
A BILL FOR AN ACT

RELATING TO AIRCRAFT NOISE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, in recent years,
2 other states have actively addressed citizen concerns about
3 aircraft noise that disrupt normal living conditions, and that
4 these states have adopted comprehensive noise abatement
5 regulations to improve and restore the health, welfare, and
6 quality of life of their urban populations, and to sustain the
7 general public's valued experience of natural and recreational
8 resources.

9 The State of Hawaii owns and operates airports within the
10 State, and the director of transportation is responsible for
11 adopting standards, procedures, and rules for the purpose of and
12 commensurate with protecting and ensuring the general public's
13 interest. Research concluding that certain levels of noise
14 affecting the public health and welfare warrants action from the
15 State to manage noise levels in the public interest.

16 This Act provides the means for aircraft owners and
17 operators and the airport traffic control center to work



1 cooperatively with the department of transportation, as the
2 airport proprietor, to control and reduce aircraft noise impacts
3 on communities in the vicinity of state airports.

4 The purpose of this Act is to provide immediate regulatory
5 relief from aircraft noise impacts on the urban population and
6 recreational resources within airport flight control and noise
7 abatement areas.

8 SECTION 2. Chapter 261, Hawaii Revised Statutes, is amended
9 by adding a new grouping to be appropriately designated and to
10 read as follows:

11 **"AIRCRAFT NOISE ABATEMENT**

12 **§261- Legislative findings and purpose.** The legislature
13 recognizes that aircraft noise impacts in urban areas constitute
14 a public health and welfare problem on the ground. The
15 legislature is determined to ensure that all possible actions
16 are taken to protect and promote the health and welfare of the
17 general public. The intent of this grouping is that the
18 department do everything within its authority to protect the
19 public health and welfare and shall work with federal agencies
20 and other affected parties to meet the responsibilities to
21 alleviate aircraft noise impacts on the general public.



1 **§261- Policy with regard to airport noise.** The
2 department shall be guided by the policy to develop and
3 implement programs to reduce aircraft noise impacts in the
4 affected noise sensitive areas in an orderly manner.

5 **§261- Construction.** State noise standards governing the
6 operation of aircraft and aircraft engines are based on two
7 separate legal grounds: the power of airport proprietors to
8 impose noise ceilings and other limitations on the use of the
9 airport, and the power of the State to act to an extent not
10 prohibited by federal law. The aircraft noise standards and
11 implementing rules shall be liberally construed and applied to
12 promote protection of the public from noise and to resolve
13 incompatibilities between the airport and the community.

14 **§261- Threshold noise level.** For implementation of the
15 aircraft noise standards the threshold noise level shall be a
16 noise level that is ten decibels below the numerical value of
17 the appropriate community noise equivalent level.

18 **§261- Noise abatement departure profiles.** The
19 department shall maintain noise abatement departure profiles to
20 specify to each air carrier using the airport facility the
21 departure profile to be flown off each end of the airport. Both
22 close-up and distant profiles shall be used and shall outline



1 acceptable criteria for speed, thrust settings, and aircraft
2 configurations used in connection with each noise abatement
3 departure profile. The noise abatement departure profiles shall
4 be combined with preferential runway use selections and flight
5 path techniques to minimize noise impacts to the greatest extent
6 possible. The close-in noise abatement departure profile shall
7 be specified and maintained to benefit noise sensitive areas
8 close to the airport and the distant noise abatement departure
9 profile shall be specified and maintained for noise sensitive
10 areas farther from the airport.

11 **§261- Airport noise and operations monitoring system.**

12 (a) The department shall use the airport noise and operations
13 monitoring program as a critical part of the airport flight
14 pattern procedure to quantify the impact of operational
15 procedure amendments. Specific airspace analyses, such as
16 flight management systems procedure validation analysis and
17 upcoming global positioning system validation and utility
18 analysis, shall represent a managed transition to the
19 implementation of new navigational technologies. The multiple
20 applications with analytical capabilities within the aviation
21 environment shall provide analytical insight for airspace



1 management, the noise environment, airport operations, airport
2 planning, and public relations.

