

740 CMR: MASSACHUSETTS PORT AUTHORITY

740 CMR 25.00: SPECIAL PROVISIONS - L.G. HANSCOM FIELD

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25.01: Definitions

Whenever used in 740 CMR 25.00, the following terms shall have the meanings indicated below:

Aircraft - a device that is used or intended to be used for flight in the air. As used in 740 CMR 25.00, the term aircraft shall not be deemed to include aircraft owned by the United States and operated by a branch of the United States Armed Forces.

Auxiliary Power Unit (APU) - a generating device installed in an aircraft which provides electrical power for that aircraft while on the ground.

Engine Run-up - any operation of a stationary aircraft engine above idle power except to overcome inertia for taxiing.

Executive Director - the Executive Director of the Massachusetts Port Authority or such person or persons the Executive Director shall designate in writing to perform the duties of office hereunder.

Ground Power Unit (GPU) - a mobile generating device to provide electrical power for an aircraft while on the ground.

Maximum Certificated Gross Takeoff Weight - maximum gross weight for which the aircraft type is certificated by the FAA for a takeoff operation.

Operation - an aircraft takeoff or a landing.

Operator - a person, firm or corporation operating or controlling the operation of an aircraft, or the owner of the aircraft.

Touch-and-go operations - a landing during which power is applied during the landing roll and a subsequent takeoff results.

25.02: Noise Abatement Operating Restrictions

(1) No fixed wing aircraft with a maximum certificated gross takeoff weight greater than 12,500 pounds shall conduct an operation at Hanscom Field, other than an operation necessitated by an in-flight emergency, unless that aircraft is certificated for compliance with applicable noise emission standards established in Part 36 of the Federal Aviation Regulations ("FAR Part 36"). For purposes of 740 CMR 25.00 an aircraft shall be treated as certificated for compliance with FAR Part 36 if it is a fixed wing aircraft which had flight time prior to December 31, 1974, and a showing is made to the reasonable satisfaction of the Executive Director that its noise level on takeoff is less than the FAR Part 36 noise level for aircraft of its weight first flown subsequent to December 31, 1974.

To make the showing of Part 36 equivalence called for in the foregoing paragraph an operator of the aircraft shall produce the following documentation satisfactory to the Executive Director:

- (a) certificate indicating date of manufacture; and

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(b) 1. noise emission measurement data taken during test conditions approved by the FAA or which have been published in an FAA Advisory Circular as the noise emission measurement or FAA estimated noise measurement for the aircraft type in question for FAR Part 36 comparison purposes.

2. if 740 CMR 25.02(1)(b)1. is unavailable, noise emission data and calculations which demonstrate to the Executive Director probable compliance with the applicable FAR Part 36 noise level for takeoff at the aircraft's certified maximum gross takeoff weight are acceptable. If this alternative method is the basis for obtaining permission to operate at Hanscom Field, such permission may be revoked if subsequent measurement of its takeoff noise at Hanscom Field exceeds the applicable FAR Part 36 takeoff noise level. The measurement shall be taken at the takeoff position with wind, humidity and temperature conditions meeting the allowable FAR Part 36 conditions. For the purpose of this determination, if the A-weighted sound is measured, the EPNL is deemed to be 4 dB greater than the A-weighted sound exposure level.

(2) Deferred compliance and substituted surcharges for certain aircraft: An aircraft otherwise prohibited from operating at Hanscom under 740 CMR 25.02(1), but which conducted no fewer than ten takeoff operations at Hanscom during calendar year 1979, may continue to be operated at Hanscom until December 31, 1985, by the operator operating in 1979, subject to a field use surcharge for each takeoff operation in excess of a number established by the following schedule:

(a) Takeoff Operations Exempted From Surcharge Shall Be The Total Number of Takeoff Operations in 1979 Multiplied by the Following Percentage

July - December, 1980	- 50%
Calendar Year 1981	- 100%
Calendar Year 1982	- 80%
Calendar Year 1983	- 60%
Calendar Year 1984	- 40%
Calendar Year 1985	- 20%

(b) Surcharge For Each Operation In Excess of Maximum Allowable.

July - December, 1980	\$50.00
Calendar Year 1981	50.00
Calendar Year 1982	50.00
Calendar Year 1983	100.00
Calendar Year 1984	100.00
Calendar Year 1985	200.00

(c) A statement as to the number of actual operations conducted in the calendar year 1979 by the particular aircraft in question must be submitted to the Executive Director prior to any grant of exemption hereunder and must be verified by any of the following documents in form satisfactory to the Authority:

1. records maintained by fixed base operators providing services to the aircraft in question at the time of each operation.
2. pilots' logs maintained in the normal course of business which reflect actual times and dates of operations.
3. corporate records maintained in the normal course of business indicating the date and extent of the actual operations conducted by the aircraft in question.

(d) The Executive Director shall review this statement together with supporting documentation and advise the operator within 30 days of the date of receipt as to whether the aircraft is found to qualify for deferred compliance as well as the base number of takeoff operations to be conducted by that aircraft and without impositions of the special surcharge. These surcharge exemptions apply to particular aircraft and may not be transferred.

