

**Key West International Airport
Ad-hoc Committee on Airport Noise**

Agenda for Tuesday, April 3rd, 2012

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
 - 1. For February 14th, 2012
- B. Discussion of Part 150 Study Update -
 - 1. Role of the FAA and the Part 150 Process
 - 2. Noise Monitoring
 - 3. Data Collection
 - 4. Fleet Mix Change Noise Comparison
 - 5. Robert Gold's Proposal
- C. Other Reports:
 - 1. Noise Hotline and Contact Log
 - 2. Airport Noise Report
- D. Any Other Discussion
- E. Next meeting: June 5th, 2012

2012 Schedule of Meetings

February 14 th	April 3 rd	June 5 th
August 7 th	October 2 nd	December 4 th

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".



KEY WEST INTERNATIONAL AIRPORT AD HOC COMMITTEE MEETING

February 14th, 2012

NAME	REPRESENTING
Kay Miller	Linda Ave Residents
Kim Waddington	Bocca
Deborah Murphy Lagos	URS-KWIA
MARVIN HUNT	USAIRWAYS / AIR TRAN
HARVEY LUTHEY	KEY WEST BY THE SEA
Bhargav Brad Desai	Cape Air
ROBERT S. GORD	OLD TOWN HOMEOWNERS
Sonny Knowles	GENERAL AVIATION
WILLIAM KJETGE	US NAVY
PETER HORTON	KWIA
Dan McManis	KWBIS
Peter Smith	Cape Air
Brendon Cunningham	KW Planning
R. L. BLAZEVIC	SELF
Robert Sher	
Julie Ann Floyd	General Aviation / Key West Seaplanes



**KEY WEST INTERNATIONAL AIRPORT
AD HOC COMMITTEE MEETING**

ROLL CALL

February 14th, 2012

MEMBER	REPRESENTING
✓ COMMISSIONER KIM WIGINGTON	CHAIR
✓ DAN McMAHON	THE COMMUNITY
PAUL DEPOO	AVIATION
✓ KAY MILLER	THE COMMUNITY
✓ SONNY KNOWLES	AVIATION
ROBERT PADRON	THE COMMUNITY
✓ DR. JULIE ANN FLOYD	AVIATION
MARLENE DURAZO	THE COMMUNITY
✓ MARVIN HUNT	AVIATION
✓ HARVEY WOLNEY, ALTERNATE	THE COMMUNITY
LARRY CARCAMO, ALTERNATE	AVIATION

**KWIA Ad-Hoc Committee on Noise
February 14th, 2012 Meeting Minutes**

Meeting called to order by Commissioner Kim Wigington at 2:02 PM.

ROLL CALL:

Committee Members in Attendance:

Commissioner Kim Wigington
Dan McMahon
Kay Miller
Sonny Knowles
Dr. Julie Ann Floyd
Marvin Hunt
Harvey Wolney

Staff and Guests in Attendance:

Peter Horton, KWIA
Deborah Lagos, URS Corp.
Dan Botto, URS Corp.
R. L. Blazevic, Resident
Bhargav Brad Desai, Cape Air
Robert S. Gold, Old Town Homeowner
William Knetge, U.S. Navy
Peter Smith, Cape Air
Brendon Cunningham, Key West Planning
Robert Sher

A quorum was present

Review and Approval of Meeting Minutes for the December 6th, 2011 Ad Hoc Committee Meeting

Commissioner Kim Wigington asked if everyone had received the meeting minutes and if there were any additions or corrections. There were no corrections or additions recommended. A motion for approval of the minutes was put forward by Marvin Hunt. Dan McMahon seconded the motion. There was no opposition and the motion carried.

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Discussion of Part 150 Study Update

Role of the FAA

Dan Botto discussed the role of the FAA in the Part 150 Study and process. A handout describing the FAA's role was provided to the Committee at the behest of the FAA. This handout will also be available at subsequent meetings. The FAA does not automatically approve all recommended measures of the Part 150. The FAA evaluates whether each recommended measure in the NCP meets the regulatory goal of reducing existing noise over noncompatible land uses, or preventing future land use noncompatibility.

Dan went on to explain that the FAA does not approve the Noise Exposure Maps (NEMs); rather, the FAA reviews the NEMs to determine compliance with 14 CFR Part 150 requirements. The FAA will also provide oversight of URS and the Airport to make sure they are following the rules and regulations that govern the Part 150 Study process and that the public was included in the process. Additionally, they will provide guidance and instruction as to any items that were not included in the NEMs or were not done in compliance with 14 CFR Part 150 requirements.

Deborah Lagos mentioned that the approval role of the FAA occurs during the Noise Compatibility Program (NCP) phase of the study where recommendations are made for operational and/or land use mitigation measures, such as the Noise Insulation Program (NIP). This is where the FAA will approve or disapprove each recommended measure based on Part 150 regulatory requirements.

Proposed Noise Monitoring Locations

Deborah Lagos discussed the strategy of placing the noise monitors at locations just outside the contours developed previously (to validate that those locations were outside the contours) or that the contours need to be further refined because the measured data indicates that the noise levels at these locations are higher than the predicted data. URS mapped the location of callers over the years who have indicated an interest in participating in the NIP, assuming these people would be more inclined to allow a noise monitoring station on their property. A map

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of these locations was provided to the Committee. Deborah mentioned that she and Dan spent Monday afternoon and Tuesday morning scouting these locations to determine the feasibility of using them for monitoring sites. Sites needed to be secure, safe from theft, absent of excessive tree cover that may block overhead noise, and free of excessive non-airport noise.

Kay Miller asked why Key West by the Sea [KWBTs] was not included as a potential site location. Deborah responded that since the Airport had previously funded its own noise monitoring at KWBTs, URS was not planning to place a monitor at KWBTs, since the data collected previously was still valid. Kay then asked if there was funding for the noise monitoring. Peter Horton explained that the KWBTs monitoring was paid for by FDOT and the Airport, but that funding for these four sites was provided as part of the Part 150 grant. Deborah then described the four locations that were potentially selected and noted that the homeowners were happy to participate.

Deborah asked the Committee if they had any suggestions or recommendations of other locations. Robert Gold mentioned that all the locations chosen are close in to the Airport. He went on to ask if there had been any consideration of noise monitoring sites farther out from the Airport in the approach path. Deborah explained that the reason for the locations being so close to the Airport is that the FAA requirement for an area to be included in a mitigation program is that the area be located within the DNL 65 dB noise contour, and if the noise levels at three blocks out does not meet this requirement, then there was no need for going out further along the same path. Robert Gold replied, "Come eat dinner in my back yard."

Harvey Wolney asked about the sensitivity of the noise monitors, and what noise levels were being recorded. Deborah explained that the monitor was measuring the noise levels of all noise events, but that a threshold level was set to distinguish aircraft noise events from other man-made noise events. Deborah then explained that a single event noise level of 65 dB was not the same as the DNL 65 dB contour shown on the NEMs.

Peter Horton interjected that the Airport is now known as a "high performance airport," which is a euphemism for a "short runway." So the 737s, regional jets from Delta, and the Embraer take off from the west to the east 80% of the time.

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Pilots of these aircraft typically lock their brakes at the end of the runway, come up to full power, and then release the brakes. KWBTs hears this all the time, so URS and the Airport want to make sure this is included in the noise contour calculations. Sonny Knowles asked if it would help having a noise monitor at KWBTs now, even though there was one there before. Peter explained that the purpose of the Part 150 Study was to look at all the noise. Also, it is our purpose to do everything we can to get KWBTs in the contour if we can justify it. Sonny Knowles suggested getting some high ranking FAA official or political figure to stand at the back corner of KWBTs for a few hours and listen to the noise.

Robert Gold asked that if we want to get KWBTs in the contour, why not put a noise monitor there. Peter Horton said we did one last year and Deborah explained that the results of the monitoring indicated that the DNL at KWBTs was below 65dB. Dr. Julie Ann Floyd asked that if the noise monitoring is reproducible, why not put a monitor at KWBTs again and show that it was a reproducible result. She also mentioned that the majority of people attending these meetings tend to be residents of KWBTs, and so are the people that call in to the noise hotline. The committee agreed that one monitoring location should be moved from Dennis Street to KWBTs.

Mr. Blazevic mentioned that the elevation of the KWBTs buildings may account for the higher level of interest in airport noise than the single story residences that are at approximately the same distance from the Airport. There was a discussion about the location of the monitor at KWBTs, and it was determined to place in the same place as before.

Dan McMahon asked that the new noise monitoring results at KWBTs be compared to the previous noise monitoring results.

Robert Sher asked whether since his property is getting older, might it be eligible for mitigation. He was informed that mitigation is provided to those noise sensitive areas within the DNL 65 dB contours.

Operations Tables and Fleet Mix

Dan Botto provided partial analysis tables representing aircraft operations, runway utilization and day/night split that may be used for the noise modeling. This data

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is not complete, nor is it final, but he would like the Committee to note if they recognize anything out of the ordinary or have newer information that we may not have.

Dan went on to say that during the pre-meeting review with Peter Horton it was noticed that the GV was not shown as the official INM substitution for the Embraer 170. Peter Horton mentioned that EYW is expecting some fleet mix changes in the very near future, including the Gulfstream [soon to be called Silver Air] Beech 1900 being replaced with a different turboprop, the Saab340. Also, American Eagle ATRs will be replaced by the end of the year, but EYW does not know what aircraft will be used.

Kay Miller asked what the differences were in the noise levels between the B1900 and the Saab 340. Deborah Lagos said she thinks they are probably similar due to the age of both aircraft. Dan Botto said he will provide a graphic of SEL contours for the two aircraft at the next meeting.

Deborah Lagos noted that the aircraft operations numbers provided do not include the adjustment upward to account for operations occurring at the time the Airport Traffic Control Tower is closed. URS is looking into the availability of radar data, as well as other sources, to help provide this information.

Consulted Parties

Dan Botto provided a list of consulted parties for the Committee, and asked for additions. Kay Miller asked if the list included those that were previously eligible but had not participated in the NIP. Deborah explained that in addition to the concern over KWBTS, another goal of the study is to revalidate the boundaries of the NIP Program Area that was previously approved by the FAA, so those who did not previously participate in the NIP would have the opportunity to participate in the future. The FAA will not fund any clean-up phase until the area is validated as still being within (or immediately adjacent to) the noise contours.

Peter Horton suggested adding Last Stand to the list of consulted parties. Peter said Last Stand was originally created in response to airport noise. Commissioner Kim Wigington thought the contact name for Last Stand was Mark Sanger. Last Stand will be added to the list.

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Hotline & Contact Log

Dan Botto reported that the hotline had 15 calls over the last two months and 2 calls on the contact log. Dan also mentioned there was a non-noise complaint on the hotline, regarding a particular aircraft flying over KWBTs. Peter Horton will ask the pilot to avoid flying over KWBTs in the future.

Airport Noise Report

Deborah Lagos mentioned there was some very important information that is in an issue of the Airport Noise Report that will be included in the agenda package for the next meeting, but was so favorable, she wanted to go ahead and share it with the Committee. The recently approved FAA Re-Authorization, which is called the FAA Modernization and Reform Act of 2012, includes a provision for the phase out of Stage 2 business jets by 2015. Deborah said they are not sure how this requirement will be met, whether they will install hush kits, re-engine, or retire the aircraft.

Kay Miller and Commissioner Kim Wigington mentioned the discussion of Real Estate Disclosure [page 31 of agenda package]. Peter Horton mentioned that this had been something brought up in Florida previously, stating that anyone buying a home within 5 miles of an airport must be notified. The legislature did not pass the bill at that time.

Other

Peter Horton mentioned that for the first time in 26 years, he had to suggest a correction to the Monroe County Board of County Commissioners' meeting minutes from December 2011. The minutes stated that "Noise Ad Hoc Committee for the Airport obtained a grant that will result in 200 units at KWBTs be noise insulated." Peter said it should read that the Airport got a grant for the Part 150 Study which may lead to additional homes, including KWBTs, being mitigated due to airport noise.

Commissioner Kim Wigington congratulated Peter Horton for being awarded the *Air Carrier Airport Manager of the Year* by the Southern Region of the FAA.

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Robert Gold asked to speak to the Committee. He wanted to reiterate and elaborate on his statements made at a previous meeting. He submitted a proposal which he believes may benefit a large number of residents. He believes that the Committee's attention is focused on ground noise and run-up noise. Robert Gold is concerned with approach noise to Runway 9, particularly IFR approaches. The IFR approach to Runway 9 flies over the most homes in Key West. [See the attached drawing provided by Robert Gold]. Robert Gold acknowledges that his home does not experience DNL levels that indicate impact, but they have to stop conversation outdoors and at times indoors because of overflying traffic. He stated that 88% of the arrivals use Runway 9, that there is now more commercial traffic, and that IFR arrivals must come straight in. He indicated that he is not asking to change IFR traffic or to compromise safety. He wants the Airport and URS to look at other approaches for non IFR traffic. He feels that he and his neighbors absorb a disproportionate amount of the noise. He would like this Committee to modify approach rules to provide another approach that should be used whenever possible. He also wants to know if he needs to submit a proposal formally, or does speaking here at this meeting constitute a proposal.

