, Assemblyman Bianchi: Thank you for your interest and diligence in pursuing this issue in your hearings. We earnestly hope we shall see benefits of this historic joint investigation.

As a resident of Cranford, I have served on the Cranford Mayor's Committee on Airplane Noise for five years. I am Cranford's delegate to the Union County Board of Chosen Freeholders Air Traffic Noise Advisory Board. By training, I am a registered nurse (RN).

I have resided in Cranford 28 years. Prior to 1987 and the FAA's Expanded East Coast Plan, we in Cranford never experienced an aircraft noise problem. I never noticed anything more than an occasional prop plane. If there were any jet routes, they were imperceptible.

Today, we have 85 average decibels as shown in attached information sheets of my own personal noise readings and shown in studies of Harris, Miller, Miller and Hanson of 1988. Nothing has improved, in fact, many residents of Union County feel the air noise is worse now. This problem was thrust upon us overnight. Day and night since early 1987, we have been "force-fed" a steady diet of aircraft noise to the point of nausea.

We are forced to endure 350 to 500 low altitude (2800-5000 ft.) departures a day from Newark Airport when runway #22 south is used, 60% of the time. This averages to one plane every two minutes counting only 18 hours, 6 a.m. to 12 midnight. Since the roar continues both before and after planes passover, the net effect is of total unrelenting noise volume. Cranford now sits under a ganglion of six to eight route layers, forcing an unrelenting din of 2, 3, or 4 simultaneous planes on unwitting innocent citizens.



Barbara S. Krause  
20 Pittsfield Street  
Cranford, NJ 07016

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Levels of flight include: first, helicopter; second, general aviation and commuter aircraft in all directions; third, jet arrivals to Newark, Teterboro, and LaGuardia from the south and west; fourth, jet departures from Newark, then jet departures from LaGuardia and Teterboro; fifth, enroute planes at various altitudes of flight over all the former. At times all five to six layers are clearly visible and audible at once. The effect can be deafening, especially in certain weather patterns.

Clearly, some of the most disturbing aircraft to us in Eastern Union County and Cranford are the wide-bodied jumbo jets flying cargo of UPS, Federal Express, and other freight lines which are tracked on the very lowest altitude paths because of their weight. These have been documented by the FAA as low as 2800 ft. altitude.

Most recently an explosion in the number of wide-bodied foreign destination departures out of Newark bespeaks of the highest growth area at Newark. Whether Stage II or Stage III, it is of no consequence. The ominous-sounding large jumbo jets cannot climb on their present departure routes. After leaving Newark runway #22 south, they turn west, then north over us at 2500-3000 feet in a disturbing tortuous flight pattern. Their offensive drone is frightening in addition to annoying. Their low altitude and easterly turning pattern in a pretzel-like sequence over us toward their overseas destination leaves us flattened by their reverberations as the earth literally shakes. Whether Stage II or Stage III, they are noise-damaging and unsafe in their current pattern.

In my oral testimony to you May 1, 1992 in New York, I mentioned some health, environmental, and social effects of the air noise observed in Cranford. These are:

1. HEALTH

- Residents complain of aircraft noise-induced general and migraine headaches, increased blood pressure readings, and incidences of





Barbara S. Krause  
20 Pittsfield Street  
Cranford, NJ 07016

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gastro-intestinal disturbances.

- Stress due to the new air noise has produced new ulcers and flare-ups of pre-existing ones. Stress-induced asthma attacks and arthritis bouts have been attributed by sufferers to the noise-abusive periods of day and week-long duration.
- A constantly elevated adrenalin state of fight produces fatigue, loss of productivity, and lowered immune response.
- Loss of sleep due to aircraft noise interruption produces fatigue and loss of productivity for both day and night workers. Instances of residents sleeping in their basements to escape noise, or resorting to sleeping in an out-of-town structure to avoid noise have been related. Children can be cranky, adults argumentative due to sleep loss.
- The elderly are uniquely affected in that their strength is limited and they sense their lifespans and home investments threatened. Their feeling of doom by the noise is exhibited by emotions of entrapment both physically and economically.

## 2. ENVIRONMENTAL

- The use of parks invaded by constant noise robs relaxation from joggers, walkers, fishermen, cyclers. Little League ballplayers must periodically stop playing because of inability to hear calls. The low altitude planes are frightening to those outdoors.
- Family gatherings are marred by inability to hear conversations.
- Teachers must pause in classroom lessons, students loose concentration when under flight paths. Homework sessions are interrupted by noise; concentration and time lost.

## 3. CREATIVITY/PSYCHOLOGICAL

- It has been observed by our committee and others that those people negatively affected to great degrees by the noise are our citizens working (employed) in the area of creativity or one requiring close concentration. Most earn their livelihood working at home, and this has direct economic consequences. This group includes musicians, writers, artists, researchers, teachers, and counsellors. For our society to forcibly diminish the productivity of these minds and talents is criminal.
- Noise abuse is what our government operations thrust on Iraqui troops occupying Kuwait to force their resignation. Here at home psychological warfare on their own citizens is waged by the FAA and by federal government regulations til year 2003.