3 (b) The department shall maintain the airport noise and
4 operations monitoring program to include the following
5 functions:

- 6 (1) Data input;
- 7 (2) Noise data;
- 8 (3) ARTS data;
- 9 (4) Noise data acquisition functions;
- 10 (5) Flight track data acquisition functions;
- 11 (6) ARTS IIIIE collection and editing system;
- 12 (7) Airport noise and operations monitoring system flight
13 track import;
- 14 (8) Query generator map server;
- 15 (9) Event analyzer;
- 16 (10) Radar track replay;
- 17 (11) Gate and corridor analysis;
- 18 (12) Query generator report;
- 19 (13) Airport noise and operations monitoring system to
20 geographic information system;
- 21 (14) Operations analysis;
- 22 (15) Information dissemination;



- 1 (16) Reports;
- 2 (17) Data files;
- 3 (18) Internet; and
- 4 (19) Any additional updates and upgrades in the furtherance
- 5 of airport noise abatement.

6 (c) The department shall produce monthly operational and
7 airspace usage reports to provide for new levels of community
8 awareness relative to airport and aircraft noise abatement
9 operations.

10 **§261- Airport noise monitoring program.** The department
11 shall establish an airport noise monitoring program. The
12 monitoring program shall include at a minimum the following:

- 13 (1) A general monitoring system plan, that shall identify
14 monitoring locations and the type of instrumentation
15 to be employed;
- 16 (2) A statistical sampling plan proposed for intermittent
17 monitoring at community locations;
- 18 (3) Noise monitoring system measurement with an accuracy
19 within plus or minus one and one-half decibels on the
20 community noise equivalent level scale and a record of
21 the hourly noise level for each hour of the day



- 1 together with identification of the hour, and the
2 community noise equivalent level for each day;
- 3 (4) Specific locations of the monitoring system chosen so
4 that the community noise equivalent level from sources
5 other than aircraft in flight is equal to or less than
6 fifty-five decibels, as in a residential area;
- 7 (5) The requirement that the intermittent monitoring
8 schedule obtain a realistic statistical sample of the
9 noise at each location. At a minimum, measurements
10 shall be taken continuously for twenty-four-hour
11 periods during four seven-day samples throughout the
12 year, chosen so that for each sample, each day of the
13 week is represented and the results account for the
14 effect of annual proportion of runway utilization;
- 15 (6) A quarterly review and audit of noise monitoring data
16 by the department; and
- 17 (7) Any additional pertinent information.

18 **§261- Aircraft noise abatement master plan; advisory**
19 **committee.** (a) The department shall develop and implement an
20 aircraft noise abatement master plan, for aircraft operations
21 for each airport under the State's control.



1 (b) The aircraft noise abatement master plan shall
2 include, but not be limited to, an assessment of impact on
3 close-in and distant areas surrounding the airport. The
4 department shall submit the aircraft noise abatement master plan
5 to the legislature no later than twenty days prior to the
6 convening of the regular session of 2008, and thereafter shall
7 review the master plan annually.

8 (c) The department shall implement improvements to
9 existing noise relief policies and continue innovations in the
10 area of noise abatement by combining the technical expertise and
11 aviation experience of airline industry personnel with the
12 first-hand knowledge and concerns of the affected communities.

13 (d) The department shall establish a community advisory
14 committee to meet on a periodic basis, composed of members of
15 interested and affected community groups and representatives of
16 airline and helicopter operators, the flight standards district
17 office, the air traffic control center, and the department. The
18 committee shall provide for the discussion and evaluation of
19 noise impacts and abatement in the vicinity of the airport to
20 each end of the island, and shall ensure cooperation between the
21 airport and the affected communities in achieving noise impact
22 reduction to those communities wherever possible.