Peter Horton responded that this Part 150 process will be a blank sheet of paper and will not be prejudiced from what was done previously. Robert Gold asked that this alternative approach be considered prior to and separate from the Part 150 procedure, so as to be implemented sooner.

Deborah Lagos explained that the NCP portion of the Part 150 study will look at operational noise abatement measures, including potentially revising approach and departure paths.

Robert Gold asked if this Committee makes policy decisions which directly affect operational procedures, and does the Airport have authority over the ATCT to prescribe different approaches.

Commissioner Kim Wigington indicated that decisions are based on accurate data and analysis, and described the time it takes to gather accurate data and produce a detailed analysis. She went on to explain that people make investments and life decisions based on what is in place at the time, and when those facts change, it causes some issues. Therefore, there must be a lot of deliberation and consideration before changes are made. She told him she would not take his

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recommendations lightly, but at the end of the process everyone would be able to make a decision based on the data and analysis provided. The suggestion that noise should be shared is worthy of consideration.

Robert Gold reiterated that he does not want to change the IFR traffic. In exchange for his helplessness on the IFR traffic, he would like GA/VFR traffic not to overfly his house, and no acrobatics over the island. Peter Horton and Sonny Knowles explained that there is an actual aerobatic box over the water where this activity is supposed to occur.

Sonny Knowles explained that as a pilot, he is happy to help out as much as possible, but making an official change involving the FAA is much more difficult. He said all his left base approaches are over Discount Auto Parts. Julie Ann Floyd said she tries to use Runway 27 when weather and traffic permit, and most local pilots also make the same judicious decision based on saving time and fuel.

Robert Gold suggested that the Airport make a direct request to the tower to implement procedures that shift some of the noise impacts off the IFR approach line. Robert Gold then asked if the Airport and/or the tower have a fair amount of discretion regarding the operational procedures.

Marvin Hunt responded that the airspace over Key West also requires coordination with the Navy flight operations from NAS Key West. Robert Gold mentioned the Fort Zack approach and other possible approaches, and that VFR approaches are not that difficult.

Peter Horton mentioned that flight tracks will be considered and analyzed within the Part 150 process, and if this group does make recommendations within the Part 150, the recommendations must be reviewed and approved by the FAA.

Robert Gold asked if there was anything that could be done outside of the Part 150 Study and does it have to wait for the Part 150 to be complete.

Commissioner Kim Wigington remarked that in consideration of the other residents of Key West, it should be thoroughly evaluated.

Peter Horton said they have previously looked at and implemented alternate flight tracks, including the Garrison Bight approach, which caused a large number of new

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complaints. Robert Gold replied that he was told that people complaining should not be a disqualifier.

Julie Ann Floyd indicated that in aviation, sometimes the simplest is safest, and the straight in approach is simplest. The FAA will look at the simplest, safest method; plus the maneuverability of aircraft affects the approach. Robert Gold mentioned the Potomac Approach at Washington-Reagan. Harvey Wolney indicated that the runway at Washington was much longer. Julie Ann Floyd mentioned that looking at this item may lead to other options to abate noise at EYW.

Mr. Blazevic asked if the pilot does have discretion on how to operate at EYW. Peter Horton replied that if he is flying VFR, and once he reports at the VOR, how he gets to the runway is up to him, unless the tower directs him otherwise. Julie Ann Floyd confirmed this, and mentioned that she uses local landmarks after that.

Robert Gold asked if the tower could be told to direct the aircraft to use a specific VFR approach. Peter Horton responded that he does not know the answer to that. Robert Gold would like Mr. Horton to take his recommendation to the tower and see if they can do something about it.

Dan Botto reiterated that Robert Gold's tracks and any others that are brought to the attention of the Committee will be included in the study. Kay Miller asked if there was something that could be done prior to the completion of the Part 150 Study.

Dan Botto mentioned that a mandatory flight path would require additional study to satisfy FAA requirements. Alternative flight tracks must include an analysis of new and/or additional impacts. Commissioner Kim Wigington said that any changes must be made with a sound basis in facts and data to back up the decision. Robert Gold asked if he should do the analysis of how many people live under the Garrison Bight approach versus the straight in approach. Deborah Lagos said no, that the analysis will be conducted in the Part 150 study.

Deborah stated that it sounded like Robert Gold's issue was with the pilots flying under VFR who make the decision to fly the straight in approach once the tower clears them from the VOR. She further stated that it sounded like Robert Gold would like those pilots to be directed to fly a certain path instead of making their own decision. She said that the problem arises when you want to direct pilots to

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February 14th, 2012 Meeting Minutes**

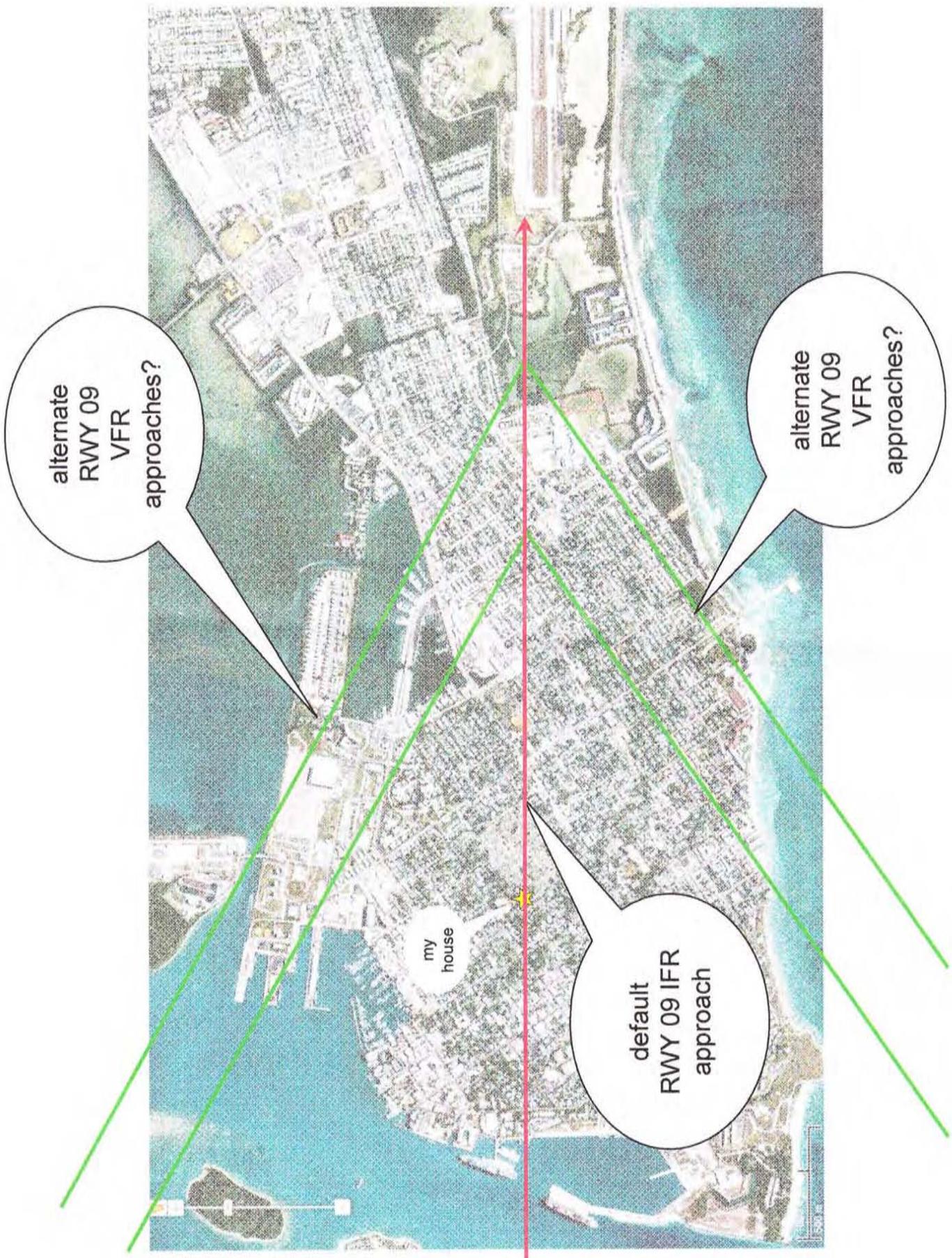
fly a certain path. Doing this requires the FAA to get involved, and they will not approve of this if it does not meet their very strict criteria. If the decision is made by the individual pilot of their own volition then they can do it, but to have someone tell them to do it is a whole different story.

Deborah Lagos said it comes down to it being a voluntary procedure instead of a mandatory procedure, and what we're really talking about is doing a better job of educating pilots. Robert Gold mentioned that he read online that the Airport is surrounded by "extremely noise sensitive areas," but apparently that is not enough to change pilot behavior.

Robert Gold said he appreciated whatever could be done, and volunteered to serve on the Committee.

Commissioner Kim Wigington stated that the next meeting would be on April 3rd.

Meeting adjourned at 3:19 PM



The Role of the FAA in the Part 150 Process:

Noise Exposure Maps

- Indicates whether they are in compliance with applicable requirements,
- Publishes notice of compliance in the Federal Register, including where and when the maps and related documentation are available for public inspection.

Noise Compatibility Program

The FAA conducts an evaluation of each noise compatibility program and, based on that evaluation, either approves or disapproves the program. The evaluation includes consideration of proposed measures to determine whether they—

- May create an undue burden on interstate or foreign commerce (including unjust discrimination);
- Are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;
- Include the use of new or modified flight procedures to control the operation of aircraft for purposes of noise control, or affect flight procedures in any way;
- The evaluation may also include an evaluation of those proposed measures to determine whether they may adversely affect the exercise of the authority and responsibilities of the Administrator under the Federal Aviation Act of 1958, as amended.

The Administrator approves programs under this part, if –

- Program measures to be implemented would not create an undue burden on interstate or foreign commerce and are reasonable consistent with achieving the goals of reducing existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses;
- The program provides for revision if made necessary by the revision of the noise map;
- Those aspects of programs relating to the use of flight procedures for noise control can be implemented within the period covered by the program and WITHOUT –
 - Reducing the level of aviation safety provided;
 - Derogating the requisite level of protection for aircraft, their occupants, and persons and property on the ground
 - Adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems; or
 - Adversely affecting any other powers and responsibilities of the Administrator prescribed by law or any other program, standard, or requirement established in accordance with law.

Source: .Title 14 cfr part 150.

