

Mr. FRIEDEL. Mr. Pickle.

Mr. PICKLE. Mr. Chairman, I would like to reserve my time.

Mr. FRIEDEL. All right.

Mr. Devine.

Mr. DEVINE. I would just like to welcome the Secretary here and say that he has taken a very objective approach in his statement. Welcome.

Secretary BOYD. Thank you, sir. It is a pleasure to be with you.

Mr. FRIEDEL. Mr. Adams.

Mr. ADAMS. Mr. Boyd, following up briefly on the question of sonic boom research progress, actually sonic boom is a separate problem from that of airport noise; is it not?

Secretary BOYD. Yes. The sonic boom will not be a problem at the airport where the SST lands and takes off. The aircraft will go into what is called the transsonic regime probably 100-odd miles away from the airport of its departure and it will reduce speed to subsonic speeds 100 or so miles before its airport of arrival, so that in that sense it is a different problem in a geographic sense.

Now, generically, we include sonic boom as a part of the total problem of noise abatement, however.

Mr. ADAMS. I want to follow up on Mr. Friedel's question regarding possible liability for noise. In the program that you are suggesting I don't believe you defined clear areas, but if the Federal Government applies regulations on noise to these areas, does your counsel anticipate any liability if the Federal Government operates in this field? Specifically have there been any cases decided requiring the airports themselves to obtain aviation noise easements for areas where there is a continuing flyover? Would you comment on that?

Mr. ROBSON. Well, our judgment, while we can't predict what any court might do in the future, Mr. Adams, is that the activities that would be carried on under the authority of H.R. 3400 would not change these legal responsibilities from that of local airports to the Federal Government.

Mr. ADAMS. Is that on the basis that we would be simply supplying money to the operating agency, whatever it might be, and not liable. Therefore, owners would continue with their own form of possible liability. And the Federal Government not being in some type of partnership with the owner would not possibly be liable. Is that your position?

Mr. ROBSON. Well, as to the program of airport support by the Federal Government. I don't think we have a specific change in that in mind that would result in a shift of the responsibility.

Secretary BOYD. I don't want to get into a debate between learned counsel, but it seems to me that on this business of easements that what we are talking about in terms of Federal grant programs, for example, is really a condition precedent and that in order to qualify as there are now a number of conditions precedent, this would be one additional condition which the Federal Government would require before the airport could qualify for assistance.

Mr. ADAMS. One thing we want to make certain of, Mr. Boyd, is that at the present time my understanding of the clear areas or the areas of protection around airports is that they are limited to and tied directly to safety standards.