Answers to Commonly Asked Questions Concerning
Noise Standards for California Airports

Q1. What is the purpose of the Noise Standards, and to whom do they apply?

A1. The purpose of the Noise Standards is to provide a positive basis to work toward resolving existing airport noise problems and to prevent new ones by providing a useful tool for land use planning. The Noise Standards apply to any airport that is determined to have a noise problem by the local County Board of Supervisors in accordance with the provisions in the regulation. At this time, there are 10 airports in California that have been determined to have a noise problem by local county governments.

Q2. What is the noise description method used in the Noise Standards, and how does it work?

A2. The Community Noise Equivalent Level (abbreviated CNEL) is the noise description method established in the Noise Standards. The CNEL takes into account the noise emitted by all aircraft during a day. It includes the maximum noise level of each event, the duration of each event, and the time of day of each event. Penalty weightings are applied to the events occurring in the evening hours (7:00 pm to 10:00 pm) and the night hours (10:00 pm to 7:00 am). The noise events are then summed and averaged for a 24-hour period. For these reasons, the CNEL is not the same numerical value as a single aircraft noise event. The CNEL can be measured by instruments designed for that purpose and it can be predicted by computer programs for any number of days greater than one. For regulatory purposes, the Noise Standards require the use of an annualized CNEL for noise problem airports.

Q3. What do the Noise Standards require, and upon whom is the requirement imposed?

A3. The Noise Standards impose upon the airport proprietor the requirement that there be no incompatible land uses such as residences, schools, hospitals, or places of worship (unless deemed other than incompatible pursuant to Section 5014 of the regulations) inside the noise contour line having a CNEL value of 65 decibels (dB), unless the airport proprietor has applied for or received a variance. The summation of the incompatible land use inside the 65 dB CNEL contour is called the Noise Impact Area. When the Noise Impact Area is greater than zero, the airport proprietor is required to seek a variance from the California Department of Transportation in accord with provisions of the Noise Standards.

Q4. What is a variance, and how does it work?

A4. A variance is an administrative procedure that is included internally in the Noise Standards to allow an airport proprietor additional time to meet the basic requirement in the Noise Standards. The variance process does not provide a permanent forgiveness of compliance. It does take into account the fact that the land use patterns and the types of aircraft using the facilities differ greatly from one airport to another. A variance is more like a time extension during which an airport proprietor can work toward, or achieve, compliance with the basic requirement for a zero Noise Impact Area. Implementation of the Noise Standards must give consideration to the economic and technologic feasibility of compliance. An airport proprietor must request the variance, and the Department of Transportation must consider information pertinent to the situation in accord with guidelines given in the Noise Standards. Appropriate conditions can be, and commonly are, attached to a variance decision requiring the development of programs to reduce the Noise Impact Area over a reasonable period of time.

Q5. In general, what are the guidelines and limits to conditions that the Department may include in a variance decision?

A5. Guidelines contained in the Noise Standards provide that conditions require the airport proprietor to develop and implement programs to reduce the Noise Impact Area to an acceptable degree, in orderly manner, over a reasonable period of time. These general guidelines are intentionally flexible and can be interpreted differently in different airport situations. The Department is also bound by the general guideline that conditions must be written so that compliance with them is economically and technologically feasible. The Department has also learned through litigation that its authority does not extend into the realm of controlling an aircraft in flight. Conditions attached to a variance decision cannot regulate such things as the maximum noise level of an aircraft in flight, the route of an aircraft, the altitude of an aircraft, the time of day of the flight of an aircraft (curfew), the procedures used by the flight crew, and other similar restrictions affecting the flight of an aircraft. Such matters are preempted by Federal Law.

Q6. Who has the right to request a hearing concerning an application for a variance to the Noise Standards?

A6. This Department, or any person or governmental agency residing, owning property within, or having jurisdiction over, the Noise Impact Area may request a hearing. The hearing is required by law to be held under the provisions of the Administrative Procedure Act. An Administrative Law Judge would preside over the hearing, and each party to the hearing has the right to be represented by counsel. This type of hearing is similar to a court proceeding. Each witness must be sworn to tell the truth, is subject to the provisions of law regarding perjury, and may be cross-examined by the attorneys representing any or all of the other parties depending on the nature of the testimony. Although this process is lengthy and expensive, it affords a high degree of protection to all parties.

Q7. In the event a hearing is held, who is allowed to intervene and become a party to the hearing in addition to the applicant (the airport involved) and the Department of Transportation?

A7. The Administrative Law Judge conducting the hearing would decide who would be allowed to intervene. The rules for intervention are not a part of the Noise Standards.

Q8. Is noise monitoring required by the Noise Standards, and if so, how large must the noise monitoring system be?

A8. Yes, noise monitoring is required to be accomplished by the airport proprietor if reasonable certainty exists that the Noise Impact Area is greater than zero. The purpose of the mandatory noise monitoring is to validate the location of the Noise Impact Boundary (the 65 dB CNEL contour line) in areas devoted to incompatible land uses, such as residences, schools, hospitals, and places of worship. The combined use of computer modeling and noise measurements is considered the "state of the art" for accomplishing the required accuracy tolerance for locating the Noise Impact Boundary. Remotely located noise monitoring sites, that are not necessary for the location of the Noise Impact Boundary, are a discretionary matter for the airport proprietor involved. The Noise Standards encourage, but do not require, the use of noise monitoring systems that are more extensive or more sophisticated than the requirements imposed in the Noise Standards.