PART 150 PROCESS

NOISE EXPOSURE MAPS

Existing Noise Exposure Map



Future Noise Exposure Map



Public Review

Noise Exposure Maps Report



FAA Review / Comments

FAA Notice of Noise Exposure Map Conformance

NOISE COMPATIBILITY PROGRAM

Operational Noise Abatement Alternatives



Land Use Noise Mitigation Alternatives



Public Review

Program Management Alternatives



**Implementation Plan / Noise Benefit Analysis /
Cost Estimate / Roles & Responsibilities**



Preliminary Noise Compatibility Program Report



FAA Review

Final Noise Compatibility Program Report



Public Hearing



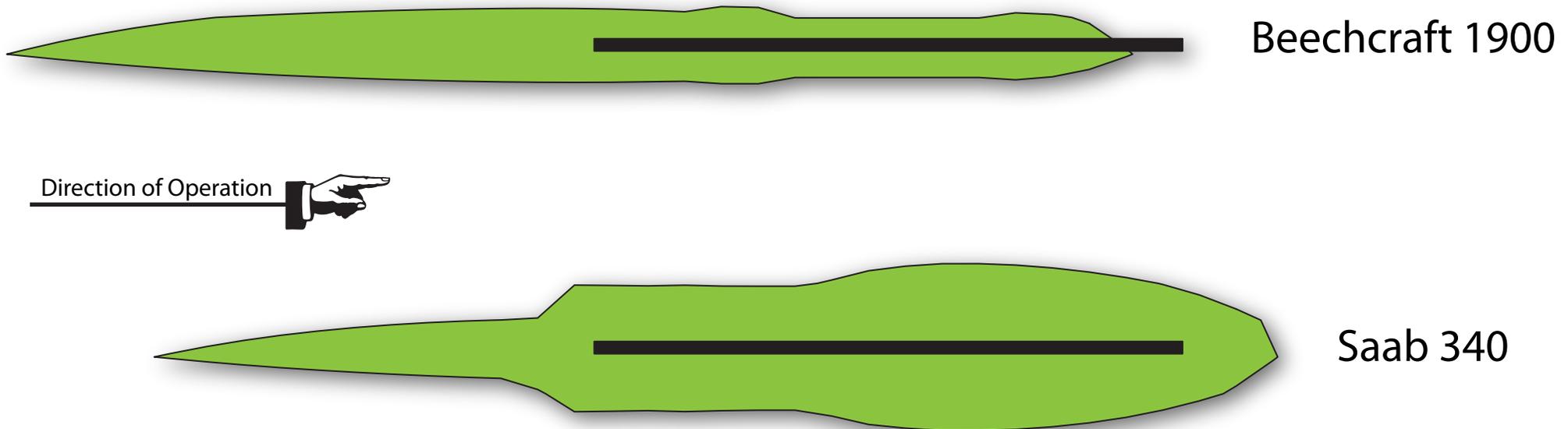
FAA Review - 180 Days

FAA Record of Approval

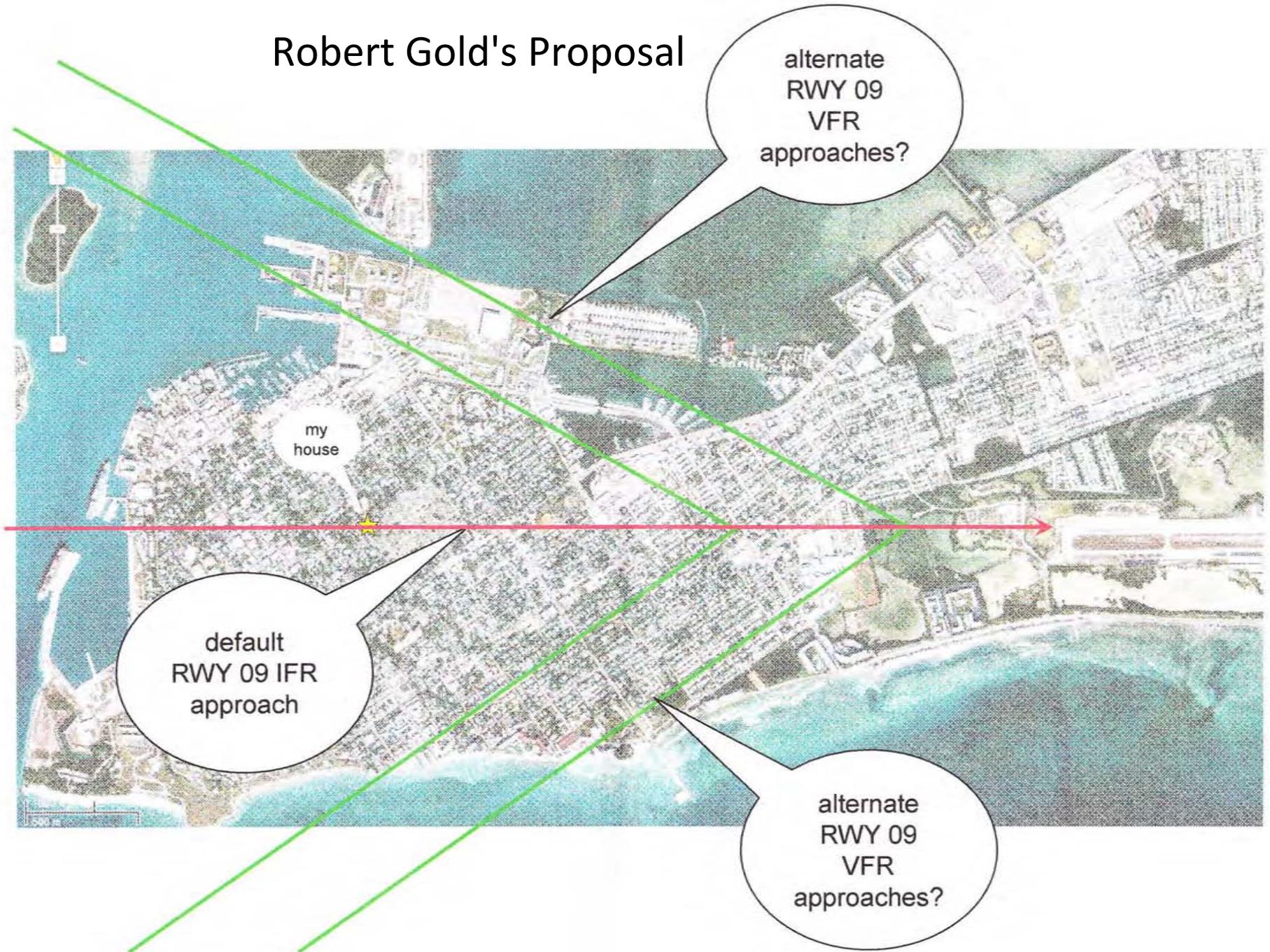


Key West International Airport Part 150 Study Future Fleet Mix Change Noise Comparison

$L_{max} = 85$ dBA



Robert Gold's Proposal



**Key West International Airport
Noise Hotline Log**

Date of call	Time of call	Caller	Contact information	Date rec'd	Message
2/14/2012	2:35 PM	Joeseeph Vienna	Washington Ave, 296-4761	2/24/2012	Lately there has been a plane that I've never seen before as I'm in the house but it sounds like a small plane and it sounds like its just revving up its engine just to have fun or pulling up. Its very loud and its been happening now for the last couple of weeks at least and it just flew over about 5 minutes ago, about 2:28 pm. I've never seen the plane because I'm always in the house and I cant get out that quickly.
3/21/2012	9:43 PM			3/22/2012	There has been a noise from the airport, helicopters or something, for 45 min nonstop. Would you please do something about that?

N:\KEY_WEST\Noise\Airport Noise Hotline\Call Log.xlsx

**Key West International Airport
Contact Log**

Date of call	Caller	Contact information	Subject
No calls received since last report.			

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 24, Number 3

February 3, 2012

FAA Reauthorization

HOUSE/SENATE AGREEMENT STREAMLINES ENVIRONMENTAL REVIEW OF RNAV/RNP

After five years of delay and 23 short-term funding extensions, House and Senate leaders on Jan. 31 reached agreement on a four-year reauthorization of the Federal Aviation Administration that provides stable funding for agency programs through fiscal 2015.

The agreement accelerates the deployment of NextGen technologies and streamlines environmental reviews for new, more fuel-efficient flight paths, which are becoming a growing source of noise complaints in communities near airports.

The aviation industry wants to quickly deploy performance-based navigation procedures – Required Navigation Performance and Area Navigation (RNP/RNAV) – at airports around the country in order to gain the fuel and emissions reduction benefits of NextGen.

The final reauthorization legislation includes a loan guarantee provision that allows the Department of Transportation to offer low-interest public-private credit support to the airlines to help them purchase the equipment needed to fly these advanced navigation procedures enabled by NextGen.

(Continued on p. 10)

Regulations

FAA TO ISSUE REGULATION ON HELICOPTER OPS OVER LONG ISLAND BY END OF MAY

Secretary of Transportation Ray LaHood said this week that the Federal Aviation Administration plans to issue by Memorial Day, May 28, a final rule governing helicopter operations over the North Shore of Long Island, NY, that will go into effect by the Fourth of July.

“To protect the public welfare, the FAA is 100 percent committed to finalizing regulation on the use of the North Shore route by helicopters,” LaHood said in a statement. “The proposed rule would require helicopters to fly over water, rather than land, and at high enough altitude to reduce noise when flying over Long Island.”

The Transportation Secretary added in his Jan. 31 statement, “We’re also moving forward with rulemaking that will propose over water helicopter routes for the South Shore [of Long Island], and consider additional specificity for the North Shore route to protect communities that would be impacted by entry and exist points.”

LaHood’s statement comes after Sen. Charles Schumer (D-NY) learned that the compromise FAA Reauthorization bill agreed to by House and Senate leaders did

(Continued on p. 12)

In This Issue...

FAA Reauthorization ...

House/Senate conferees agree on a final bill that streamlines the environmental review process for RNAV/RNP procedures; sets a phaseout date for aircraft under 75,000 pounds that do not meet Stage 3 noise standards; sets funding levels for the AIP program through fy 2015; authorizes FAA to accept funds from airports to conduct special environmental studies; allows DOT to make grants to airports to assess proposals to implement flight procedures at airports with approved Part 150 programs; permits airports to keep funds obtained from the sale of land acquired for noise compatibility purposes; requires large hub airports to post on their web site a telephone number for noise complaints; and more - p. 9

Helicopters ... Secretary of Transportation Ray LaHood says FAA will issue final rule governing helicopter operations over the North Shore of Long Island, NY, by Memorial Day - p. 9

FAA Reauthorization, from p. 9**RNAV/NRP Can Get CATEX**

GE/Naverus, which is developing RNP procedures for the FAA, lobbied hard for expedited environmental review of advanced navigation procedures and the House/Senate agreement delivered on that front.

It requires the FAA administrator to give a Categorical Exclusion (CATEX) from environmental review to RNP/RNAV procedures if the administrator determines they would result “in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace.”

It appears to be left up to the FAA administrator to determine what constitutes ‘measurable’ reductions in fuel consumption, CO₂, and noise.

However, the House/Senate agreement does allow the FAA administrator to deny giving a CATEX to RNAV/RNP procedures if “extraordinary circumstances exist with respect to the procedure.”

Section 304 of FAA’s environmental order (1050.1E) includes a list of “extraordinary circumstances” that allow the FAA administrator to deny a CATEX determination. Two of these address noise:

- “An impact on noise levels of noise-sensitive areas”; and
- “Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds.”

But it is unclear at this point whether individual RNP/RNAV procedures would have enough noise impact to meet these criteria for denying a CATEX.

And FAA will be under pressure to get RNP/RNAV procedures approved quickly. The final reauthorization bill sets a June 30, 2015, deadline for having all RNP/RNAV procedures in place at the 35 busiest commercial airports in the country and by June 30, 2016, at all other airports where they are planned.

Dropped out of the final compromise on FAA’s reauthorization was language added to the Senate version by Sen. Maria Cantwell (D-WA) that would have required the FAA administrator to issue a CATEX to performance-based navigation procedures that “will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels.”

It is likely that FAA objected to that language because the phrase “net increase in noise levels” is not recognized or included in the lexicon of FAA environmental review terminology. The final House/Senate compromise language references the “extraordinary circumstances” that are already described in the agency’s environmental order.

FAA declined to comment on the final reauthorization bill, explaining it does not comment on pending legislation. Although the language in the bill has been agreed to by House/Senate conferees, the measure has not yet been voted

on by the full House and Senate. That is expected to happen before Feb. 17 when the current FAA short-term funding extension expires.

Funding Levels

The final House/Senate compromise provides a total of approximately \$13.4 billion for the Airport Improvement Program (one source of funding for airport noise mitigation projects); \$38.3 billion for FAA Operations; \$672 million for Research, Engineering & Development; and \$10.9 billion for FAA’s Facilities & Equipment account.

Said Airports Council International-North America (ACI-NA) President Greg Principato, “Congress missed an opportunity by failing to accept the AIP funding levels provided in the Senate passed bill, which would have helped improve the infrastructure that serves as the backbone of the aviation system and would have allowed airports to enjoy the benefits that NextGen will bring.”

The Senate bill would have funded AIP at a level of \$4 billion in fiscal 2011 and \$4.1 billion in fiscal 2012. The final House/Senate compromise funds airport planning and development and noise compatibility planning and development at a level of \$3.35 billion in each of fiscal year 2012 to 2015.

Principato also said that ACI-NA is “deeply disappointed that Congress chose not to move towards local financing options like the Passenger Facility Charge (PFC), which is a local fee charged by airports to assist them in addressing their capital needs.”

The final bill did not increase the PFC cap from \$4.50 to \$7 per airline ticket as airports had strongly sought. PFC revenue is another source of funding for airport noise mitigation projects.

However, the final language does direct the Government Accountability Office (GAO) to conduct a study of alternative means of paying PFCs other than including them in the cost of an airline ticket.

Other Noise Provisions

Other noise-related provisions in the House/Senate compromise:

- Authorize FAA to accept funds from airports to conduct special environmental studies for ongoing federally-funded airport projects; special studies to support approved airport noise compatibility measures or environmental mitigation commitments in a record of decision or a finding of no significant impact; and review and completion of environmental activities associated with new or amended flight procedures including RNAV and RNP;
- Allow the Secretary of Transportation to make grants to airports to assess proposals to implement flight procedures at airports with approved Part 150 programs eligible for AIP grants;
- Revise requirements on acquiring lands to permit an airport to keep any funds obtained from the sale of lands acquired for noise compatibility purposes and reinvest those funds in the airport or transfer those funds to another airport.

