

HR 5106: The Restore Everyone's Sleep Tonight (REST) Act of 2019

Sponsored by Rep. Jackie Speier

This legislation addresses the lack of federal law that would allow an airport to reduce harmful noise impacts on nearby communities. The REST Act will restore the ability of airports around the nation to impose access restrictions (curfews) during specified hours. The permissible hours set forth in the bill are from 10 p.m. to 7 a.m. or any time therein.

- The problem: For many years, members from around the country have received an escalating number of complaints about late night and early morning flights and associated noise from airports. The improving economy, adoption of NextGen technology that concentrates flights along narrow paths rather than spreading them out, and ever-growing overseas flights are among many factors contributing to the increased noise. While any of these may contribute to the problem, the core factor is faulty law. It fails to meaningfully decrease noise impacts or provide airports with the same tools for noise reductions that work at airports in foreign nations.
- Current law establishes noise standards and policies relying upon an annual average noise impact within a community. Noise contours are drawn based upon the annual values of the noise impact in a community and within these contours, airports are allowed **to receive FAA grant** money to reduce noise impacts.
- Residents do not experience noise on an average annual basis. They experience it in the moment and, in many cases, during the hours otherwise dedicated to sleep and whether or not the overall annual average noise from airport operations exceed an established standard.
- The 1990 Airport Noise and Capacity Act (ANCA) restricted certain commercial airports from unilaterally establishing new curfews, or access to restrictions to combat noise impact. Already existing curfews or restrictions to access at several airports in the United States were grandfathered in and largely exist today. Examples include but are not limited to John Wayne Airport, San Diego International Airport and San Jose International Airport. International examples of curfews and access restrictions are plentiful including but not limited to London's Heathrow Airport. While the details of a given curfew or access restriction vary between airports, the overall impact is to reduce noise during times when relief from airport operations is needed.
- ANCA provided an FAA process for an airport to request a curfew or access restriction. However, that process is so onerous that no major United States commercial airport has prevailed, despite efforts by committed and well-funded recent applicants such as Los Angeles International Airport.

- The REST Act will permit an airport to create a curfew and penalties without requiring the airport to seek permission from the FAA or the Department of Transportation or any other entity.
- It will require exceptions to the allowable penalties for emergency flights, flights delayed due to weather, and for public safety purposes.
- 14 CFR 161 lists the conditions upon which permission for a new curfew is based: the restriction is reasonable, nonarbitrary, and nondiscriminatory; the restriction does not create an undue burden on interstate or foreign commerce; the proposed restriction maintains safe and efficient use of the navigable airspace; the proposed restriction does not conflict with any existing federal statute or regulation; the applicant has provided adequate opportunity for public comment on the proposed restriction; and the proposed restriction does not create an undue burden on the national aviation system.