

SECOND REGULAR SESSION

HOUSE BILL NO. 2165

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEMPSEY.

Read 1st time March 13, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4952L.011

AN ACT

To amend chapter 305, RSMo, by adding thereto one new section relating to regulation of aviation noise.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 305, RSMo, is amended by adding thereto one new section, to be
2 known as section 305.588, to read as follows:

305.588. 1. For the purposes of this section, the following terms shall mean:

2 (1) "Authority", the Missouri-St. Louis metropolitan airport authority;

3 (2) "dB", decibel, the usual unit for measuring the relative loudness of sounds,
4 measured on the A scale;

5 (3) "FAA", the Federal Aviation Administration;

6 (4) "Ldn", the three hundred sixty-five day average, in decibels, of day-night
7 average sound levels generated by aircraft flight operations associated with Lambert-St.
8 Louis International Airport, calculated in the manner prescribed in 14 C.F.R. part 150
9 (1985);

10 (5) "Leq(24)", the three hundred sixty-five day average of the steady A-weighted
11 sound level in decibels over a twenty-four hour period that has the same acoustic energy
12 as the fluctuating noise during that period which is generated by aircraft flight operations
13 associated with Lambert-St. Louis International Airport;

14 (6) "Noise contours", 65 Ldn over all real property that is part of Lambert-St.
15 Louis International Airport, and other appropriate areas as determined by rule of the
16 Missouri-St. Louis metropolitan airport authority; and

17 (7) "Noise exposure level", noise at various locations resulting from aircraft flight
18 operations at Lambert-St. Louis International Airport, as measured in terms of dB, Ldn,

19 or Leq.

20 **2. The State of Missouri hereby recognizes that noise generated by aircraft flight**
21 **operations constitutes a primary concern of the citizens of the Missouri-St. Louis**
22 **metropolitan area. The State of Missouri concludes that the 65 Ldn noise contours and**
23 **31.4 to 51.7 Leq(24) noise exposure performance standards set forth in subsection 3 of this**
24 **section constitute acceptable, necessary, and appropriate standards for maximum noise**
25 **exposure levels. The State of Missouri recognizes that it is vitally important that the**
26 **operation of Lambert-St. Louis International Airport result in actual noise exposure levels**
27 **which conform to those standards.**

28 **3. The noise exposure performance standards (NEPS) for operation of Lambert-St.**
29 **Louis International Airport are hereby established as follows:**

30 **(1) The 65 Ldn noise contour actually produced by aircraft flight operations,**
31 **determined on an annual basis, shall cover all real property of Lambert-St. Louis**
32 **International Airport, and other property as the Missouri-St. Louis metropolitan airport**
33 **authority (authority) and the department of public safety deem appropriate by rule; and**

34 **(2) The NEPS shall be no less than 31.4 and no more than 51.7 Leq(24) in areas to**
35 **be determined by the Missouri-St. Louis metropolitan airport authority. The authority**
36 **shall zone the various areas of the airport and surrounding community and shall attach**
37 **an Leq(24) value for that zone between 31.4 and 51.7, as deemed appropriate by the**
38 **authority for the location of that zone. The Leq(24) value actually produced each year in**
39 **any selected zone by aircraft flight operations shall not exceed the NEPS Leq(24) for that**
40 **zone.**

41 **4. As part of the operation of Lambert-St. Louis International Airport, the airport**
42 **shall install and operate a noise monitoring system capable of recording noise levels**
43 **sufficient to calculate Ldn noise contours and Leq(24) values for the purpose of monitoring**
44 **and enforcing the NEPS. The noise monitoring system shall consist of the following:**

45 **(1) Permanent noise monitoring stations shall be established and maintained in the**
46 **noise-sensitive areas for which NEPS Leq(24) have been established by the authority in**
47 **such a way that each zone for which a NEPS has been established shall be no more than**
48 **one and one-half miles from a monitoring station;**

49 **(2) The noise monitoring system shall be operated continuously and the data**
50 **generated by the system shall be made available to the authority on a real-time, continuous**
51 **basis. Lambert-St. Louis International Airport shall publish data in quarterly reports, to**
52 **which the authority shall have immediate access; and**

53 **(3) The data generated by the noise monitoring system shall be used to calculate on**
54 **an annual basis, beginning July 1, 2003, the actual 65 Ldn noise contours and the actual**

55 Leq(24) values in the zones determined by the authority, in order to determine compliance
56 by Lambert-St. Louis International Airport with the NEPS established in subsection 3 of
57 this section.

58 **5. Actual noise exposure levels which deviate from the NEPS in the following**
59 **manner shall be considered violations of the NEPS, each deviation being a separate**
60 **violation:**

61 **(1) A class I violation shall mean an actual Leq(24) value for any zone which**
62 **exceeds the Leq(24) NEPS for that zone by two dB or less. Upon determination of a class**
63 **I violation based on noise monitoring data as provided in subsection 4 of this section, the**
64 **authority shall examine data concerning actual aircraft types, flight paths, weather, noise**
65 **monitoring and other appropriate information to determine the probable cause of the**
66 **violation. The authority shall determine and immediately implement all corrective actions**
67 **necessary to prevent recurrence of a class I violation. Within one hundred eighty days of**
68 **the determination of the cause of the violation, the authority shall report the causes of class**
69 **I violations and identify corrective actions taken;**

70 **(2) A class II violation shall mean:**

71 **(a) An actual Leq(24) value for any zone which exceeds the NEPS Leq(24) for that**
72 **zone by more than two dB; or**

73 **(b) An actual 65 Ldn noise contour which extends over land not included within**
74 **the areas zoned by the authority.**

75

76 **Upon determination of a class II violation based on noise monitoring data as provided in**
77 **subsection 4 of this section, the authority may send a written notice to the general**
78 **assembly. Upon such notice, the general assembly may undertake a study to determine if**
79 **the NEPS was violated due to extraordinary weather conditions or unusual military**
80 **activity at Lambert-St. Louis International Airport during the year of monitoring. If**
81 **within sixty days of the notice of violation, the general assembly approves a determination**
82 **by the authority that the violation was caused by extraordinary weather or unusual**
83 **military activity, the provisions of subdivision (1) of this subsection shall apply. If the**
84 **general assembly does not approve such a determination, the enforcement provisions of**
85 **subsection 6 of this section shall apply.**

86 **6. The following enforcement process shall be followed whenever a class II violation**
87 **of the NEPS has occurred:**

88 **(1) The authority shall petition the Missouri attorney general to seek an**
89 **appropriate injunction or monetary penalty. The authority shall also request the Federal**
90 **Aviation Administration (FAA) to change whatever flight procedures or airport operations**

91 are necessary to achieve and maintain the NEPS;

92 (2) In the event of a failure by the FAA to take action to achieve the NEPS, the
93 authority shall coordinate with the director of the department of public safety to
94 promulgate any rules and regulations necessary to achieve and maintain the NEPS. No
95 rule or portion of a rule promulgated pursuant to the authority of this section shall become
96 effective unless it has been promulgated pursuant to chapter 536, RSMo. The FAA shall
97 be deemed to have failed to act if it has not stated its intention to implement changes to
98 achieve and maintain the NEPS within one hundred eighty days of the date of request;

99 (3) If the provisions of subdivisions (1) and (2) of this subsection do not succeed in
100 prompting Lambert-St. Louis International Airport to achieve and maintain the NEPS, the
101 authority may issue an order assessing an administrative penalty of two hundred fifty
102 thousand dollars for each class II violation.

103 7. The authority and department of public safety shall include in any rules and
104 regulations a schedule of additional use charges to be assessed for any violation of such
105 rules and regulations.