It removes a requirement to return the proportion equal to the government share in acquiring the land to DOT;

- Set the following priorities in approving reinvestment or transfer of proceeds from the sale of land acquired for noise compatibility: reinvestment in approved noise compatibility project; reinvestment in approved project eligible for funding; deposit in the Airport and Airway Trust Fund;

- Specify that leasing, rather than selling, land that airports purchased with federal AIP grants but no longer need for noise compatibility purposes, is not to be considered as a proper disposal of such land. The Secretary of Transportation is required to ensure that any leases of noise-compatibility land are consistent with noise-buffering purposes;

- Extend a program that allows state and local governments to use AIP grants for airport compatible land use planning projects through Sept. 30, 2015;

- Require the FAA, in conjunction with the Port Authority of New York and New Jersey and Philadelphia International Airport to monitor noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign and to submit a report to Congress within one year after the completion of the redesign;

- Specify that in approving a project to acquire residential real property using federal financial assistance, the Secretary of Transportation shall ensure that the appraisal of the property to be acquired “disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, other than that due to physical deterioration within the reasonable control of the owner”;

- Require owners and operators of large hub airports (as defined in section 40102(a) of title 49 U.S. Code) to publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport not later than 90 days after the date of enactment of the FAA reauthorization.

Phaseout of Stage 2 Business Jets

The final FAA authorization bill requires aircraft weighing less than 75,000 pounds that do not meet Stage 3 noise levels (Stage 2 business jets) to be phased out by Dec. 31, 2015.

However, it allows temporary operations to sell, lease, or use the aircraft outside the United States in order to scrap the plane, obtain modifications to meet Stage 3 noise levels, perform scheduled heavy maintenance, deliver the aircraft to an operator leasing it, prepare, park, or store the aircraft in anticipation of any of the activities described above, provide transport of persons and goods in the relief of an emergency situation, divert the aircraft on account of weather, mechanical, fuel, air traffic control; or for other safety reasons.

FAA R&D Programs

The House/Senate compromise language authorizes \$168 million for FAA R&D for each of fiscal years 2012 to 2015.

It specifically authorizes a “NextGen – Environment and

Energy – Environmental Management System and Advanced Noise and Emissions Reduction program but sets no goals for it.

The earlier Senate FAA reauthorization bill set noise and emissions reduction goals for FAA R&D research. The noise goal was to have certifiable engine technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdB) cumulative, relative to Stage 4 standards, by Jan. 1, 2016.

The House/Senate compromise also:

- Changes the status of the Airport Cooperative Research Program (ACRP) from a pilot program to a permanent program;

- Directs the FAA administrator, in conjunction with the National Aeronautics and Space Administration, and after consultation with other “relevant” agencies, to jointly develop a plan to carry out research on the environment.

The plan must be completed within one year and submitted to Congress for review and be updated every three years after the initial submission.

- Requires FAA to enter into an arrangement for an independent external review of the agency’s energy-related and environment-related research programs to assess whether the programs:

- Have well-defined, prioritized, and appropriate research objectives;

- Are properly coordinated with the energy-related and environment-related research programs at NASA, the National Oceanic and Atmospheric Administration (NOAA), and other relevant agencies;

- Have allocated appropriate resources to each of the research objectives; and

- There exist suitable mechanisms for transitioning the research results into the FAA’s operational technologies and procedures and certification activities.

The results of the review must be submitted to Congress within 18 months.

Several noise-related provisions that were in the Senate version of the FAA reauthorization appear to be dropped in the final compromise version.

One is an environmental mitigation demonstration pilot program that would have involved up to six projects at public-use airports that would measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

Another is a pilot program for redevelopment of airport properties that would have been set up at four airports with approved noise compatibility programs. FAA would have been able to award \$5 million in grants to support joint planning by airports and neighboring jurisdictions to redevelop properties purchased with noise mitigation funds to encourage airport-compatible land uses and generate economic benefit to the local airport authority and adjacent community.

The compromise bill is available at <http://republicans.transportation.house.gov/Media/file/112th/Aviation/2012-02-01-Conf-Draft-2.pdf>

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Ontario Housing Authority Seeks Consultant

The City of Ontario, CA, and the Ontario Housing Authority will receive Statements of Qualifications (SOQ), by electronic submission only, no later than 5:00 p.m. on Wednesday Feb. 29, 2012, for professional land acquisition, relocation, and property management consulting services, on an as needed basis.

Funding for the land acquisition, relocation and property management's activities may come from Federal Aviation Administration Airport Improvement Program Grants, Community Development Block Grants, HOME, Los Angeles World Airports and from other federal, state or local funding sources.

Each response must conform to the City/Authority Statement of Qualifications guidelines. SOQs must be submitted electronically through the City's Planet Bids system. SOQ documents are available to registered vendors at www.ci.ontario.ca.us under Bids and Proposals on the home page. There is no charge to download the documents. The electronic management system will not accept late SOQs. It is essential that the selected consultant have staff members proficient in Spanish.

Small, Minority and Women-owned Businesses are encouraged to respond.

Helicopters, from p. 9

not include an amendment he had added to the Senate version of the bill that would have required the FAA to enact standards to measure helicopter noise and regulations to control helicopter noise pollution in residential areas within one year and 90 days of passage of the legislation.

Before finalizing such regulations, Schumer's amendment also would have required FAA to enact, within one year, regulations regarding helicopters operating in Nassau and Suffolk Counties on Long Island, including requirements for helicopter flight paths and altitudes and penalties for failing to abide by them.

On May 26, 2010, FAA issued a Notice of Proposed Rulemaking (NPRM) that would require civil helicopters operating under visual flight rules along a section of the North Shore of Long Island to follow the published New York North Shore Route, which was adopted on a voluntary basis in May 2008 as a way to address thousands of noise complaints.

However, the agency received over 1,000 comments on the proposal and delayed issuing a final rule.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 24, Number 4

February 10, 2012

FAA Reauthorization

NEW PILOT PROGRAM DESIGNED TO FOSTER COLLABORATION ON COMPATIBLE LAND USE

A pilot program that will provide grants of up to \$5 million to each of four airports to foster collaboration with surrounding local jurisdictions on compatible land use development was included in the Federal Aviation Administration reauthorization bill passed by Congress and sent to President Obama for his signature this week.

ANR missed this important provision in coverage of the noise-related provisions of the FAA Modernization and Reform Act of 2012 last week (24 ANR 9). Section 822, Pilot Program for Redevelopment of Airport Properties, was placed far down in the 374-page bill in a section addressing miscellaneous issues.

The pilot program is restricted to airports that have approved Part 150 Airport Noise Compatibility Programs and will end on Sept. 30, 2015, when the new four-year FAA reauthorization legislation expires.

Section 822 authorizes the FAA to issue grants from the noise and emissions set-aside in the Airport Improvement Program (AIP) to four public-use airports for activities related to the development of airport properties.

(Continued on p. 14)

Research

SECOND FAA NOISE IMPACTS RESEARCH ROADMAP MEETING TO BE HELD IN APRIL

The Second Annual Meeting of the Aviation Noise Impacts Research Roadmap (ANIRR) will be held on April 24-25, in the Washington, DC, area, the Federal Aviation Administration announced on Feb. 7.

Following is the agency's announcement:

The intent of the ANIRR is to define systematic, focused, and complementary research programs to advance the knowledge of how best to address the impacts of aviation noise on society, while effectively leveraging limited resources.

The First ANIRR Annual Meeting was held in April 2011 and was successful in bringing together the aviation noise community to discuss ongoing activities and coordinate research efforts.

Attendees represented a wide range of federal agencies, international organizations, academia, industry, and the general public. Participating federal agencies included the Federal Aviation Administration/Department of Transportation, Department of Defense, National Aeronautics and Space Administration, National Park Service, Department of Housing and Urban Development, Centers for Disease Control and Prevention, National Institutes of Health, National Oceanic and Atmos

(Continued on p. 15)

In This Issue...

FAA Reauthorization ... A pilot program to foster collaboration on compatible land use planning between airports with approved Part 150 noise compatibility programs and surrounding jurisdictions is included in the final FAA Reauthorization bill. It will provide four airports that meet eligibility requirements with grants of up to \$5 million each - p. 13

Research ... FAA announces that the second annual meeting of its ongoing effort to develop an Aviation Noise Impacts Research Roadmap will be held in Alexandria, VA, in late April - p. 13

Complaints ... Morristown Municipal Airport is the launch customer for the new PlaneNoise complaint management service - p. 15

Awards ... Aspen/Pitkin County Aviation Director is recipient of 2012 Speas Award because of his leadership in developing cooperative relationship with community - p. 15

Reauthorization, from p. 13

The grants can be issued for two purposes:

- To support joint planning, engineering, design, and environmental permitting of projects including the assembly and redevelopment of property purchased with noise mitigation funds made available under Section 48103 (of Title 49 of U.S. Code which covers Airport Planning and Development and Noise Compatibility Planning and Development) or passenger facility charge revenue; and
- To encourage airport-compatible land uses and to generate economic benefits to the local airport authority and adjacent community.

The federal share of allowable project costs is restricted to 80 percent.

Eligible Airports

Airport operators are eligible for the pilot program if they have:

- Received approval for a Part 150 Airport Noise Compatibility Program and;
- Demonstrate, as determined by the FAA Administrator, that there is a readiness to implement cooperative land use management and redevelopment plans with neighboring local jurisdictions; and
- The probability exists of a clear economic benefit to neighboring local jurisdictions and financial return to the airport through the implementation of those plans.

The legislation directs FAA to award grants under the pilot program to airport operators representing different geographic areas of the United States.

Airports selected to participate in the pilot program must use the grants awarded to them only in partnership with neighboring local jurisdictions.

Reasons for Awarding Grants

The legislation stipulates that the FAA Administrator may not make a grant to an airport operator under the pilot program unless the grant is:

- Made to enable the airport operator and local jurisdictions undertaking community redevelopment efforts to expedite those efforts;
- Subject to a requirement that the local jurisdiction governing the property interests subject to the redevelopment efforts has adopted and will continue to effect zoning regulations that permit airport-compatible redevelopment; and
- Subject to a requirement that, in determining the part of the proceeds from disposing of land that is subject to repayment and reinvestment requirements under grant assurances, the total amount of a grant issued under the pilot program that is attributable to the redevelopment of such land “shall be added to other amounts that must be repaid or reinvested under that section upon disposal of such land by the airport operator.”

[This section of the reauthorization legislation may be at

odds with another section that revises requirements on acquiring lands to permit an airport to keep any funds obtained from the sale of lands acquired for noise compatibility purposes and to reinvest those funds in the airport or transfer those funds to another airport.]

The reauthorization legislation stipulates that repayment amounts paid to the Secretary of Transportation shall be available giving preference to the actions in descending order:

- Reinvestment in an approved noise compatibility project at the applicable airport;
- Reinvestment in another approved project at the airport that is eligible for funding under the AIP noise and emissions set-aside;
- Reinvestment in an approved airport development project at the airport that is eligible for AIP funding;
- Transfer to an operator of another public airport to be reinvested in an approved noise compatibility project at such airport; and
- Deposit in the Airport and Airway Trust Fund.

LAX Consultation with Community

Another provision of the FAA reauthorization legislation ANR neglected to report last week states the “Sense of Congress” that Los Angeles World Airports “should consult on a regular basis with representatives of the community surrounding Los Angeles International Airport (LAX) facility, and include consultations with any organization which has at least 100 or more individuals.”

Dropped from the final bill was language in the House bill that would have required such consultation with any organization around LAX with a membership of at least 20 individuals.

National Park Overflights

The final FAA reauthorization bill also amends current law to exempt national parks with 50 or fewer annual air tour flights from having to prepare air tour management plans but does allow the director of the National Park Service to withdraw an exemption on a park-specific basis if necessary to protect park resources or visitor experiences.

The House-Senate compromise legislation also allows NPS and FAA to enter into a voluntary agreement with a commercial air tour operator as an alternative to creation of an air tour management plan

Blocking GA Flight Paths

Also dropped from the the final FAA bill was a House provision that would have required FAA to “block the display of the owner or operator’s aircraft registration number in aircraft situation display data upon the private owner or operator request, except when the FAA provides such data to a government agency.”

A coalition of 26 senators recently acted on behalf of the general aviation community to force the FAA to rescind a policy change made last summer that made it much more dif-

difficult for operators of GA aircraft to block their flight tracks from public-access flight tracking systems (24 ANR 5).

Some airport noise officers want GA flight tracks displayed because it allows for more accurate accountability for airports with noise restrictions, provides a more complete picture of airport operational traffic, and addresses airport neighbors' desire for more accountability.

Complaints

MORRISTOWN IS 1ST CUSTOMER FOR COMPLAINT MGMNT SERVICE

Morristown (NJ) Municipal Airport, a designated general aviation reliever airport for the New York metropolitan area, is the launch customer for PlaneNoise, a new service that allows airports and governmental entities to outsource and automate their noise complaint management process.