Barbara S. Krause  
20 Pittsfield Street  
Cranford, NJ 07016

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#### 4. FREEDOM-USE OF PROPERTY/HOME

- Our liberty to enjoy one of our most precious life pleasures, our Sundays, Holidays, and family time has been robbed from us. On all holidays for the past five years including most recently Mother's Day 1992, and going back to every Christmas, New Years, Easter, Memorial Day, July 4, Labor Day, Thanksgiving, every holiday for the past five years, we have been forced to endure from 3, 4, 5 up to 6 days of extended, unrelenting noise abuse. Airlines add their oldest, noisiest aircraft to their fleet to meet holiday travel demands. They pull out every decrepit noise monster from the mothball fleet to fill and send over and torture us on our holidays. How ironic. How sick!
- As federal legislation now allows, airlines will continue to do this on our holidays and every bloody Sunday afternoon and evening til year 2003.

We deserve legislation to curtail these abusive, unsafe discriminatory practices sooner than 2003, so that we in New Jersey can enjoy our holidays at home equally with those who choose to travel by air for theirs. We who stay in NJ to work or live are contributing to the economy and welfare of NJ. Those who leave are not. Their contribution goes to the airlines and far away places.

I'd like to bring your attention to the attached article in the May 13 issue, News Tribune (NJ) on Pan Am regarding moth-balling and recycling of old planes. It highlights graphically why we need the stricter guidelines in the bills filed by Assemblywoman Maureen Ogden and Assemblyman Bianchi in the NJ and NY Assemblies which call for phasing out Stage II aircraft until they are completely eliminated by end of 1996.

Ironically, the most menacing aspect of the noise pollution of the Expanded East Coast Plan, attributed to the most extensive peacetime acoustical bombardment in aviation history, is its role as a silent abuser. It is a ticking time bomb of noise and air pollution not recognized by ordinary citizens, not considered a problem by many. The noise pollution is damaging the most densely populated area of the nation,



Barbara S. Krause  
20 Pittsfield Street  
Cranford, NJ 07016

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people unaware of its full consequences or long term effects, not recognizing noise to be the true culprit of many problems.

A full health study on this issue is in order. Five years ago in fall, 1987, I stated at hearings of the NJ Assembly chaired by Maureen Ogden in Union, NJ that this E.E.C.P. noise issue is a public health risk of disastrous proportions. I stand by that statement.

*Barbara S. Krause*

*May 15, 1992*

January 22, 1988

Barbara Krause, BS, R.N.  
(Mrs. Frank Krause)  
20 Pittsfield Street  
Cranford, NJ 07016

PHYSICAL MANIFESTATIONS OF NOISE FROM EECF IN CRANFORD, N.J.

Because I am a professional registered nurse I have a personal knowledge of physical impact on Cranford residents.

In an effort to find what has caused such desperation among so many residents, I took sound pressure levels. Records are attached. Sound pressure levels both harassing and hazardous were recorded, ranging from 78 to 96 on 50 readings over a three day period averaging 85. Many days there are multiple readings of 100 and 100 plus (see attached readings sheets). According to otolaryngologists, 80 is the "discomfort zone" and 100 is "hazardous" (readings on "C" scale).

Allergies have become exacerbated by stress of noise.

Asthma attacks have been triggered.

Irritability from sensitive ears.

Sleep disturbances in young children and adults.

Ulcer flare-ups and digestive disorders.

Headaches and migraines.

Hearing aid wearers suffer intense buzzing and must turn down device to avoid disturbance in frequency range.

Blood pressure elevations.

Muscular spasms aggravated in backs, necks.

There are probably many more conditions endured, but these are facts I am aware of.

EMOTIONAL MANIFESTATIONS OF WHICH I HAVE BEEN INFORMED ON A FIRST PERSON BASIS.

On hearing an exceptionally loud plane approach, a mother told me she ran to gather her children in from outside. One mother said she was terrorized at night by a low-flying plane she heard coming toward her house; so loud she flew out of bed to cover her youngest with her body.

Senior citizens feel victimized and helpless. On an evening of continual take-offs overhead a widow living alone feels afraid, trapped, helpless. She calls me for help. Citizens speak of "living in a war zone", of feeling "powerless, hopeless". They ask "where can we go to escape?"

A neighbor confined to his bed on a kidney dialysis machine talks of "feeling tortured". Depression sets in after consecutive days of airplane pounding. People are pushed to their limits. Elderly have stated in desperation "I can't take it any more; I'll kill myself if it doesn't stop".

January 22, 1988

Barbara Krause BS, R.N.  
(Mrs. Frank Krause)  
20 Pittsfield Street  
Cranford, NJ 07016

2.

(Cont'd.)

EMOTIONAL MANIFESTATIONS OF NOISE

People talk of being imprisoned inside in nice weather with air conditioners running as noise muffler. Children feel insecure, apprehensive. They talk of "that plan 's not working; there's too many planes". They put pillows over their heads to sleep.

