

3. "Given the fact that substantial national benefits are derived from the existence and growth of national and international air commerce, assumption by the federal government of the costs of noise damage to private property does not seem inequitable."

4. "Even if the local airport authority is the sole defendant . . . it will have to . . . either attempt to shift (costs) to the airlines and hence to airline customers or seek to affect part of them through solicitation of increased federal and state subsidies."

"Therefore," the author concludes, "if costs should be proportionate to the control possessed and benefits derived, the federal government should be a defendant."

I agree with the logic used by the author of that article. Certainly the country as a whole should share in the attack upon this problem and the costs of immediate action. The federal government has a large responsibility for the safety and promotion of commercial air traffic and should logically share with the noise factors too. The proposed user taxes that are designed to distribute some of this cost to the airlines and aircraft using federal facilities might be one way of recouping part of this expense.

We should not wait for someone else to act. It is up to Congress to face this question now and get moving quickly. Both bills—H.R. 3400, to enlarge standards and regulations, and H.R. 13846, to provide for federal funding—make an important package of new legislation.

Sonic booms

It is important that the legislation take into account the sonic booms soon to be brought to us by supersonic air transports.

In the Minneapolis area the Federal District Court has already broken new ground by finding the federal government negligent for permitting supersonic military flight paths across the Minneapolis-St. Paul area.

An apartment building suffered plaster cracks and broken windows from the sonic boom. The decision issued last January 13, in the case of *Neher vs. the United States*, makes the responsibility clear. Non-military flights could be considered a federal responsibility too.

We must act now to protect the people on the ground and to remove this potential cause of damage to property under the flight path of the supersonic planes.

These bills are some of the most important before this Congress. I urge early action.

Mr. FRIEDEL. I want to thank you and, of course, we are considering the other related bills and any proposed amendments along with H.R. 3400.

Are there any questions?

Mr. KUYKENDALL. I have a question.

Mr. FRIEDEL. Mr. Kuykendall.

Mr. KUYKENDALL. Welcome to the committee, Mr. Fraser. Let me a little bit better understand your question. I won't call it a criticism, but I have a question about the wording on lines 10, 11, and 12 on page 2 of the bill. I hope I didn't read you correctly when you said that you did not think that safety should be an overriding factor here.

Mr. FRASER. No. It is the way that this is worked. It says that the National Transportation Safety Board may, in effect, amend the order.

Mr. KUYKENDALL. You agree that the safety should be the one overriding factor?

Mr. FRASER. Yes, I do, but it says, "It may modify or amend the order if it finds that safety in air commerce does not require the affirmation of such order." That is a peculiar way of putting it.

Mr. KUYKENDALL. It has a double negative there.

Mr. FRASER. If the bill had said, "may amend the order if required by considerations of safety" then it would seem to me very straightforward language.