"The PlaneNoise(TM) Complaint Box is assisting Morristown Municipal Airport in implementing its aggressive noise abatement program by providing increased intelligence on where complaints are being generated, how often, and by whom," said PlaneNoise(TM) founder and President Robert Grotell.

PlaneNoise(TM) "is providing airport management with critical data needed for planning, improved airport user and stakeholder interactions, and further enhancing the airport's overall community compatibility."

"PlaneNoise(TM) Complaint Box is an innovative, web-based aircraft noise complaint management and handling application that automates and simplifies the tasks of noise complaint collection, investigation, response, database management and reporting," Grotell explained.

Rosemary Rizzo, Noise Abatement Officer for Morristown Municipal Airport, said, "Complaint Box's unique automation tools and anytime data access will allow us to handle noise complaints in a much more efficient manner and better utilize staff resources. We are always looking for ways to improve operational systems and to continue being a responsible neighbor to our local communities. PlaneNoise will accomplish both."

PlaneNoise(TM) is a service of Grotell Consulting, Inc., an aviation noise consultancy established in 2007 serving public and private clients with a focus on noise complaint management solutions, aircraft noise policy as well as government relations and community affairs (23 ANR 61).

Grotell told ANR that there are a number of other deals in the works for his PlaneNoise service that he will announce in the near future.

To find out more about PlaneNoise(TM), go to <http://www.planenoise.com>.

Awards

ASPEN/PITKIN COUNTY AVIATION DIRECTOR WINS SPEAS AWARD

Aspen/Pitkin County, CO, Director of Aviation Jim Elwood is the 2012 recipient of the Jay Hollingsworth Speas Airport Award, announced by The American Institute of Aeronautics and Astronautics (AIAA), the American Association of Airport Executives, and the Airport Consultants Council (ACC) on Feb. 2.

Elwood is being honored for "his leadership in developing a cooperative relationship with the community surrounding the Aspen/Pitkin County Airport by designing and implementing aggressive environmental protection programs while achieving airport expansion."

"Since he began in his role as Airport Director here more than a decade ago, Jim has been able to define important community concerns, namely noise, conservation, and sustainability, and has worked tirelessly in developing specific programs to address these issues through cooperative efforts," said Chairman of the Pitkin County Board of Commissioners, Michael Owsley.

The airport's sustainability initiatives planned, underway, or completed include the 2005 greenhouse gas inventory and 2006 update, climate action plan initiatives for the airport, developing renewable energy partners, and exploring hydroelectric and solar power initiatives.

In addition, Elwood led the airport in the development of an Energy Action Plan, Construction Management Plan, and a fly quiet/fly clean/fly green series of community meetings. Under Elwood's leadership the airport's 20 year Master Plan is being updated to reflect proposed improvements that satisfy aviation demand while remaining compatible with the environment, community goals, development plans, and other modes of transportation.

"Our community relies on tourism and activities dependent on environmental resources including skiing, hiking, biking, rafting, and climbing, among others. Jim has worked very hard to try to balance the interests of the airport with the interests of the community and of the people who live and play here," Owsley said.

Elwood received recommendations for the award from Mike Kaplan, CEO of the Aspen Skiing Company; Deputy Associate Administrator of the Federal Aviation Administration Catherine Lang; and President of the Columbus Regional Airport Authority Elaine Roberts.

The award includes a \$10,000 honorarium that Elwood intends to donate to a local non-profit.

Elwood will accept the award on March 1st at an AAAE/ACC symposium in Denver.

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Washington, D.C.

Research, from p. 13

pheric Administration.

Based on presentation materials, discussions, and responses to knowledge gap questionnaires, the ANIRR 2011 document was developed. The document outlines key research elements, summarizes ongoing programs and projects, and identifies current knowledge gaps and future research activities. The ANIRR 2011 document and all ANIRR presentations from the 2011 meeting are available at the Federal Interagency Committee on Aviation Noise (FICAN) website at <http://fican.org/>.

The second ANIRR meeting is scheduled for April 24-25, 2012, at the Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia 22314.

The purpose of this meeting is to identify key research needs and formulate priorities. The 2012 meeting will focus on the following topics: aircraft noise annoyance, noise effects on health and welfare, noise in national parks and wilderness, and aircraft noise modeling. The agenda will also include an open discussion on the format for future annual meetings and on the Roadmap document.

The ANIRR 2011 document will be updated after the meeting to reflect the current status of the research efforts.

Please contact Dr. Natalia Sizov, FAA Office of Environment and Energy, at Natalia.sizov@faa.gov, 202-267-3553, if you want to make a presentation/statement or if you have any questions. We will send out more information in advance of the meeting.

In Brief...

Philadelphia Int'l Part 150 under Review

The FAA announced Jan. 24 that it is reviewing a proposed Part 150 airport noise compatibility program submitted for Philadelphia International Airport. The agency review of the program will be completed on or before July 17.

Interested persons are invited to submit comments on the proposed program, which is available at the Philadelphia International Airport, Office of Noise Abatement Program Manager, 2801 Island Ave, Suite 13, Philadelphia, PA 19153 and at FAA's Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011.

For further information, contact Susan McDonald, an environmental protection specialist in FAA's Harrisburg ADO; tel: 717-730-2841; e-mail: susan.mcdonald@faa.gov.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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February 17, 2012

Budget

OBAMA'S 2013 BUDGET REQUEST SEEKS \$1 BILLION FOR NEXTGEN; CUTS AIP FUNDING

The Obama administration's fiscal 2013 budget request, unveiled on Feb. 13, includes \$1 billion to advance the modernization of the U.S. air traffic system through NextGen but would cut funding levels for the Federal Aviation Administration's Airport Improvement Program, which funds airport noise and emissions projects.

The budget requests a \$2.4 billion obligation limitation for the AIP program, a decrease of \$926 million from the FY 2012 enacted level.

The Obama administration's \$2.4 billion budget request for the AIP program for FY 2013 also is below the \$3.35 billion annual AIP funding level set by Congress in the recently-passed Federal Aviation Administration Reauthorization Act of 2012.

To offset the proposed decrease in the AIP funding level, Obama's budget focuses federal grants to support smaller commercial and general aviation airports that do not have access to additional revenue or other outside sources of capital.

At the same time, it would allow larger airports to increase Passenger Facility
(Continued on p. 18)

FAA Reauthorization

NJCAAN SAYS CATEX FOR PBN PROCEDURES LETS FAA SKIRT NEPA, CAA RESPONSIBILITIES

The New Jersey Coalition Against Aircraft Noise asked President Obama to veto the FAA Reauthorization bill just passed by Congress "due to its onerous environmental language."

Too late: the President signed the bill into law on Feb. 14.

But the issues and concerns raised by NJCAAN about the environmental provisions in the bill are likely to be echoed in the future by other community groups as the hundreds of precise Performance Based Navigation (PBN) procedures that will be put in place at airports around the country under NextGen revise and concentrate flight paths.

Congress made it clear in the FAA Reauthorization Act that it does not want the FAA to overlay new Required Navigation Performance (RNP) and Area Navigation (RNAV) procedures over existing flight tracks.

The FAA Reauthorization bill "includes language that would exempt the FAA from providing appropriate review for NextGen flight pattern procedures with a categorical exclusion provision," NJCAAN President Robert Belzer said in a statement.

(Continued on p. 19)

In This Issue...

Budget ... The Obama administration's FY 2013 budget request seeks \$1 billion to advance the transition to NextGen but would cut the funding level for FAA's AIP program by \$926 million from the level enacted in FY 2012. To offset the decrease the President proposes to allow larger airports to increase PFCs but ACI-NA's President calls the increase "a budget trick" and chides the administration for not proposing it sooner - p. 17

FAA Reauthorization ... NJCAAN says a provision in the bill allowing FAA to give categorical exclusions from environmental review to RNAV/RNP procedures allows the agency to skirt its responsibilities under NEPA and the Clean Air Act - p. 17

San Francisco Int'l ... The Airport is the launch customer for BridgeNet International's new web-based VOLANS flight and airspace simulation software, which displays aircraft flight tracks in 3D - p. 19

Budget, from p. 17

Charges (PFCs), which are another source of funding airport noise and emissions projects.

“The new program structure will give the larger airports greater flexibility to generate revenue,” DOT explained. “This proposal is consistent with the recommendation of the President’s National Commission on Fiscal Responsibility and Reform to eliminate grants to large and medium hub airports.”

But Airport Council International – North America’s President Greg Principato calls the Obama administration’s proposal to allow large airports to increase PFCs – long a goal of ACI-NA – “a budget trick.”

Principato blogged: “If the administration was serious about promoting investment in aviation infrastructure it would have made a serious proposal during consideration of the FAA authorization. After all, the authorization had been pending every hour of every day this administration has been in office. NEVER ONCE, in the context of the consideration of this legislation, did the administration weigh in on these subjects in a meaningful way. If they had, we might have a system today that permits localities the ability to raise more of their own resources, while permitting the consideration of changing the federal program. But, NO. All that time, just silence.

“Only in the context of a budget submission did the administration make this proposal. To be fair they suggested the same last year. But anyone who has been around long enough sees this for what it is: proposing a change in policy they are not really prepared to fight for, in this case a PFC cap increase, to dress up a budget proposal that allows a billion dollar cut. This is an old budget trick, perfected by David Stockman 30 years ago.

In the end, the PFC proposal will be treated as unserious. But the AIP cut proposal will be seized on by the Hill. The recently passed FAA bill will result in less investment in aviation infrastructure. This budget may result in even less than that! What a joke.”

Details of Budget Request

The President’s budget requests \$15.2 billion for the Federal Aviation Administration in FY 2013, a decrease of \$730 million from the FY 2012 enacted level.

The Department of Transportation said this overall decrease is due largely to the proposed reduction to the funding level for the Grants-in-Aid for Airports program.

Following are excerpts from DOT’s program highlights of the FAA’s budget request:

Operations: The President is requesting \$9.7 billion for the operation, maintenance, communications, and logistical support of the air traffic control and air navigation systems. This represents an increase of just 0.7 percent from the FY 2012 enacted level.

- Included in the Operations budget is a \$10 million increase for Performance Based Navigation (PBN). This fund-

ing will streamline the development and deployment of navigation procedures used at our nation’s busiest airports.

Facilities and Equipment (F&E): The President is requesting \$2.8 billion for Facilities and Equipment, which will enable FAA to meet the challenge of both maintaining the capacity and safety of the current National Airspace while keeping a comprehensive modernization and transformation effort on track.

- Within these funds, the FY 2013 Budget requests \$955 million for NextGen, an increase of \$92 million (11 percent) over FY 2012 enacted levels. This funding will enable FAA to continue its ongoing modernization efforts. Examples of specific projects include:

- Area Navigation/Required Navigation Performance: \$36 million is requested – a \$7 million increase over FY 2012 enacted levels – to consolidate databases used to improve and develop new arrival and departure procedures.

- Automatic Dependent Surveillance Broadcast: \$272 million is requested for the implementation of satellite-based surveillance capabilities. This will provide a more complete picture of airspace conditions and more accurate position data.

- Air-to-Ground Data Communications: \$143 million is requested to implement a text-based data communication system.

- NextGen Systems Development: \$61 million is requested to conduct system level engineering reviews of human factors, safety, environment, wake turbulence, future Air Traffic Control (ATC) communications and surveillance requirements.

- Flexible Terminals and Airports: \$31 million is requested to develop technologies and decision support tools to improve operations in the terminal environment and ensure efficient separation management.

- Future Facilities: \$95 million is requested to begin implementation of the first technologically advanced air traffic control center that will facilitate the transition to NextGen performance based operations.

The balance of the F&E request, \$1.9 billion, will be used to sustain current systems, including maintaining aging infrastructure, power systems, information technology, navigational aids, communications, surveillance, and weather systems, as well as En Route Automation Modernization (ERAM).

Research, Engineering and Development: The President is requesting \$180 million for FAA Research, Engineering, & Development in FY 2013 to support the continuation of work in both NextGen and other research areas such as environmental research, safety research in areas such as fire research, propulsion and fuel systems, unmanned aircraft, advanced materials research, and weather research.

- The President’s Budget requests \$12 million for the Joint Planning and Development Office (JPDO) to ensure the efficient coordination between all Federal partners whose decisions impact NextGen.

Immediate Transportation Investment: To spur job growth and allow states to initiate sound multiyear investments, the Budget assumes in FY 2012 a \$50 billion economic boost above current law spending to jump start investments for highway, highway safety, transit, passenger rail, and aviation activities. Of this amount, \$3 billion is for FAA programs (\$1 billion for NextGen and \$2 billion for Grants-in-Aid to Airports).

- The \$1 billion in funding to advance NextGen will support multiple infrastructure projects and other investments that are designed to accelerate NextGen capabilities.
- The request includes \$225 million for a new air traffic control facility for the future which will fully leverage NextGen capabilities to improve traffic flow, ensure user community cost savings, reduce the environmental impact of aviation, and reduce operating costs.
- \$350 million is requested for the expansion of Automatic Dependent Surveillance – Broadcast (ADS-B) coverage that will provide economic and safety benefits to air transport and general aviation users through increased airport access, route development, and expanded surface coverage.
- \$160 million is requested for the integration of the Flight Deck with Traffic Flow, which will enhance the potential of an uninterrupted fuel efficient profile descent and provide the airlines with fuel savings, reduced environmental emissions and noise, and reduced workload to pilots and air traffic controllers.

DOT said that Grants-in-Aid to Airports will use most of the \$2 billion for runway construction and other airport improvements aimed at increasing overall system efficiency in the future. The funds will also be used to honor existing long-term funding commitments, Runway Safety Area improvement projects, and for noise mitigation projects.

DOT did not explain what will provide the \$50 billion “economic boost” in FY 2012. It may be anticipated savings from troop reductions in Iraq, which some economists doubt will materialize.

San Francisco Int’l

AIRPORT IS LAUNCH CUSTOMER FOR NEW 3-D VOLANS SOFTWARE

San Francisco International Airport is the launch customer for BridgeNet International’s new web-based 3D VOLANS flight and airspace simulation software.

San Francisco International Airport’s Aircraft Noise Abatement Office has recently updated its website (www.flyquietsfo.com) with the VOLANS program which provides the latest innovation in flight tracking software.

VOLANS is currently being used by the FAA to show how new technology impacts air traffic routes.

“The Airport is continually exploring options to strengthen our community outreach and education,” said Airport Director John L. Martin. “With the upgrade to the Volans

flight tracking program, SFO will be providing more timely and accurate information to the users of the Airport’s Noise Abatement website.”

Users have a multitude of customization options for the program, the airport explained. For instance, the software allows the user to change the size of the aircraft, rotate the screen in all directions, change the base map and retrieve specific flight data information such as airline, origin/destination, speed, type of aircraft, and altitude.

Volans can be used to view real-time flight data or pull up historic data, the airport explained. It said the historic data are helpful in finding information about a specific flight or time period. The tracks are displayed with a built-in 10-minute time delay for both security purposes and to allow the users time to log-on and track any flights they may have just seen or heard.

Users will see changes from the previous SFO flight track player that include the ability to view flight tracks in 3D; viewing a specific flight as if the user were in the cockpit seeing other aircraft around them; and turning flight data on and off. Users also can look up an address and view that address in relation to aircraft operations at SFO.

VOLANS is a web-based application launched last May that creates, evaluates, and displays flight operations in three dimensions. The software evaluates the acoustic and environmental impacts from Performance Based Procedures, providing a display of noise impacts using various acoustic parameters, including A-weighted noise levels and audibility detection. VOLANS can be used for all classes of aircraft operations from commercial jets to small unmanned aerial vehicles (23 ANR p. 65)

More information on the software may be found at: www.flyquietsfo.com

CATEX, from p. 17

“Unfortunately, a categorical exclusion would enable the FAA to circumvent its responsibilities under the National Environmental Policy Act (NEPA) and Clean Air Act. We view this language as an aviation industry sell out sponsored by the Air Transport Association [now known as Airlines 4 America] and General Electric [which is under contract with FAA to develop RNP procedures],” Belzer said.

“It effectively would deny the Public its fundamental right to review and comment on NextGen flight patterns, which most likely will generate new and concentrated aircraft noise and emissions. As a result, we request that President Obama veto this bill. We request that the President immediately have this section reviewed by an environmental legal expert. Please send the legislation back to Congress and have this provision removed. It has no business in an FAA funding Bill.”

The airlines strongly support the CATEX provision for Performance-Based Navigation procedures.

A4A said the bill’s mandate to expedite implementation of PBN procedures at major airports “will help airlines to further

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improve on-time performance, reduce fuel burn and aircraft emissions, and mitigate noise.”

No Environmental Review of PBN in Airspace Redesign

FAA failed to perform an environmental review of PBN procedures put in place in the New York/New Jersey/Philadelphia Airspace Redesign, NJCAAN told the agency in separate comments the FAA had solicited from the public on the transition to PBN procedures.

NJCAAN told FAA its primary concern with the use of PBN procedures “relates to the extent and completeness of environmental analysis performed in conjunction with the proposed transition to assure compliance with the National Environmental Policy Act (NEPA), general conformity provisions of the Clean Air Act, Section 4(f) of the Department of Transportation Act, and requirements FAA Order 1050.1.

“The FAA has publicized and acknowledged that PBN procedures such as Area Navigation (RNAV) and Required Navigation procedures (RNP) have potential to concentrate impacts and result in new or additional aircraft noise and emissions impacts. Furthermore, the FAA expects NextGen to increase airport capacity and thereby induce growth.

“The full combined impact of the various factors: a) changes in flight path dispersal; b) changes in flight path location and altitude; c) increased operations stimulated by new capability; and d) relocation of traffic not under the control of Air Traffic Controllers arising from changes in airspace allocation, all should be analyzed in advance, documented, and disclosed for public comment.

“NJCAAN recognizes that PBN procedures can also, in some instances, yield environmental benefits. However, we are primarily concerned about advance identification of adverse effects in instances where these occur.”

NJCAAN told FAA that it did not model noise impacts from RNAV and RNP procedures in the environmental documents for its NY/NJ/PHL Airspace Redesign.

“Given the FAA decision to exclude impacts of RNAV and RNP in the Redesign Environmental Impact Statement (EIS) and now its decision to proceed with NextGen, noise and emissions impacts for the Redesign, which the FAA is proceeding to implement, remain undisclosed and therefore unanalyzed,” NJCAAN said.

CATEX Provision

The FAA Modernization and Reform Act of 2012 stipulates that a CATEX can be given to PBN procedures if the FAA administrator determines they would result “in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace.”

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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NASA

CHALLENGE OF NASA PROJECT IS TO CUT NOISE, EMISSIONS, FUEL USE SIMULTANEOUSLY

[Following is a Jan. 27 update on NASA's Environmentally Responsible Aviation Project by Kathy Barnstorff of NASA's Langley Research Center.]

Leaner, greener flying machines for the year 2025 are on the drawing boards of three industry teams under contract to the NASA Aeronautics Research Mission Directorate's Environmentally Responsible Aviation Project.

Teams from The Boeing Company in Huntington Beach, Calif., Lockheed Martin in Palmdale, Calif., and Northrop Grumman in El Segundo, Calif., have spent the last year studying how to meet NASA goals to develop technology that would allow future aircraft to burn 50 percent less fuel than aircraft that entered service in 1998 (the baseline for the study), with 50 percent fewer harmful emissions; and to shrink the size of geographic areas affected by objectionable airport noise by 83 percent.

"The real challenge is we want to accomplish all these things simultaneously," said ERA project manager Fay Collier. "It's never been done before. We looked at

(Continued on p. 22)

Taxiing

FUTURE AIRCRAFT COULD TAXI ON POWER FROM WHEEL ROTATION, UK STUDY FINDS

(The UK's Engineering and Physical Sciences Research Council (EPSRC), the main UK government agency for funding research and training in engineering and the physical sciences, issued the following announcement on Feb. 23 on research it funded on the feasibility of energy recovery from landing aircraft.)

Tomorrow's aircraft could contribute to their power needs by harnessing energy from the wheel rotation of their landing gear to generate electricity.

They could use this to power their taxiing to and from airport buildings, reducing the need to use their jet engines. This would save on aviation fuel, cut emissions, and reduce noise pollution at airports.

The feasibility of this has been confirmed by a team of engineers from the University of Lincoln with funding from the Engineering and Physical Sciences Research Council (EPSRC). This forms part of the Research Councils UK Energy Program.

The energy produced by a plane's braking system during landing – currently wasted as heat produced by friction in the aircraft's disc brakes – would be captured

(Continued on p. 23)

In This Issue...

NASA ... The agency provides an update on its Environmentally Responsible Aviation Project; the challenge is to reduce noise, emissions, and fuel use simultaneously - p. 21

... NASA transfers Efficient Descent Advisor technology to FAA - p. 22

Taxiing ... Aircraft noise and emissions could be reduced in future aircraft by-generating electricity for taxiing from energy harnessed from the wheel rotation of their landing gear, a feasibility study funded by the UK's main research funding agency concludes - p. 21

FAA ... The agency postpones the April date for the Second Annual Meeting of the Aviation Noise Impacts Research Roadmap - p. 23

Oakland Int'l ... Port of Oakland issues an RFQ seeking a consultant to provide services to the Oakland Airport-Community Noise Forum - p. 24

NASA, from p. 21

some very difficult metrics and tried to push all those metrics down at the same time.”

So NASA put that challenge to industry – awarding a little less than \$11 million to the three teams to assess what kinds of aircraft designs and technologies could help meet the goals. The companies have just given NASA their results.

“We’ll be digesting the three studies and we’ll be looking into what to do next,” said Collier.

Boeing’s advanced vehicle concept centers around the company’s now familiar blended wing body design as seen in the sub-scale remotely piloted X-48, which has been wind tunnel tested at NASA’s Langley Research Center and flown at NASA’s Dryden Flight Research Center. One thing that makes this concept different from current airplanes is the placement of its Pratt & Whitney geared turbofan engines. The engines are on top of the plane’s back end, flanked by two vertical tails to shield people on the ground from engine noise. The aircraft also would feature an advanced lightweight, damage tolerant, composite structure; technologies for reducing airframe noise; advanced flight controls; hybrid laminar flow control, which means surfaces designed to reduce drag; and long-span wings which improve fuel efficiency.

Lockheed Martin took an entirely different approach. Its engineers proposed a box wing design, in which a front wing mounted on the lower belly of the plane is joined at the tips to an aft wing mounted on top of the plane. The company has studied the box wing concept for three decades, but has been waiting for lightweight composite materials, landing gear technologies, hybrid laminar flow and other tools to make it a viable configuration. Lockheed’s proposal combines the unique design with a Rolls Royce Liberty Works Ultra Fan Engine. This engine has a bypass ratio that is approximately five times greater than current engines, pushing the limits of turbofan technology.

Northrop Grumman chose to embrace a little of its company’s history, going back to the 1930s and ‘40s, with its advanced vehicle concept. Its design is a flying wing, championed by Northrop founder Jack Northrop, and reminiscent of its B-2 aircraft. Four high-bypass engines, provided by Rolls Royce and embedded in the upper surface of the aerodynamically efficient wing would provide noise shielding. The company’s expertise in building planes without the benefit of a stabilizing tail would be transferred to the commercial airline market. The Northrop proposal also incorporates advanced composite materials and engine and swept wing laminar flow control technologies.

What the studies revealed is that NASA’s goals to reduce fuel consumption, emissions and noise are indeed challenging. The preliminary designs all met the pollution goal of reducing landing and takeoff emissions of nitrogen oxides by 50 percent over engines flying today. All still have a little way to go to meet the other two challenges. All the designs were very close to a 50-percent fuel burn reduction, but noise

reduction capabilities varied.

“All of the teams have done really great work during this conceptual design study,” say Mark Mangelsdorf, ERA Project chief engineer. “Their results make me excited about how interesting and different the airplanes on the airport ramp could look in 20 years. Another great result of the study is that they have really helped us focus where to invest our research dollars over the next few years,” he said.

NASA’s ERA project officials say they believe all the goals can be met if small gains in noise and fuel consumption reduction can be achieved in addition to those projected in the industry studies. The results shed light on the technology and design hurdles airline manufacturers face in trying to design lean, green flying machines and will help guide NASA’s environmentally responsible aviation investment strategy for the second half of its six-year project.

NASA

NASA TRANSFERS EFFICIENT DESCENT TECHNOLOGY TO FAA

[Following is a Feb. 1 NASA announcement on its Efficient Descent Advisor technology by Jim Banke of NASA’s Aeronautics Research Mission Directorate.]

Managing the descent of airliners toward some of the nation’s busiest airports is one step closer to becoming more fuel-efficient and environmentally friendly thanks to new technology developed by NASA that now is in the hands of the Federal Aviation Administration.

During a ceremony held Jan. 31 in Washington, results of NASA research to define and validate the Efficient Descent Advisor (EDA) concept were officially transferred to the FAA for further evaluation and potential operational use as part of a more widespread government effort to modernize the nation’s air traffic control system, known as NextGen.

“In order to create an American economy that is built to last, we need to provide cleaner, safer and more efficient air travel. NASA’s scientists and engineers — in cooperation with the FAA — are focused on doing just that, pushing the envelope of what is possible and working to improve our entire air traffic system,” NASA Administrator Charles Bolden said.

The EDA concept could help air traffic controllers allow airliners of all sizes to more efficiently descend from cruising altitude to arrive at an airport using less engine power while maintaining a safe distance from other aircraft.