1 **§261- Community noise levels.** (a) The department, by
2 rule adopted pursuant to chapter 91, shall designate noise
3 impact areas and communities surrounding each airport. The
4 department's determination shall be based on existing evidence
5 of community noise reaction to single event noise impacts and
6 noise interference with speech and sleep.

7 (b) The department, by rule adopted pursuant to chapter
8 91, shall establish the criterion level of noise acceptable to a
9 reasonable person residing in the vicinity of the airport,
10 established as a community noise equivalent level, with
11 reference to speech, sleep, and community reaction. The
12 criterion level shall be determined based on urban residential
13 areas where houses are of typical Hawaiian construction with
14 open windows for tropical cross ventilation. In developing the
15 criterion level, the department shall be guided by land uses
16 within the noise impact area, including but not limited to:

- 17 (1) Residences, including but not limited to, detached
18 single-family dwellings, multi-family dwellings, high-
19 rise apartments, and condominiums;
- 20 (2) Public and private schools of standard construction or
21 that do not have adequate acoustic performance to
22 ensure an interior community noise equivalent level of



1 forty-five decibels or less in all classrooms due to
2 aircraft noise;

3 (3) Hospitals, convalescent and retirement homes that do
4 not have adequate acoustic performance to provide an
5 interior community noise equivalent level of forty-
6 five decibels or less due to aircraft noise in all
7 rooms used for patient care;

8 (4) Churches, temples, synagogues, and other places of
9 worship that do not have adequate acoustic performance
10 to ensure an interior community noise equivalent level
11 of forty-five decibels or less due to aircraft noise;

12 (5) National parks and landmarks, state monuments, and
13 public parks established for the protection of natural
14 resources and the public's recreational welfare; and

15 (6) Other land uses as determined by community reaction to
16 be noise sensitive.

17 **§261- Airport noise complaint response program; airport**
18 **noise abatement website.** (a) The department shall maintain a
19 twenty-four-hour a day noise complaint hot line seven days per
20 week and an airport noise abatement website to significantly
21 enhance the flow of noise related information for concerned



1 citizens. The website shall provide information on the
2 following:

- 3 (1) Operations;
- 4 (2) Noise data;
- 5 (3) The airport noise and operations monitoring program;
- 6 (4) Meetings and events;
- 7 (5) Geographic information system and global positioning
8 system information;
- 9 (6) Runway information;
- 10 (7) Interactive mapping capabilities; and
- 11 (8) Any additional features and capabilities in the
12 furtherance of airport noise abatement.

13 (b) A noise complaint form shall be posted on the website
14 for online filing of complaints, and each complaint shall be
15 logged into a noise complaint database. Response letters shall
16 be provided to those requesting a written response to their
17 noise complaints, and a monthly summary report shall be
18 generated each month and made available on the noise abatement
19 website.

20 **§261- Methodology for controlling and reducing noise**
21 **problems.** The department shall develop and implement means and
22 methodologies for controlling and reducing noise levels in areas



1 surrounding airports. The department shall adopt rules,
2 pursuant to chapter 91, that may include, but not be limited to:

- 3 (1) Encouraging use of the airport by aircraft classes
4 with lower noise level characteristics and
5 discouraging use by higher noise level aircraft
6 classes, and supporting quieter, cleaner Stage IV
7 aircraft technology;
- 8 (2) Developing, filing, and maintaining a helicopter fly-
9 neighborly program formulated with community
10 concurrence;
- 11 (3) Recognizing and relying on single-event noise impact
12 instead of day-plus-night sound average in determining
13 harmful effects of aircraft noise considered hazardous
14 to the public health and well-being;
- 15 (4) Recognizing unique geographic features in the vicinity
16 of the airport with measurement plans tailored to fit
17 locations for which the specified community noise
18 equivalent level monitoring is impractical, such as
19 forty-five-decibel locations where aircraft noise is
20 amplified by mountain slope walls;