For many the quality of life is immeasurably lost, and to the aged it maybe will never be replaced in their lifetime. It is understandable if those who read this find incredible the effects of continual airplane noise. To live it is to believe it.

So annoyed have some become that I have heard two persons state they "want to shoot the planes". Continual, unrelenting noise has driven people to feel and say such emotions.

January 22, 1988

Barbara Krause, BS, R.N.  
(Mrs. Frank Krause)  
20 Pittsfield Street  
Cranford, NJ 07016

3.

### PERCEIVED ENVIRONMENTAL ISSUES

Conditions due exclusively to the environmental damage of the EECF in Cranford, N.J. and of which I am personally aware include the following effects of excessive vibrations and noise.

#### Material Evidence

A 46 yr. resident of Cranford had four glass storm windows drop out of place from upper position and break. This never happened before, 46 yrs. in same house.

An 85 yr. life-long resident of Cranford has china plates and glassware shaking in her chinacloset, as do others, for the first time in Cranford.

My shelf full of expensive bonsai plants and pots moved off its bracket in vibration and fell out of a window after a low helicopter passed over causing several hundred dollars damage.

Vibrations of houses and windows. Residents report beds and chairs vibrate while occupying them. Car steering-wheels vibrate while car stopped.

#### Altered lifestyles

Some residents sleep on lower levels of their homes instead of bedrooms on upper level, to be able to get to sleep when departing planes are rolling.

Televisions, radios, stereos, and telephone conversations are unable to be heard at normal volume with windows open.

On the telephone, two people living within a short distance cannot hear each other if a plane goes over during conversation.

Church services cannot be heard and worship is interrupted when planes pass over. The atmosphere of peace is shattered.

Library work is interrupted by concentration lapses due to plane noise.

Children's outdoor sports, ball games, tag games, etc., are interrupted to observe low flights; coach instructions and players' responses are made inaudible by jet take-offs.

Conversations on a patio or porch cannot be heard at short distance, like across a table. Residents are forced to come inside from outdoor barbecue because of ear discomfort.

Enjoyment of outdoor relaxation is curtailed. Gardening, fishing, pool use, becomes source of distress instead. Children pause in play and hold their ears.

Sleep disturbed, residents awakened 6-7 a.m. almost daily; kept up 'til midnight.

January 22, 1988

Barbara Krause, BS, R.N.  
(Mrs. Frank Krause)  
20 Pittsfield Street  
Cranford, NJ 07016

4.

PERCEIVED SAFETY ISSUES

Conditions exclusively due to the EECF over Cranford, N.J. include many related problems.

1. Low altitude planes, both departing and arriving, including jumbo jets, helicopters and prop flights. (see attached chronology)
2. Intolerable frequency of departure jet flights over us, when winds are favorable, usually 4-5 days out of week. Take-offs every 30 seconds, 60 seconds, 3,4 or 5 minutes at peak travel hours 6:30-10:00 a.m. and 4-9 p.m. Many times all day and night non-stop, over the same lanes, over same residences repeatedly. (see log)
3. Late-night flights, excessively noisy between 10 p.m. & 12 a.m. Before dawn buzz bombs at 5:30 and 6:30 a.m.
4. Multi-levels (3,4 and 5) of aircraft above us, lowest ones forced lower to accommodate Kennedy and LaGuardia air traffic over them.
5. A "missed approach" area above us, incoming low-level aircraft circling for re-entry, hardly above tree-tops it seems. (see chronology)
6. Arrival planes and departure planes criss-crossing simultaneously over us.
7. Arrival and departure planes passing each other, side by side lanes, parallel and at same level.
8. Volume of departures, on favorable (southerly or western) wind day, 200 and more jets over one neighborhood, more hundreds over town.
9. Volume of total overflights, as Cranford appears to be like a "switching station" with 8 to 10 planes visible from a single vantage point, traveling in all directions.
10. Countless viewings by residents of planes "tailgating" in less than 30 second intervals between (see chronology).

## Alice Suter and Associates

Industrial Audiology and Community Noise

1657 River Dee Court  
Cincinnati, OH 45230  
(513) 232-7667

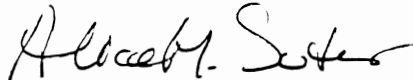
Assemblywoman Maureen Ogden  
266 Essex Street  
Millburn, NJ 07041

June 1, 1992

Dear Ms. Ogden,

Michael Schatzki of Far Hills suggested that I send you the enclosed materials on noise and its effects. Please include them in your record of the hearings for Assembly A-329. I hope they will be of interest to you.

Sincerely yours,



Alice H. Suter, Ph.D.



**A REVIEW OF RECENT PUBLIC COMMENTS ON THE  
APPLICATION OF AIRCRAFT NOISE DESCRIPTORS**

or

**Does the Public Support Our Noise Policy?**

Report Prepared by:  
**Robert A. Samis & Associates**

Submitted to:  
**U. S. Environmental Protection Agency  
Office of Federal Activities**

July 1991

**200X**