“Think of EDA this way: Imagine being in your car, cruising down your street on your way home and being able to take your foot off the gas at the perfect time to roll to a stop in your driveway without having to use the gas and brake – smooth, efficient and quiet,” said Leighton Quon, manager of the NextGen Systems Analysis, Integration, and Evaluation Project at NASA’s Ames Research Center, Calif.

As a result, airlines save money on fuel and fewer emissions are released into the atmosphere. In fact, NASA simulations showed potential annual savings of \$300 million in fuel. Another benefit: since EDA adds automation to the process, air traffic controller workload is reduced.

“With the transfer of our EDA research and development to our partners at the FAA, NASA’s aeronautical innovators continue to deliver on our mission to support the aviation community, which is so vital to our everyday lives and the nation’s economy,” said Jaiwon Shin, NASA’s associate administrator for aeronautics research in Washington.

NASA and the FAA facilitate the evolution of innovations such as EDA through research transition teams. The teams, made up of experts from government, industry and academia, are responsible to ensure the relevant new technology needed for NextGen is identified, developed, tested and then transferred to the FAA.

Taxiing, from p. 21

and converted into electricity by motor-generators built into the landing gear. The electricity would then be stored and supplied to the in-hub motors in the wheels of the plane when it needed to taxi.

‘Engine-less taxiing’ could therefore become a reality. ACARE (the Advisory Council for Aeronautics Research in Europe) has made engine-less taxiing one of the key objectives beyond 2020 for the European aviation industry.

“Taxiing is a highly fuel-inefficient part of any trip by plane with emissions and noise pollution caused by jet engines being a huge issue for airports all over the world,” says Professor Paul Stewart, who led the research.

“If the next generation of aircraft that emerges over the next 15 to 20 years could incorporate this kind of technology, it would deliver enormous benefits, especially for people living near airports. Currently, commercial aircraft spend a lot of time on the ground with their noisy jet engines running. In the future this technology could significantly reduce the need to do that.”

The University of Lincoln’s research formed part of a project that aimed to assess the basic feasibility of as many ways of capturing energy from a landing aircraft as possible.

“When an Airbus 320 lands, for example, a combination of its weight and speed gives it around three megawatts peak available power,” Professor Stewart explains. “We explored a wide variety of ways of harnessing that energy, such as generating electricity from the interaction between copper coils embedded in the runway and magnets attached to the underside of the aircraft, and then feeding the power produced into the local electricity grid.”

Unfortunately, most of the ideas weren’t technically feasible or simply wouldn’t be cost-effective. But the study showed that capturing energy direct from a plane’s landing gear and recycling it for the aircraft’s own use really could work, particularly if integrated with new technologies emerging from current research related to the more-electric or all-

electric aircraft.

A number of technical challenges would need to be overcome. For example, weight would be a key issue, so a way of minimizing the amount of conductors and electronic power converters used in an on-board energy recovery system would need to be identified.

The project was carried out under the auspices of the EPSRC-funded Airport Energy Technologies Network (AETN) established in 2008 to undertake low-carbon research in the field of aviation, and was undertaken in collaboration with researchers at the University of Loughborough.

The 12-month ‘Feasibility Study of Energy Recovery from Landing Aircraft’ received total EPSRC funding of £161,000 (\$256,000 US).

The initial projects associated with the EPSRC-funded Airport Energy Technologies Network (AETN) were the outputs of a Sandpit event in November 2009. Sandpits are intensive discussion forums where free thinking is encouraged in order to delve deep into specific issues and identify innovative solutions.

Theoretically, an energy recovery system integrated into a plane’s landing gear might be able to provide all the power needed for taxiing from a runway back to the airport terminal. If at any time a limited amount of power was available, the plane could supplement this with its conventional engines. A plane would also need to run its jet engines prior to take-off, so an energy recovery system would probably only be used to meet a proportion of the plane’s energy needs during taxiing from the terminal to the runway.

Research

FAA POSTPONES SECOND MEETING OF NOISE RESEARCH ROADMAP

The April 24-25 meeting date for the Federal Aviation Administration’s Second Annual Meeting of the Aviation Noise Impacts Research Roadmap (ANIRR) has been canceled due to “unexpected schedule conflicts and short-term budgetary constraints for some key participants,” the agency announced on Feb. 26.

“We will be rescheduling the meeting in the future for late summer or early autumn. As soon as we have additional information on the dates, we will be sending out a new Save the Date,” Rebecca Cointin, Acting Noise Division Manager in the FAA Office of Environment and Energy, said in an e-mail to those who had signed up to attend the meeting.

The intent of the ANIRR is to define systematic, focused, and complementary research programs to advance the knowledge of how best to address the impacts of aviation noise on society, while effectively leveraging limited resources, FAA explained when it originally announced the now-cancelled April meeting date.

The First ANIRR Annual Meeting was held in April 2011 and was successful in bringing together the aviation noise

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community to discuss ongoing activities and coordinate research efforts.

Attendees represented a wide range of federal agencies, international organizations, academia, industry, and the general public. Participating federal agencies included the FAA/Department of Transportation, Department of Defense, National Aeronautics and Space Administration, National Park Service, Department of Housing and Urban Development, Centers for Disease Control and Prevention, National Institutes of Health, National Oceanic and Atmospheric Administration.

Based on presentation materials, discussions, and responses to knowledge gap questionnaires, the ANIRR 2011 document was developed. The document outlines key research elements, summarizes ongoing programs and projects, and identifies current knowledge gaps and future research activities. The ANIRR 2011 document and all ANIRR presentations from the 2011 meeting are available at the Federal Interagency Committee on Aviation Noise (FICAN) website at <http://fican.org/>.

The purpose of the second ANIRR meeting is to identify key research needs and formulate priorities. The 2012 meeting will focus on the following topics: aircraft noise annoyance, noise effects on health and welfare, noise in national parks and wilderness, and aircraft noise modeling. The agenda will also include an open discussion on the format for future annual meetings and on the Roadmap document.

The ANIRR 2011 document will be updated after the meeting to reflect the current status of the research efforts.

In Brief...

Oakland Seeks Consultant for Noise Forum

The Port of Oakland is soliciting a request for qualifications from consultants qualified to provide airport noise consulting services for the Oakland Airport-Community Noise Forum.

The scope of this project is to provide technical acoustic services to the Oakland Airport-Community Noise Forum, conduct noise studies and/or research, and perform other related work as directed by the Forum.

The Port has posted this Request for Proposals (RFQ) in digital format on a hosting website that can be accessed via the 'Current RFP's/RFQ's: Port of Oakland Engineering Department' link at the following URL: <http://portofoakland.com/business/rfpsrfqs.asp>. Proposing consultants should carefully review the requirements of this RFQ to ensure that they meet all of the stated requirements.

No Pre-Proposal Conference is scheduled. The Bid Due Date is Tuesday, April 10, at 3 p.m.

Technical questions should be directed to Larry Galindo at tel: (510) 563-2881; e-mail: lgalindo@portoakland.com.

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A weekly update on litigation, regulations, and technological developments

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Special Report

California's Seminal Airport Land Use Compatibility Planning Laws Are Up For Repeal

By *Lori D. Ballance and Danielle K. Morone,*
Gatzke Dillon & Ballance LLP

Buried deep in California's draft budget trailer bill is a proposal that would facilitate the elimination of essentially all of California's airport land use commissions, with a few exceptions provided for Los Angeles and San Diego counties and counties with inter-county airports.ⁱ More specifically, the trailer bill articulates the un-adopted and draft "intent of the Legislature ... to relieve local entities of the duty to perform the reimbursable activities ... included in the following state-mandated local programs: ... (r) Airport Land Use Commission/Plans."ⁱⁱ In order to effectuate this intent, the trailer bill proposes to repeal a number of provisions in California's State Aeronautics Act, as that Act pertains to airport land use compatibility planning.ⁱⁱⁱ

The proposal appears to be an effort to appease local governments with funding

(Continued on p. 26)

FAA Forecast

20-YEAR FORECAST UNDERSCORES NEED TO MOVE FORWARD WITH NEXTGEN, FAA SAYS

On March 8, the Federal Aviation Administration released its annual forecast projecting airline passenger travel will nearly double in the next 20 years.

The agency said the report underscores the need to continue moving forward with implementation of FAA's Next Generation Air Transportation System (NextGen) to accommodate the projected growth.

"More and more Americans are relying on air travel, and the Obama Administration is committed to making sure the U.S. can meet our growing aviation demands," said U.S. Secretary of Transportation Ray LaHood. "Our investment in NextGen is the key to getting passengers and cargo to their destinations more safely, faster, and with less impact on the environment."

The FAA Aerospace Forecast Fiscal Years 2012-2032 projects that Revenue Passenger Miles (RPMs) – that aviation standard that represents one paying passenger traveling one mile – will nearly double over the next two decades, from 815 billion in 2011 to 1.57 trillion in 2032, with an average increase of 3.2 percent per year. The number of commercial operations at FAA and contract towers is expected to increase by more than 45 percent from current levels.

(Continued on p. 27)

In This Issue...

Special Report ... California attorneys Lori Ballance and Danielle Morone shine light on a provision buried deep in the California budget trailer bill that would eliminate the state's pioneering local Airport Land Use Commissions and, more ominously, also eliminate the mandate to do any local airport land use compatibility planning except in San Diego and Los Angeles Counties. Such a change in California may have a chilling effect nationwide on airport land use compatibility planning efforts, they warn - p. 25

Forecast ... Airline passenger travel is expected to nearly double over the next 20 years, underscoring the need to continue moving forward with the transition to NextGen, FAA says - p. 25

Airspace Redesign ... FAA launches a collaborative effort to redesign the airspace around Atlanta and Charlotte as part of its plan to make the airspace around Metropolex areas more efficient - p. 28

California, from p. 25

shortfalls. However, there are substantial risks. Historically speaking, airport land use commissions have served as independent public bodies with a primary and singular mission: plan for land use development in a manner that is compatible with airport operations and protects the public health, safety and welfare. The trailer bill provides for the elimination of airport land use commissions in California without providing a substitute process to ensure that local land use agencies take airport land use compatibility issues into consideration. As a result, airport encroachment, as well as the safeguarding of the general welfare of inhabitants within the vicinity of airports and the public in general, may become very real and serious problems for California airports and members of the public.

Until now, California law has recognized and affirmed the benefits of having an independent body – an airport land use commission – in nearly every county with at least one public use airport to address airport land use compatibility for both civilian and military airports. These commissions develop technical expertise in a very discrete area (i.e., land use planning in the vicinity of airports in a manner that accounts for noise, safety, airspace protection, and overflight concerns), and do not delve into the economic advantages of allowing development (e.g., increased tax revenues). This allows the commissions to honor their discrete mission to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and adopting land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around airports, to the extent that these areas are not already devoted to incompatible uses.

Local land use agencies (e.g., cities and counties), on the other hand, are authorized to balance a number of competing interests, including the “bottom line,” when deciding whether to authorize development. As a result, it inherently is more difficult for local land use agencies to adequately protect airports from encroachment and to minimize the public’s exposure to excessive noise and safety hazards. Further, without the expertise and perspective of airport land use commissions, incompatible uses, such as schools, hospitals and low-income housing, may become more prevalent in areas subject to high noise levels and safety concerns.

While the enabling legislation for airport land use commissions is proposed for repeal because compatibility planning efforts “should be determined by local government priorities,”^{iv} this basis for repeal ignores that there are many other public and private entities with vested interests in airport land use compatibility planning. For example, among the most notable public entities are the Federal Aviation Administration and California Department of Transportation, Division of Aeronautics.^v Both agencies strive to ensure that public funds awarded through federal and state grant programs and invested in public use airports are not undermined by land use compatibility concerns.^{vi} And, California’s airport land use compatibility planning laws are of particular

importance to these two agencies as neither agency has jurisdiction over local land use development, which falls within the police powers of cities and counties.^{vii}

Another federal agency with a strong interest in successful compatible land use planning is the U.S. Department of Defense. Although the various branches of the military adopt air installation compatible use zone (AICUZ) studies that address land use compatibility in areas around military airfields, those studies only are advisory in nature and need not be implemented by local land use agencies. State law, however, currently requires the compatibility plans adopted by airport land use commissions to be consistent with AICUZ studies,^{viii} providing the military with a much needed layer of protection at the local level.

Others with strong interests in effective land use compatibility planning include airport owners/operators, pilots, members of the flying public, and the residents and occupants of areas adjacent to airports. And, from a more indirect perspective, California is viewed by many as a pioneer in the realm of airport land use compatibility planning. Since the enactment of California’s airport land use compatibility planning laws almost 50 years ago, other states, such as Washington and Nevada, have ventured into the compatibility planning realm. If California’s enabling legislation ultimately is repealed without providing for airport land use compatibility planning in some other manner, the result may be a nationwide chilling effect on compatibility planning efforts in the airport context. In short, local governments (e.g., cities and counties) are not the only stakeholders.