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(3) Surcharge for certain itinerant aircraft: An aircraft which is prohibited from operating at Hanscom under 740 CMR 25.02(1) and which does not qualify for deferred compliance under 740 CMR 25.02(2) shall be exempt from the prohibition for no more than four operations per calendar year, subject to a payment of the following field use surcharges for each takeoff:

July - December, 1980	\$50.00
Calendar Year 1981	50.00
Calendar Year 1982	50.00
Calendar Year 1983	100.00
Calendar Year 1984	100.00
Calendar Year 1985	200.00

25.03: Other Aircraft Use Restrictions

No person, including an air carrier or a foreign air carrier, shall conduct at Hanscom an operation in commercial air passenger service in an aircraft with a seating capacity of greater than 60 seats.

25.04: Nighttime Operations

(1) Notwithstanding any other fees which may be applicable to such operations, any aircraft operating at Hanscom between the hours of 11:00 P.M. and 7:00 A.M. ("nighttime hours") shall pay a nighttime field use charge to the Authority within 30 days of each operation, in accordance with the following schedule:

<u>Aircraft Type</u>	<u>charge</u>
Aircraft 12,500 lbs. and less	\$ 30.00
All other aircraft	\$ 220.00

Such schedule shall be adjusted annually effective July 1, in accordance with and to reflect in direct proportion any increase in the Consumer Price Index For All U.S. Cities ("CPI") published by the U.S. Department of Labor, Bureau of Labor Statistics (or such other consumer price index as may reasonably be deemed appropriate by the Authority) since the most recent July adjustment.

The Executive Director shall calculate the annual adjustment and establish the resulting nighttime field use charges in accordance with 740 CMR 25.04. Notice of the nighttime field use charges shall be published in a City of Boston newspaper and filed with the Secretary of State for publication in the Massachusetts Register prior to their effective date.

(2) An aircraft shall pay double the applicable charge for each nighttime operation in excess of five nighttime operations in a calendar year.

(3) Exemption: An aircraft regularly based at Hanscom Field will be exempted from this field use charge for a particular operation upon completion of a report in a form satisfactory to the Executive Director setting forth reasons of a mechanical, weather, or air traffic nature on account of which the arrival or departure of the aircraft was delayed from a reasonably estimated time of arrival or departure outside of the 11:00 P.M. to 7:00 A.M. nighttime hours.

25.05: Miscellaneous Restrictions

(1) Aircraft engine run-ups shall be conducted only with the express prior approval of the Executive Director and only in those areas of the airport specifically designated for such purpose by the Executive Director.

(2) "Intersection takeoffs" by aircraft with a maximum certificated gross takeoff weight of 12,500 pounds or greater are prohibited.

(3) Touch-and-go operations shall not be performed by aircraft with a maximum certificated gross takeoff weight of 12,500 pounds or greater.

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- (4) Aircraft touch-and-go operations are prohibited between the hours of 11 P.M. and 7 A.M.
- (5) Auxiliary Power Units (APU's) and Ground Power Units (GPU's) shall not be utilized outside hangars by any aircraft between the hours of 11:00 P.M. to 7:00 A.M. unless part of takeoff procedures or as part of necessary maintenance procedures. Such run-ups shall only be conducted in areas designated by the Executive Director for this purpose. Between the hours of 7:00 A.M. to 11:00 P.M., the duration of such unit operation is limited to 30 minutes and shall be conducted only in those areas of the airport specifically designated for such purpose by the Executive Director.

25.06: Special Administrative Provisions

- (1) The Executive Director may waive any prohibition or restriction contained in 740 CMR 25.00 on a showing that such waiver is necessary to meet an unusual and non-recurrent need which is affected with the public interest and cannot reasonably be accommodated at another airport.
- (2) The Executive Director shall cause to be prepared a report which shall constitute a review of the effect of this rule on the noise environment at Hanscom Field. This review shall be based on data to be collected continuously and reviewed 18 months after the adoption of this rule and at regular intervals thereafter.

25.99: Penalties for Violations

- (1) For violation of 740 CMR 25.02: \$250.00 per operation.
- (2) For violation of 740 CMR 25.03: \$2000.00 per operation.
- (3) For violation of 740 CMR 25.04: \$300.00 per operation.
- (4) For violation of 740 CMR 25.05:
 - (a) First offense - warning or fine not to exceed \$50.00.
 - (b) Second offense within 12 months of the first offense - fine not less than \$75.00 and not more than \$150.00.
 - (c) Additional subsequent offenses within 12 months of the second subsequent offense - fine not less than \$200.00 and not more than \$350.00.
 - (d) For purposes of 740 CMR 25.99(4) all fines shall be assessed against aircraft operators and shall take into account cumulative infractions incurred by agents and employees of that operator. Infractions of one numbered paragraph of 740 CMR 25.05 shall not be cumulated with infractions of other numbered paragraphs for purposes of applying the schedule of penalties.

REGULATORY AUTHORITY

740 CMR 25.00: St. 1956, c. 465