

STATE OF NEW YORK

3063

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. KIM -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to airport noise studies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 13 of the public health law is amended by adding a
2 new title 14 to read as follows:

TITLE XIV

AIRPORT NOISE STUDIES

3 Section 1389-hh. Legislative findings and purposes.

4 1389-ii. Definitions.

5 1389-jj. Airport noise studies.

6 § 1389-hh. Legislative findings and purposes. 1. The legislature here-
7 by finds, determines, and declares that noise pollution causes a variety
8 of adverse human health impacts, many of which are related to noise
9 induced stress including hearing loss, hypertension, tachycardia,
10 increased cortisol release, sleep disruption, and cognitive impairment.

11 2. The legislature further finds and recognizes that the federal envi-
12 ronmental protection agency and the World Health Organization have
13 recommended a fifty-five day-night average sound level (DNL) noise expo-
14 sure level to protect the public from adverse human health impacts.

15 3. The legislature further finds and recognizes that the federal
16 aviation administration accepts as a metric for determining noise
17 impacts the community noise equivalent level (CNEL).

18 4. The legislature further finds that the community noise equivalent
19 level (CNEL) includes a penalty for increased sensitivity to noise
20 occurring during evening hours which are set aside for family and
21 student study time.

22 5. For these purposes, there shall be established a uniform metric for
23 measuring noise impacts that will be used by airports in New York state
24

25 EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 for the purpose of noise exposure maps (NEMs) and noise compatibility
2 programs (NCPs).

3 § 1389-ii. Definitions. For the purposes of this title, the following
4 definitions shall apply:

5 1. "Community noise equivalent level" (CNEL) means, in decibels, the
6 average daytime noise level during a twenty-four hour period, adjusted
7 to account for the lower tolerance of noise during evening and nighttime
8 periods in relation to daytime periods.

9 2. "Hourly noise level daytime" (HNLD) means, in decibels, the hourly
10 noise levels for the hours of 0700-1900.

11 3. "Hourly noise level evening" (HNLE) means, in decibels, the hourly
12 noise levels for the hours of 1900-2200.

13 4. "Hourly noise level nighttime" (HNLN) means, in decibels, the hour-
14 ly noise levels for the hours of 2200-0700.

15 § 1389-jj. Airport noise studies. 1. For the purpose of airport noise
16 studies, all contour maps shall be completed using the community noise
17 equivalent level. This shall include, but shall not be limited to,
18 federal aviation regulation part one hundred fifty studies, airport
19 noise exposure maps (NEMs), and airport noise compatibility programs
20 (NCPs).

21 2. The community noise equivalent level (CNEL) shall be calculated by
22 the following: $CNEL = 10 \log (1/24) (\{\sigma\} \text{antilog} (HNLD/10) + 3$
23 $\{\sigma\} \text{antilog} (HNLE/10) + 10 \{\sigma\} \text{antilog} (HNLN/10))$.

24 § 2. This act shall take effect immediately.