

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

**Agenda for Tuesday, August 7th, 2012**

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
  - 1. For June 5<sup>th</sup>, 2012
- B. Discussion of Part 150 Study Update -
  - 1. Role of the FAA and the Part 150 Process
  - 2. Sections 1 and 2 of NEM Documentation
- C. Other Reports:
  - 1. Noise Hotline and Contact Log
  - 2. Airport Noise Report
- D. Any Other Discussion
- E. Next meeting: October 2<sup>nd</sup>, 2012

2012 Schedule of Meetings

February 14 <sup>th</sup>	April 3 <sup>rd</sup>	June 5 <sup>th</sup>
August 7 <sup>th</sup>	October 2 <sup>nd</sup>	December 4 <sup>th</sup>

***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".***

**KWIA Ad-Hoc Committee on Noise  
June 5, 2012 Meeting Minutes**

**Meeting called to order by Commissioner Wigington at 2:00 PM.**

**A quorum was not present to begin the meeting; therefore roll call and review and approval of the meeting minutes for the April 3<sup>rd</sup>, 2012 Ad Hoc Committee meeting was tabled to allow for any late attendees.**

**Staff and Guests in Attendance:**

- Peter Horton, KWIA.
- Deborah Lagos, URS Corp.
- Dan Botto, URS Corp.
- R. L. Blazevic, Resident
- Eleanor Garcia, Linda Avenue Homeowner
- Vladimir Prokhodouy
- Ashley Monnier, NASKW
- Robert S. Gold, Old Town Homeowner
- Brendon Cunningham, Key West Planning
- Danny Kolhage, Monroe County Clerk of the Court

**Discussion of Part 150 Study Update**

Commissioner Wigington began the meeting with the discussion of the Part 150 Study Update to allow for any late committee members.

**Role of the FAA**

Dan Botto discussed the role of the FAA in the Part 150 Study and process. A handout describing this role and the process was provided to the Committee at the behest of the FAA, and will be provided at each meeting. The Committee was reminded that the FAA does not automatically approve all recommended measures of the Part 150 Study.

Dan explained that the FAA also does not approve the NEMs, they strictly determine if the NEMs are in compliance with the Part 150 requirements, and will issue a Notice of Compliance in the Federal Register. They will make sure that URS and the Airport are following the rules and regulations that govern the Part

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150 Process and that the public was included; additionally, they will provide guidance and instruction as to items that were not covered or covered improperly.

Dan further mentioned that the approval role of the FAA occurs during the Noise Compatibility Program [NCP] where recommendations are made for operational and/or land use mitigation measures, like the NIP. That is where the FAA will approve or disprove based on the Part 150 requirements.

Peter Horton asked if the FAA will be in attendance at any of the Ad-Hoc meetings. Dan Botto responded that the FAA may be in attendance when results are being provided and when the committee begins looking at mitigation measures.

### **Noise Monitoring**

Dan Botto told the Committee that the analysis of the noise monitoring data was complete and L&B is waiting on the noise contours and specific point analysis of the noise monitor locations from URS. Once this information is provided, L&B will produce comparisons of the measured and modeled noise levels at the monitor locations to complete the analysis.

**At 2:06, a 5<sup>th</sup> member of the committee entered the room. There is now a quorum present, allowing for Roll Call, and Review and Approval of the April 3<sup>rd</sup>, 2010 meeting minutes.**

### **Discussion of Part 150 Study Update (cont.)**

#### **Data Collection - Radar Data**

Dan Botto discussed that the Navy will provide their radar data for use in this Part 150 Study. The current source of radar data only reports IFR and filed flight plan data, approximately 60 percent of the operations at KWIA. R.L. Blazevic asked where the third party source for radar data obtains their data from. Dan Botto explained that it was from the same radar used by the Navy and KWIA, but as a third party they were limited to what they are allowed to capture and report. Dan Botto reiterated that the current data is limited to IFR and filed flight plan

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operations, or about 60% of overall ops at KWIA when compared to tower counts. Dan Botto then explained that URS has been in contact with the Navy to obtain raw radar data from them and they have decided to participate in the Part 150 process by providing the raw data which should contain all flight data. Ashley Monnier introduced herself to the Committee as the new NAS Key West Community Planning Liaison Officer and will assist in obtaining this information for the Study. Dan Botto explained that the data is obtained from the Navy's contractor only with the approval of the Navy.

Commissioner Wigington asked who the Navy's contractor is, and Dan Botto and Deborah Lagos both responded that they were not sure at this time. R.L. Blazevic asked why we didn't just get the data from the FAA or the Navy. Dan Botto and Deborah explained that both the FAA and the Navy have certain procedures that have to be followed to obtain the data, and these procedures include some security and safety issues that must be analyzed before the data is released. R.L. then asked why doesn't the data come directly from the KWIA FAA Air Traffic Control Tower? Peter Horton explained that the KWIA tower does not have the physical radar; they have a radar repeater that does not store data. Peter Horton continued by explaining that the ATCT does not direct aircraft on how to get to the runway, unless there is conflicting traffic. Deborah Lagos then interjected that even though the KWIA tower speaks to the aircraft; they do not have or maintain a record of the flight track via radar data. R.L. Blazevic asked about who controls which aircraft. Peter Horton explained that the Navy controls departures and arrivals into the airspace, at which point the aircraft is handed over to the KWIA tower for instructions to land.