While the necessary compatibility planning may occur in the absence of airport land use commissions, as presently drafted, the trailer bill would repeal most commissions’ enabling legislation without providing for a substitute process to ensure that local land use agencies take airport land use compatibility issues into consideration. It is this wholesale vacuum – the elimination of commissions and the failure to provide a substitute process – that is particularly concerning.

Ken Brody, a Senior Airport Planner at Mead & Hunt, opined: “From my perspective, the biggest issue with the draft trailer bill is not that it would eliminate airport land use commissions, but that it would also eliminate the mandate for local airport land use compatibility planning. Despite the reduced amount of development in the last several years, the need to address the relationship between airports and future land use development remains. Good community planning dictates that this be done.”

Oddly, as mentioned above, the draft trailer bill carves out exceptions from the general repeal for San Diego and Los Angeles counties, and counties with an inter-county airport. As a result, the trailer bill would result in a patchwork of land use compatibility planning for airports throughout the State. Some areas, such as San Diego and Los Angeles counties, would continue to benefit from compatibility planning and maintain a safe environment around their airports. Other counties would not receive those same benefits. There is no articulated basis in the trailer bill for creating this distinction,

and no rational basis – at least one that is based on protecting the public health, safety and welfare, and airport operations – comes to mind.

In closing, the draft trailer bill’s proposal flew under the radar for a number of weeks following its initial release in early February. However, the trailer bill is now being reviewed by the California Department of Transportation, Division of Aeronautics, the California State Association of Counties, and a number of other constituent groups. Although California’s 2012-2013 budget is far from adopted, the trailer bill presents an issue of serious concern that warrants close monitoring by all interested parties. Future editions of *Airport Noise Report* will provide updates on this developing issue.

ⁱ See the California Department of Finance’s trailer bill for “Corrections and General Government” at http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/%5B301%5D%20Repeal%20Make%20Permissive%20Specified%20Mandates.pdf. The language has not been formally introduced into a measure as of this edition’s publication.

See also Overview of the 2012-13 Budget Bill, Senate Committee on Budget and Fiscal Review (February 2012), Appendix viii [identifying among the Governor’s list of mandates proposed for repeal: “The mandate requires counties with an airport to establish an airport land use commission or designate alternative procedures to accomplish airport land use planning. This mandate will be repealed because this should be determined by local government priorities.”].

ⁱⁱ Trailer Bill, *supra* n. i, p. 3.

ⁱⁱⁱ Trailer Bill, *supra* n. i, pp. 145-162; see also Cal. Pub. Util. Code, §§21670-21679.5.

^{iv} Overview of the 2012-13 Budget Bill, *supra*, n. i.

^v The Division of Aeronautics publishes guidance, known as the California Airport Land Use Planning Handbook, to assist airport land use commissions and local land use agencies in complying with California’s airport land use compatibility planning laws. The most recent edition of the Handbook was published in October 2011, and is available at <http://www.dot.ca.gov/hq/planning/aeronaut/documents/AirportLandUsePlanningHandbook.pdf>.

^{vi} See Assurance 21 at http://www.faa.gov/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf. Airport sponsors must agree to comply with this assurance, and others, prior to the award of federal funds by the Federal Aviation Administration under the Airport Improvement Program.

^{vii} Counties and cities are granted plenary land use authority by the California Constitution, art. XI, §7, and several statutes, including the local planning law (Cal. Gov. Code, §§65100-65763), zoning law (Cal. Gov. Code, §§65800-65912), and the Subdivision Map Act (Cal. Gov. Code, §§66410-66499.37).

^{viii} Cal. Pub. Util. Code, §21675(b).

Forecast, from p. 25

According to the forecast, the total number of people flying commercially on U.S. airlines will increase by 0.2 percent to 732 million in 2012, then to 746 million in 2013, and then increase more rapidly to 1.2 billion in 2032. The aviation system is expected to reach one billion passengers per year in 2024.

In 2011, traffic growth remained modest with passengers increasing by 2.5 percent from 2010 and RPMs up 3.5 percent from 2010. Landings and takeoffs handled by FAA and FAA contract towers in 2011 were down by 1.0 percent from 2010. However, the number of commercial aircraft handled at the FAA’s high-altitude en route centers grew by 4.8 percent in 2011 over the previous year.

The forecast projects the strongest growth in general aviation in jet aircraft, which is expected to grow at a rate of 2.9 percent per year, with a 4 percent per year growth rate in hours flown.

The actual forecast can be viewed by going to: http://www.faa.gov/about/office_org/headquarters_offices/apl/aviation_forecasts/aerospace_forecasts/2012-2032/

Expect Steady, Moderate Growth

“As we move forward, there will be starts and stops. We do expect a slight pause in growth this year, but over the long run, we expect aviation will continue to experience steady, moderate growth. This is despite the fact that we are operating in a climate of economic uncertainty and rising oil prices,” Acting FAA Administrator Michael Huerta told aviation industry officials at the FAA Forecast conference held in Washington, DC.

“Last year 731 million people flew on U.S. air carriers. That number is expected to increase by 500 million over the next 20 years, for a total of 1.2 billion passengers. That increase is like adding the entire population of the European Union.”

He said the FAA forecast also predicts that U.S. carrier traffic will continue to increase and nearly double in the next 20 years. “Imagine a carrier the size of Jet Blue coming into the system every 10 months. That is the demand we are forecasting,” Huerta said.

Growth in operations at large U.S. airports is expected to outpace the growth at small and non-hub airports, Huerta said, adding that as air carriers continue to consolidate their networks, it is going to increase the traffic at airports that are already quite busy. For example, he said, “we see growth at our 30 busiest airports increasing by about 50 percent over the next 20 years.”

“There is also good news for NextGen in the President’s 2013 budget,” Huerta told the conference. It proposes \$1 billion for NextGen. “This is an increase of almost \$100 million, or 11 percent over what we received in 2012. Many airlines are ready to use NextGen procedures and functionality. And we want to give them the procedures they need to fly these more direct and much more efficient routes.”

He said that Performance Based Navigation is an excellent way to deliver NextGen benefits to users right away. “We are continuing to expand our work in this area, and the president’s proposed budget includes a \$20 million increase that will help the work we already have underway.”

“Across the country, there are 21 different areas, or Metroplexes that surround big cities, and we know in each of these that we need to improve airspace.

“This year we have kicked off the design and implementation phase of new airspace modernization efforts in Houston, Atlanta and Charlotte (see related story in this issue). We are underway with this work in the Washington, D.C., area as well as north Texas. Later this year, we will be kicking off our efforts in southern and northern California.

“Improving the airspace around these metropolitan areas is a collaborative effort among all parties. And because of this collaboration, we expect to modernize the airspace much more quickly than we would otherwise. It usually takes between five and 10 years to develop and implement the advanced navigation procedures we are talking about.

“But under the Metroplex initiative, we expect to finish the work in three years. We are creating satellite-based procedures that will transform our national airspace system nationwide. These new flight tracks will relieve bottlenecks, improve safety and efficiency, and foster the flow of commerce.”

Huerta said that at Hartsfield-Jackson International Airport, FAA estimates that airlines flying into Atlanta will fly about 1.2 million fewer miles per year, based on the improved flight paths. Those paths, combined with other, fuel-saving descents, translate into a projected fuel savings of about 2.9 million gallons per year. It also means 30,000 fewer metric tons of carbon emissions released into the air, according to Huerta. “This is the total savings for all aircraft and airlines using Atlanta’s hub airport. As the busiest airport in the world, what helps Atlanta has ripple effects that help the entire country.”

He also noted that last fall FAA was able to add a departure route out of Hartsfield-Jackson thanks to the precision of GPS. “We are getting better use of the airspace and increasing the departures we can handle. Atlanta can clear up to 10 additional planes per hour thanks to NextGen.”

“This greater throughput reduces the amount of time aircraft wait to takeoff and it reduces delays. Because all these jets spend less time on the ground with engines idling, waiting to take off, this lowers fuel burn and decreases environmental impact.

“All across the country we are getting these savings because of very precise Performance Based Navigation procedures, which will reduce the number of miles aircraft must fly by allowing them to take more direct routes. Southwest Airlines estimates that it saves \$25 in fuel for every mile it saves because of a shorter flight track.

Huerta said that FAA also is creating environmentally friendly Optimized Profile Descents (OPDs), which allow aircraft to make managed descents at reduced engine power,

thus saving fuel and reducing noise and emissions.

“At Phoenix Sky Harbor International Airport we have implemented four of these Optimized Profile Descents in the last year. And the total cost saving by two air carriers there is estimated at \$6.4 million per year. These are real benefits that are happening right now.”

“There are many benefits that will accrue to all of us from NextGen. System-wide, we estimate that NextGen will reduce delays in the air and on the ground in the next decade by 38 percent, versus if we did nothing today. This reduction in delays translates into \$24 billion in cumulative benefits for air carriers, the flying public and the FAA.

“We also estimate that we will save a total of 1.4 billion gallons of fuel and reduce carbon emissions by 14 million metric tons system wide.”

But Huerta stressed that harmonizing the various modernization efforts going on across the globe will be necessary to ensure that there is one worldwide, seamless airspace that can handle the growth ahead.

“We are interdependent. The FAA cannot implement NextGen in a vacuum. And here in the United States, all of the changes we make mean nothing if operators are not equipped and trained to take advantage of them.

That is why this is a collaborative effort. It really does take all the partners coming to the table to determine the best way to move forward.

NextGen will only be successful if we work closely with the aviation community. We’ve established a broad-based panel – the NextGen Advisory Committee—to provide guidance and recommendations. Combined with other industry partnerships, we will forge consensus on how to equip for NextGen and how to measure our successes.”

Airspace Redesign

FAA BEGINS AIRSPACE REDESIGN AROUND ATLANTA, CHARLOTTE

On Feb. 29, Acting Federal Aviation Administrator Michael Huerta and aviation partners kicked off a collaborative effort to make air traffic control more efficient, help airlines improve on-time performance, and reduce emissions generated by aircraft flying in and out of airports in the Atlanta and Charlotte, N.C., areas.

“The Federal Aviation Administration and aviation industry are teaming up to make some of the busiest airspace in the world also the most efficient,” Huerta said. “The end result for travelers will be fewer delays, quicker flights and an even safer, greener flying experience.”

As part of the FAA’s NextGen modernization program, the Metroplex initiative – which includes the optimization of airspace procedures in the metroplex – will improve the flow of air traffic into and out of all airports in the Atlanta and Charlotte metropolitan areas.

The FAA estimates that 1.2 million fewer nautical miles

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will be flown in and out of Atlanta, based on current flight plan miles filed. This equates to 2.9 million fewer gallons of fuel used and a reduction in carbon emissions by 30,000 metric tons. For Charlotte, an estimated 2.5 million fewer nautical miles will be flown annually, based on current flight plan miles filed. 3.7 million gallons of fuel will be saved, with reduced carbon emissions by 35,000 metric tons annually.

The collaborative, regional partnership includes the FAA, the National Air Traffic Controllers Association, Delta Air Lines, US Airways, and Atlanta and Charlotte-area airports.

“Atlanta is fortunate to have such a strong team working on the Metroplex project. Through collaboration with management, NATCA and industry, “ said Jeffrey D. Russell, National Air Traffic Controllers Association lead representative on the team. “I expect our team to deliver a phenomenal product to the users of the airspace system and air travelers, who will benefit greatly from these efforts to make our system even safer and more efficient.”

The Metroplex work teams will explore and develop strategies to streamline airspace over Atlanta and Charlotte to help reduce airspace complexity for air traffic controllers and flight crews. The strategies include:

- Creating separate high-altitude flight tracks for Atlanta departures and Charlotte arrivals to allow aircraft to climb and descend without leveling off.
- Expanding Optimized Profile Descent (OPD) procedures into Atlanta and Charlotte airports. OPDs allow pilots to almost idle the engines while the aircraft descends, thereby reducing fuel consumption, carbon emissions and noise.
 - Shortening flight tracks by making them more direct.
 - Designing new satellite-based procedures for Atlanta reliever airports with air traffic control towers, which are DeKalb-Peachtree Airport, Gwinnett County Airport/Briscoe Field, Fulton County Airport and Cobb County Airport/McCollum Field.
- Creating separate flight tracks for flights arriving at Atlanta reliever airports, to separate them from flights to Hartsfield Jackson Atlanta International Airport.
 - Developing routes that will enable general aviation traffic to fly across the Atlanta and Charlotte metro areas while remaining clear of controlled airspace.
 - Designing new satellite-based procedures for air carrier airports near Charlotte, including Greensboro and Raleigh-Durham, N.C., and Greenville- Spartanburg and Columbia, S.C.
 - Raising the ceiling of airspace handled by the FAA Terminal Radar Approach control at Charlotte Douglas International Airport to 16,000 feet from 14,000 feet to facilitate OPDs.

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