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Airport Noise Pollution: A Bibliography of its Effects on People and Property

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Book Review

AIRPORT NOISE POLLUTION: A BIBLIOGRAPHY OF ITS EFFECTS ON PEOPLE AND PROPERTY. By Richard L. King. New Jersey: Scarecrow Press, Inc. 1973 Edition. pp. 380.

The impact of aviation on the environment is evident in the rising public concern regarding noise, air pollution, water pollution, esthetics, congestion, ecological disturbances, and meteorological changes. Of these unwanted by-products, noise is probably the most irritating and most responsible element for the rising opposition to further growth of the aviation system. Aircraft noise brought about increased pressure to limit flight operations, restrict flight paths, and impose night curfews. Airport operators are faced with suits for personal injuries and property damage arising from aircraft noise which have the potential of involving multimillion dollar judgments. Moreover, governmental actions taken not only at the federal level, but also at state and local levels, to combat noise and noise-related problems can have disconcerting multinational effects by potentially bringing about the proliferation of conflicting standards affecting international civil aviation.

Neither *Airport Noise Pollution* nor its author purport to solve the above-mentioned problems. *Airport Noise Pollution* does not intend to be a learned and profound treatise that injects new ideas and approaches into a subject area that defies clear-cut solutions. Rather, this bibliography, which originated as the author's attempt at educating members of the bar on the nature of noise and its effect on human health and property, and notwithstanding the fact that it was published nearly three years ago, can serve as a valuable research tool to be used by the legal profession as well as by other professions engaged in remedial and prophylactic urban and airport planning and as a departure point for further study.

To facilitate its usefulness, the author has divided the bibliography into particular topic categories: a general review of the noise pollution problem; aircraft noise pollution, emphasizing the generation and propagation of aircraft noise; airport noise pollution; the

impact of noise pollution on human health; and the impact of noise pollution on property values. Lastly, Appendix I provides a listing of organizations concerned with noise pollution research and control, including federal, state, and local governmental agencies, universities and research institutions, professional associations, civic, international, and foreign organizations, and business organizations. While the coverage in each of the above topic areas appears to be comprehensive, Chapter 2, which relates to aircraft noise pollution, is somewhat deficient in that the author has elected not to include material pertaining to the engineering and aerodynamics of aircraft noise and noise abatement. While most who utilize this work in their research may lack substantive training in or knowledge of these areas, this material is no less important by virtue of the fact that Section 611 of the Federal Aviation Act of 1958¹ requires the Federal Aviation Administration, in establishing noise standards and regulations through a formal consultative process with the Environmental Protection Agency, to consider "relevant available data relating to aircraft noise . . . including the results of research, development, testing, and evaluation activities . . .;" to consider "whether any proposed standard or regulation is consistent with the highest degree of safety . . .;" and to consider "whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply. . . ."

Moreover, while the author cites the 1962 and 1963 congressional hearings and reports on aircraft noise, apparently for the purpose of indicating that aircraft noise has been of major concern to the Congress for some time,² he fails to make reference to the more recent congressional hearings held and reports published prior to the publication of this work.³

Despite the general comprehensiveness and utility of Mr. King's work, this reviewer must confess that he was disturbed at the outset

¹ 49 U.S.C. § 1431 (1970).

² R. KING, AIRPORT NOISE POLLUTION, Source Listings 345 and 346 (1973).

³ *Hearings on H.R. 5275, H.R. 923, H.R. 3364, H.R. 6002, H.R. 6986, and H.R. 6988 Before the Subcomm. on Public Health and Environment of the House Comm. on Interstate and Foreign Commerce*, 92d Cong., 2d Sess. (1972); *Hearings on S. 1016 and S. 1566 Before the Subcomm. on the Environment of the Senate Comm. on Commerce*, 92d Cong., 2d Sess. (1971); H.R. REP. NO. 842, 92d Cong., 2d Sess. (1972) and S. REP. NO. 1160, 92d Cong., 2d Sess. (1972).

by what appeared to be a considerable bias on the part of its author. It is this writer's opinion that a bibliography that has been prepared for the author's stated purpose of educating members of the bar should strive for total impartiality and objectivity. Certain unsubstantiated and unprovable remarks contained in the Foreword and Introduction, however, can lead even the most reasonable person to conclude that the presentation that follows in the remaining 300-plus pages fails to attain this desired goal. Remarks such as:

... my attempted contribution has been in providing a prod to the government agencies who should be protecting the public but instead protect the noise-makers.⁴

or

The role of the U.S. Federal Aviation Administration in noise control is but another chapter in the *sad abdication, when not corruption*, of the function of regulatory agencies in their appointed roles. The FAA considers that its duty is to keep the airlines flying and admits to no duty to protect those on the ground except by [sic] falling airplanes.⁵ (emphasis added)

or

The FAA has played games with the courts as with the Congress.⁶

or

Only as a consequence of regulatory control by the Federal Aviation Administration, and massive infusions of public monies into aeronautical noise research by the National Aeronautics and Space Administration, have airline companies acknowledged their responsibilities as major polluters of the environment.⁷

are not only factually incorrect and overly simplistic, but do not deserve placement in a supposedly pristine research aid. Airport noise pollution and airport noise law are extremely complex areas that affect both the physical and economic health of the nation and the world. There are perhaps only two simplistic statements that can safely be made about them: first, nobody likes airport noise; and second, our legal, technological, and political bases that have here-

⁴ R. KING, AIRPORT NOISE POLLUTION, at 12 (1973).

⁵ *Id.*, at 13.

⁶ *Id.*, at 13.

⁷ *Id.*, at 16.

tofore been utilized in confronting airport noise have, for the most part, been grossly inadequate.

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** The views expressed in this article are solely those of the author and do not reflect those of the Federal Aviation Administration or the Department of Transportation.