- 1 (5) Planning runway utilization schedules to take into
2 account residential areas, noise characteristics of
3 aircraft, and noise sensitive time periods;
- 4 (6) Establishing noise regulations for military flights
5 similar to those for civilian flights, with noise
6 abatement headings over water between 7 p.m. and
7 7 a.m.;
- 8 (7) Establishing a "fly quiet" program that encourages
9 airlines and tour helicopters to operate as quietly as
10 possible and promotes participatory compliance by
11 grading performance, with scores published publicly in
12 a quarterly adherence report;
- 13 (8) Enabling near real-time noise monitoring and aircraft
14 tracking information to be merged and accessible
15 electronically by the interested and affected
16 community; and
- 17 (9) Use of noise measurement systems that are more
18 extensive or technically improved over time,
19 particularly where a major noise problem requires more
20 comprehensive noise monitoring, such as noise
21 abatement flight procedures.



1 **§261- Rules.** The department shall adopt noise standard
2 rules under chapter 91 that shall include, but not be limited
3 to, the following:

- 4 (1) Providing a positive basis to resolve existing
5 aircraft noise impacts on communities surrounding the
6 airport and to prevent the development of new noise
7 problems by establishing a quantitative framework
8 within which the various interested parties (the
9 airport traffic control center, local communities,
10 aircraft operators, and department) can work together
11 cooperatively to reduce and prevent aircraft noise
12 impact problems;
- 13 (2) Defining noise impact areas surrounding the airport
14 and establishing maximum noise levels for these areas;
15 and
- 16 (3) Controlling and reducing noise problems in the areas
17 surrounding airports.

18 **§261- Reports.** (a) The department shall report to the
19 governor and the legislature on a quarterly basis on the
20 aircraft noise abatement program. The reports shall include at
21 least the following:



- 1 (1) A map illustrating the location of the noise impact
2 boundary;
- 3 (2) An estimate of the number of dwelling units and the
4 number of people residing therein, and the number of
5 schools, hospitals, retirement homes, parks, places of
6 worship, and other existing noise sensitive locations;
- 7 (3) Daily community noise equivalent level measurements
8 with identification of the date on which each
9 measurement was made;
- 10 (4) Hourly noise level measurements with identification of
11 the date on which each measurement was made;
- 12 (5) The total number of aircraft operations during the
13 calendar quarter;
- 14 (6) The estimated number of operations of the highest
15 noise level aircraft type in the calendar quarter; and
- 16 (7) Any other data pertinent to the activity.
- 17 (b) The quarterly reports shall be retained by the
18 department for at least three years, and shall be made available
19 to the community upon request."

20 SECTION 3. Section 261-12, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§261-12 Rules, standards.** (a) [~~Powers to adopt.~~] The
2 director [~~of transportation~~] may perform such acts, issue and
3 amend such orders, adopt such reasonable general or special
4 rules and procedures, and establish such minimum standards,
5 consistent with this chapter, as the director deems necessary to
6 carry out this chapter and to perform the duties assigned
7 thereunder, all commensurate with and for the purpose of
8 protecting and insuring the general public interest and safety,
9 the safety of persons operating, using, or traveling in
10 aircraft, and the safety of persons and property on land or
11 water, and developing and promoting aeronautics in the State.
12 All rules shall be adopted under chapter 91. No rule of the
13 director shall apply to airports or air navigation facilities
14 owned or operated by the United States.

15 In furtherance of the duties assigned under this chapter,
16 the director may adopt rules relating to:

- 17 (1) Safety measures, requirements, and practices in or
18 about the airport premises;
- 19 (2) The licensing and regulation of persons engaged in
20 commercial activities in or about the airport
21 premises;



- 1 (3) The regulation of equipment and motor vehicles
2 operated in or about the airport operational area;
- 3 (4) Airport security measures or requirements, and
4 designation of sterile passenger holding areas and
5 operational areas;
- 6 (5) The regulation of motor vehicles and traffic;
- 7 (6) Any other matter relating to the health, safety, and
8 welfare of the general public and persons operating,
9 using, or traveling in aircraft.

