

LIMITED EFFECT OF CERTIFICATION LEGISLATION

It is important that the Congress, airport operators, local governments and the public understand that legislation such as H.R. 3400 deals with only a small piece of the so-called "aircraft noise problem," and that H.R. 3400, although helpful, will not be the "solution" to that problem.

First, the bill primarily deals with one *one* of the three elements of the Federal noise alleviation program: viz., reduction of aircraft noise *at the source* (i.e., the airplane). Most importantly, the bill is of little consequence in the attack upon the problem of *compatible land-use* adjacent to airports, which many noise abatement experts believe to be the most critical factor, and potentially the most promising approach, in any solution of the noise problem. It is not too much to state that *no* ultimate alleviation of the airport noise problem will ever be accomplished by measures which fail to control the use of land adjacent to airports.

A further limitation of H.R. 3400 is inherent in its legislative approach. By definition, the bill is confined to noise regulation of only *civil* aircraft (since it amends Title VI of the Federal Aviation Act, which is limited to civil aircraft). This would exclude "public aircraft" as defined in the Act: viz., all aircraft used in the service of any government entity, or political subdivision, including the many jet aircraft operated by the Federal Aviation Administration itself. Public aircraft are significant contributors to the aircraft "noise problem" and there is no valid reason why at least non-military public aircraft should be immune from noise abatement measures.

Among the public aircraft not covered by H.R. 3400 are military aircraft. Military jets are probably the noisiest of all aircraft, and they are substantial contributors to the aircraft noise problem. In fact much, if not most, of the noise litigation in the United States is over military rather than civil jet noise. While no one would contend that military jets should be paired in their defense capability, it should at least be fully understood that noise legislation confined to civil aircraft cannot possibly afford any long-range solution to the aircraft noise problem, which consists in large part of the noise of military jet aircraft.⁴

This limitation of H.R. 3400 is even more pronounced in the case of sonic boom. Anomalously, the bill covers only civil aircraft, which do not create sonic boom, but excludes military aircraft, which do.⁵

In all events, certification for noise will afford no magic results. Certification can yield no more than technology can produce. At best, certification for noise holds out the promise of quieter aircraft, when and as technology makes them available and their economics can sustain them. This result would probably follow without legislation.

But there should be no illusions as to the promises of technology. NASA is attempting, at a cost of \$50 million, to develop a so-called "quiet engine"—for research purposes only and without regard to economic viability. It is not even hoped to have such an engine before 1972. Even if NASA is successful, it is anticipated that the engine would have a service life of only *fifty hours*. To develop an acceptable "quiet engine" for actual production would require an engine service-life at least roughly comparable to that of current jet engines in use, which ranges up to 12,000 hours.

However substantial the degree of reduction achieved in "noise at the source," it is questionable whether the aircraft noise problem can be expected to be "solved." The oft-used term "aircraft noise problem" is seldom defined. But essentially it refers to *complaints*. If anything has been learned from the exhaustive studies made of noise complaints, it is that—no matter how much the noise level is reduced—there will remain an ineradicable hard-core of complainants. Both British and American studies indicate that this constant hard-core group of complainants constitutes about 30% of the population near airports. In this sense, the aircraft "noise problem" will probably never be solved.

Even achievement of an economical "quiet-engine" would not mark the end of complaints against airport operations. Noise as such is only one aspect of the spectrum of public complaint against airport operations. Complaints against

⁴ Similarly, it is assumed that *foreign* aircraft would be exempted from the requirements of any such noise certification standard, rule or regulation under Title VI, as they presently are from the safety provisions of Title VI, pursuant to section 610(b). Foreign aircraft are also substantial contributors to the aircraft noise problem in the United States.

⁵ Any prospective sonic boom from the SST is susceptible of contractual design-control by the Administrator as with present SST noise specifications.