

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P2:01

SENATE

RECEIVED BY: 

S. B. No. 170

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

There is no law which prescribes a uniform system for determining noise impact at airports taking into account the characteristics of an area, including its proximity to an airport and its non-aircraft background noise. This is important to protect the public against significant disturbances in human activities such as sleep and rest.

This bill prescribes aviation noise limits, provides for its management and reduction especially in the surrounding residential areas, and provides for a staged plan which involves zoning, land use planning and relocation.

Thus, immediate passage of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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**AN ACT
PROVIDING FOR AVIATION NOISE MANAGEMENT AND REDUCTION
IN RESIDENTIAL AREAS**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Short Title.** - This Act shall be known as the "Aviation Noise Limit Act".

SEC. 2. **Declaration of Policy.** - The State shall protect public health by determining noise impact of residential areas near airports and by establishing programs for the management of noise levels. The State shall also ensure the constitutionally protected right of quiet enjoyment of private property.

SEC. 3. **Definition of Terms.** - For the purposes of this Act, the following definitions shall apply:

- (1) **Airspace traffic change** - a change in aircraft flight paths, operating procedures, nature of aircraft, and quantity of aircraft traffic which is applicable in normal circumstances.

- (2) Average sound level - the level, in decibels, of the mean square, A weighted sound pressure during a specified period, with reference to the square of the standard reference sound pressure of 20 micropascals.
- (3) Background sound level - hourly average sound level, in decibels, measured at a site representative of a relatively quiet residential location within an area (with aircraft noise contributions excluded).
- (4) Day-night average sound level - hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of 10 decibels to sound levels during nighttime hours.
- (5) Nighttime hours - periods between midnight and 7:00 a.m. and between 10:00 p.m. and midnight local time.
- (6) Normal circumstances - all circumstances other than unusually adverse weather and emergency circumstances.
- (7) Single event maximum sound level - the level, in decibels, of the maximum A-weighted sound pressure during an aircraft overflight obtained using a standard sound level meter under a slow response setting.
- (8) Vicinity of an airport - the geographic area surrounding an airport established before the effectivity of this Act described nominally as follow:
 - (a) The area extending in all directions a distance of 1.5 miles from each runway established before such date of effectivity.

- (b) The rectangular area defined by drawing a straight center line a distance of 4 miles from the end of each runway established before such date of the effectivity in the direction of heaviest traffic and extending 1.5 miles perpendicular from the center line on each side of such runway.

SEC. 4. **Aviation Noise Limits.** – The Air Transportation Office of the Department of Transportation and Communications shall develop a medium-term plan to reduce by at least seventy-five percent (75%) the number of individuals residing in residential areas in the vicinity of an airport who are exposed to a yearly day-night average sound level of sixty (60) decibels or above. In developing such plan, the Air Transportation Office shall consider various methods for aviation noise reduction, including soundproofing, relocation incentives, use of quieter aircraft, operations restrictions and revision of air routes.

As part of the plan to be developed pursuant to the preceding paragraph, the Air Transportation Office shall make recommendations on actions and policy changes on the part of departments and agencies of the government which could assist in meeting the objective described in paragraph 1 of this section.

SEC. 5. **Management and Reduction of Aviation Noise in Other Areas.** - Beginning on the date of the effectivity of this Act, the Air Transportation Office may make an airspace traffic change only if the

change will not result in an increase in aviation noise in violation of the next succeeding section.

SEC 6. **Requirements.** - Non-compliance with any of the following requirement, which apply only to residential areas that are not in the vicinity of an airport, shall be considered a violation of this Act:

- (a) Hourly Average Sound Level – The hourly average sound level, with combined aviation and non-aviation sources, over any one (1) hour period may not exceed six (6) decibels above the background sound level for such one (1) hour period.
- (b) Single Event Maximum Sound Level – Under normal circumstances, the single event maximum sound level –
 - (i) May not exceed seventy (70) decibels;
 - (ii) during nighttime hours, may not exceed fifty five (55) decibels; and
 - (iii) may not be more than twenty (20) decibels above the background sound level for the one (1) hour period in which the event occurs.

The requirement of this paragraph shall be considered to have been met if there are no more than three (3) violations of the limits contained in this subparagraph in a 24-hour period.

- (c) Day-Night Average Sound Level – If the day-night average sound level, with combined aviation and non-

aviation sources, exceeds forty five (45) decibels, then aviation activity may not contribute more than three (3) decibels to such sound level.

SEC. 7. ***Determination of Vicinity of Airport.*** – If the location of the airport is substantially different from the geographic areas as defined by this Act, an airport operator, may on or before the 180th day following the effectivity of this Act, transmit to the Air Transportation Office for approval alternative boundaries of the vicinity of the airport which conform to the ground noise distribution of the airport; except that the geographic area enclosed by such alternative boundaries may not include an area with a day-night average sound level of less than sixty (60) decibels for the one (1) year period ending on the date of the effectivity of this Act.

In the event that an airspace traffic change or other action makes it unfeasible or impracticable to meet the sound level limits prescribed by this Act within a residential area, then such area may be added to the area considered to be in the vicinity of the airport upon acquisition of the property or by acquisition of easements of the property by the airport operator.

Not later than one (1) year after the date of the effectivity of this Act, the Air Transportation Office through the Department of Transportation and Communications shall transmit to Congress a report containing the plan to be developed and a description of actions taken with respect to airspace changes together with recommendations for appropriate administrative and legislative actions.

SEC. 8. **Responsibility of Secretary of Transportation and Communications.** - In complying with this Act, the Secretary of Department of Transportation and Communications shall assume responsibility for all non-military aviation activity, within and outside controlled airspace, and shall regulate such activity to ensure compliance with the requirements of this Act.

SEC. 9. **Separability Clause.** - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 10. **Repealing Clause.** - All laws, decrees, executive orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. **Effectivity Clause.** - This Act shall take effect fifteen (15) days following its complete publication in two newspapers of general circulation.

Approved,

GVL/tmd/gulaviation noise limit