10 (b) The director shall adopt aircraft noise standard rules
11 under chapter 91 to protect the public health, welfare, and
12 quality of life within aircraft noise abatement areas in the
13 vicinity of state airports.

14 [~~(b)~~] (c) Any other law to the contrary notwithstanding,
15 no tour aircraft operation shall be permitted in any airport
16 under the State's control without having a permit. The director
17 shall adopt rules to regulate tour aircraft operations by permit
18 which shall include but not be limited to:

- 19 (1) Identification of the types of aircraft to be
20 utilized;
- 21 (2) The number of operations daily for each type of
22 aircraft used and the days and hours of operation;



- 1 (3) Verification that the applicant is in compliance with
- 2 all state statutes, including but not limited to this
- 3 section;
- 4 (4) Verification that the applicant has the Federal
- 5 Aviation Administration certificate 121 or 135;
- 6 (5) A written assessment by the department of the impact
- 7 to the surrounding area and to the subject state
- 8 airport;
- 9 (6) Revocation of a permit based on the failure to comply
- 10 with the information provided by the applicant and the
- 11 terms and conditions set forth by the department in
- 12 the permit; and any false statement or
- 13 misrepresentation made by the applicant;
- 14 (7) Establishment of penalties for revocation and
- 15 suspension of a permit for failure to comply with
- 16 permit conditions;
- 17 (8) Annual renewal of permits; and
- 18 (9) Any change of operations under the existing permit to
- 19 be approved by the director.

20 No permit shall be authorized unless accompanied by a
21 Hawaii sectional aeronautical chart marked to indicate routes
22 and altitudes to be used in conducting aerial tours and noise



1 abatement procedures to be employed in the vicinity of
2 identified noise sensitive areas.

3 For the purposes of this subsection, "tour aircraft
4 operations" means any business operation which offers aircraft
5 for hire by passengers for the purpose of aerial observation of
6 landmarks and other manmade or natural sites within an island of
7 the State, and for the purpose of transporting passengers for
8 tourist-related activities.

9 [~~(e)~~] (d) [~~Definitions.~~] For the purpose of this section,
10 if not inconsistent with the context:

11 "Sterile passenger holding area" means any portion of a
12 public airport designated by the director and identified by
13 appropriate signs as an area into which access is conditioned
14 upon the prior inspection of persons and property in accordance
15 with the approved Federal Aviation Administration air carrier
16 screening program.

17 "Operational area" means any portion of a public airport,
18 from which access by the public is prohibited by fences or
19 appropriate signs, and which is not leased or demised to anyone
20 for exclusive use and includes runways, taxiways, all ramps,
21 cargo ramps and apron areas, aircraft parking and storage areas,
22 fuel storage areas, maintenance areas, and any other area of a



1 public airport used or intended to be used for landing, takeoff
2 or surface maneuvering of aircraft or used for embarkation or
3 debarkation of passengers.

4 Notwithstanding the restriction on access by the public
5 into operational areas, entry may be authorized for airport
6 operational area related purposes with the prior permission of
7 the director or the director's duly authorized representative.

8 [~~(d) Conformity to federal legislation and rules.~~] (e) No
9 rules, orders, or standards prescribed by the director shall be
10 inconsistent with, or contrary to, any act of the Congress of
11 the United States or any regulation promulgated or standard
12 established pursuant thereto.

13 [~~(e) How made.~~] (f) All rules having the force and effect
14 of law, shall be adopted by the director pursuant to chapter 91.

15 [~~(f) Distribution.~~] (g) The director shall provide for
16 the publication and general distribution of all of its rules and
17 procedures having general effect."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Aircraft Noise; Noise Abatement

Description:

Requires the department of transportation to monitor noise levels from airport operations, establish an aircraft noise abatement master plan, and maintain a 24-hour noise complaint hot line and website. Establishes advisory committee. (SD1)

