STATE OF NEW YORK

934

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, LIU, SANDERS -- read twice and ordered printed, and when printed to be committed 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:

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

TITLE XIV

AIRPORT NOISE STUDIES

Section 1389-hh. Legislative findings and purposes.

1389-ii. Definitions.

1389-jj. Airport noise studies.

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

2. The legislature further finds and recognizes that the federal environmental protection agency and the World Health Organization have recommended a fifty-five day-night average sound level (DNL) noise exposure level to protect the public from adverse human health impacts.

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

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

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

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5. For these purposes, there shall be established a uniform metric for measuring noise impacts that will be used by airports in New York state for the purpose of noise exposure maps (NEMs) and noise compatibility programs (NCPs).

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.