Dan Botto provided some exhibits to the committee as an example of the results of an analysis of radar data. The exhibits provided density plots of the current radar data showing day and night arrivals and departures at KWIA. Dan Botto made sure the committee understood that these figures have been provided to give them an idea of what the analysis of the radar data will provide and to show that aircraft are flying over the entire island. Dan Botto and Deborah Lagos both mentioned how even this partial analysis shows a very distinct straight-in arrival flow to Runway 09 and departure flow from Runway 09. They also mentioned the

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amount of activity occurring to the south of the airport and the island was higher than expected.

Robert Gold asked if this was just the IFR data discussed earlier and was told by Dan Botto that this is a preliminary analysis of partial data being used to provide an example of what the analysis of the full dataset will provide. Robert Gold then asked if this was the maximum granularity of the data, or can we zoom in closer to the airport for more detail. Dan Botto explained that with the level of analysis currently completed on this data, zooming in would produce a graphic with no discernible pattern or flow, and that we were at this scale to show the very well defined straight in arrival used by the commercial traffic. As a follow on, Robert Gold suggested that there would be greater value in seeing a more granular version of these graphics. Dan Botto explained that the analysis was going to provide a breakout of the different aircraft categories [air carrier, commuter/air taxi, general aviation] to reduce the amount of data being shown and allow for better clarity at a smaller scale. Dan went on to explain that when the Navy agreed to provide data, the analysis of the existing data was curtailed so as not to waste time or budget if this data was not going to be used in the Part 150 analysis.

### **Fleet Mix**

Commissioner Wigington asked about the fleet mix data. Dan Botto explained that since we are waiting on US Navy radar data, we were not going to provide another draft version of the fleet mix that would most likely change when the analysis of the Navy data was complete.

**Roll Call, and Review and Approval of the April 3<sup>rd</sup>, 2010 meeting minutes.**

### **ROLL CALL:**

Committee Members in Attendance:

Commissioner Kim Wigington  
Dan McMahon  
Kay Miller  
Robert Padron

## **KWIA Ad-Hoc Committee on Noise June 5, 2012 Meeting Minutes**

Marlene Durazo  
Harvey Wolney

### **Review and Approval of Meeting Minutes for the April 3rd, 2012 Ad Hoc Committee Meeting**

Commissioner Wigington asked if everyone had received the meeting minutes and if there were any additions or corrections? Dan Botto mentioned that Dan McMahon's name is misspelled throughout the minutes and will be corrected. Dan McMahon noted that in the Noise Hotline Log the name of Carol Warrick should be "Lorek." Dan Botto agreed that this will be changed also. Marlene Durazo noted that the end of the first paragraph on page 6 of the agenda package is incomplete. Dan Botto responded that he will have to review the recording of the minutes to determine what is being said here but this will be corrected also.

Marlene Durazo made the motion to accept the minutes with the requested corrections, and Dan McMahon seconded the motion. The motion passed without objection.

### **Other Reports**

#### **Hotline & Contact Log**

Dan Botto reported that the hotline had nine calls over the last two months; most of the calls were from Ms. Lorek. Dan Botto also mentioned that there were a couple of calls about the helicopter activity that had been discussed at the April meeting.

Dan Botto also reported there were two calls on the contact log, both by the same person who is buying a home on Riviera Dr. and was wondering who to contact regarding new windows

#### **Airport Noise Report**

Kay Miller asked if KWIA might be eligible for the Randy Jones Award for Excellence in Airport Noise Mitigation? Peter Horton suggested that the Airport should wait until after this study is completed before submitting KWIA for this award.

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Commissioner Wigington mentioned how the Avigation Easement programs are being challenged in courts all around the U.S. and how that might affect KWIA's mitigation efforts in the future.

Marlene Durazo asked about the article on page 40 [page 22 of the agenda package] concerning how "Part 16 procedures have been used in the past to challenge airport noise and access restrictions."

Deborah discussed that non-voluntary access restrictions require a Part 161 analysis, but with phase out of older, louder GA aircraft in the FAA reauthorization bill, you have to ask why would you undertake the expensive and complicated access restrictions when it is going to happen on its own due to the language in the bill?

Dan Botto mentioned that on page 26 of the agenda package indicates a correction to that article had to be made. The article was supposed to say "the FAA was simplifying its Part 16 rules, which govern the procedure for filing and adjudicating complaints against federally-assisted programs" and the article does not apply to the airport noise except in the sense that it will streamline the process for filing a complaint against a noise program.

Marlene Durazo then mentioned that this may be helpful to the people of Key West since the airport is expanding the customs facility to meet the expected demand of aircraft from out of country. Peter Horton answered that the customs facility will make KWIA more attractive to travelers to and from Cuba. Marlene Durazo asked if we can expect a greater variety of aircraft when Cuba opens? Peter explained that yes there will be more types of general aviation aircraft using KWIA due to Cuba, and that GA aircraft, with the exception of business jets are not regulated. These aircraft will be landing at KWIA before taking the 90 mile flight to Cuba.

Marlene Durazo asked when the customs facility will be completed. Peter Horton responded that it should be completed in about two years, but Cuba could open tomorrow and we [KWIA] would be caught short. Peter Horton also mentioned that we have been hearing Cuba will open since 1991 and the airport has rebuilt the customs facility twice in that time frame. Peter does not see a great influx of

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commercial traffic due to the runway length except for the smaller commuter type aircraft; he believes there will be a large influx of GA activity.

Marlene Durazo then asked about an increase in traffic from other countries. