

AIRPORT NOISE AND CAPACITY ACT OF 1990 (ANCA)

ONCC TECHNICAL COMMITTEE

September 13, 2022

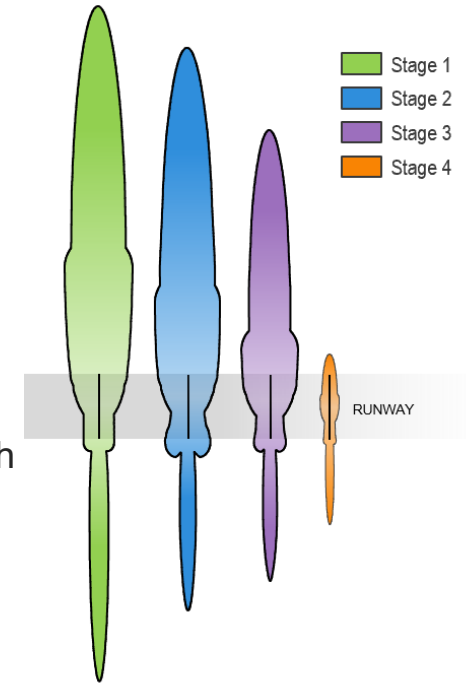
AIRPORT NOISE AND CAPACITY ACT OF 1990 (ANCA)

- Passed by Congress on November 5, 1990
- Attempted to create a more comprehensive method for regulating aircraft noise
- Goal was to balance community interests with aviation interests
- Tasked the FAA with establishing a national aviation noise policy
 - Public hearings conducted in Chicago, Seattle, and Washington D.C.
- Balance was accomplished in two Federal Aviation Regulations
 - **FAR Part 91:** Required phase-out of Stage 2 aircraft before January 1, 2000
 - **FAR Part 161:** Restricts airport ability to regulate airport access based on noise

FAA PART 36

“NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION”

- Aircraft must meet Part 36 standards to receive new or revised “type” or “airworthiness” certificates to operate in the U.S.
- Noise standards for most aircraft are defined in terms of “stages.”
 - Stage 1
 - Stage 2
 - Stage 3
 - Stage 4
 - Stage 5 – *Approved in 2017*
- Most jets in operation today are Stage 3, Stage 4, and Stage 5 aircraft with much quieter engines. According to an August 2020 Government Accountability Office (GAO) report, the majority of U.S. commercial and general aviation aircraft in operation today are able to meet Stage 4 or 5 standards.



PART 161

“NOTICE AND APPROVAL OF AIRPORT NOISE AND ACCESS RESTRICTIONS”

- Airport Noise and Access Restrictions (FAR Part 161) were established under the ANCA to limit uncoordinated airport restrictions and established a national program for federal review.
- Under Part 161, airports are not allowed to implement noise-related restrictions on aircraft operations, such as limiting certain types of planes, unless they obtain a voluntary agreement with aircraft operators or by obtaining FAA approval of mandatory noise-based restrictions.
- The FAA may approve a restriction if six (6) statutory conditions (49 U.S.C. 47524(c)) are supported by substantial evidence:
 - 1) the restriction is reasonable, nonarbitrary, and nondiscriminatory;
 - 2) the restriction does not create an undue burden on interstate or foreign commerce;
 - 3) the restriction is not inconsistent with maintaining the safe and efficient use of navigable airspace;
 - 4) the restriction does not conflict with a law or regulation of the United States;
 - 5) an adequate opportunity has been provided for public comment on the restriction; and
 - 6) the restriction does not create an undue burden on the national aviation system.

PART 161

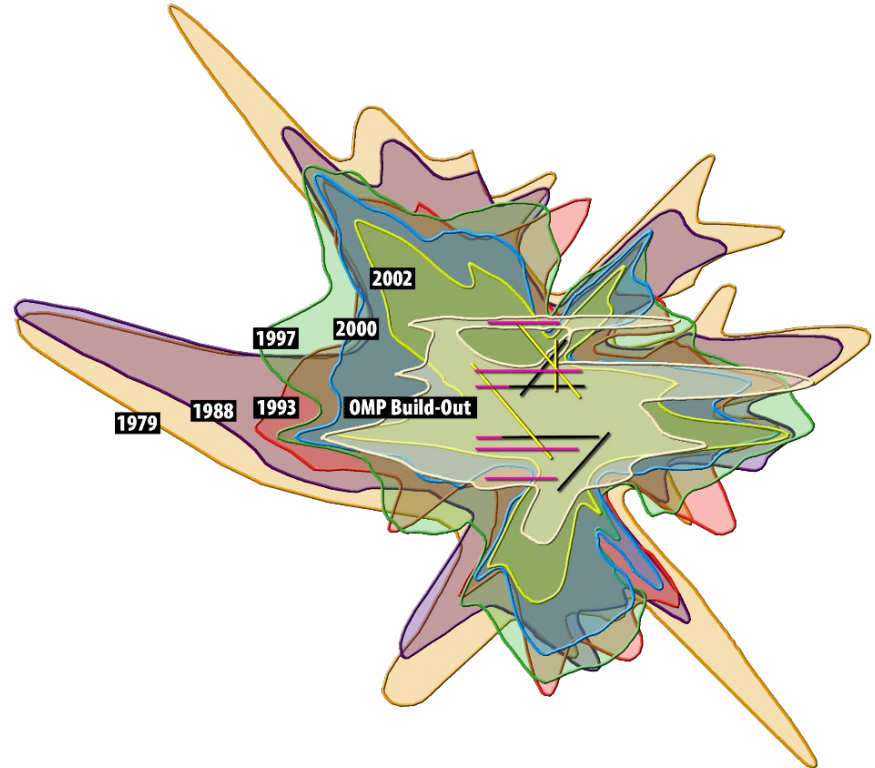
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- The six statutory conditions establish burdensome conditions on the airport to demonstrate through a cost/benefit analysis that the benefit exceeds the cost.
- The benefits must be expressed in dollars and compared to the cost to the aircraft operators associated with implementation of the measures.
- In other words noise benefits such as improvements in quality of life must be expressed in dollars and compared to costs such as the cost of new aircraft, fuel associated with longer flight routes, delays, etc.
- **FAA has yet to grant approval of Part 161 restrictions requested by an airport.**

PART 161

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- Despite this, aircraft noise has decreased considerably around airports nationwide because of the phase-out of louder Stage 1 and 2 aircraft. Newer aircraft currently being manufactured are much quieter than older aircraft and most already meet Stage 5 requirements.





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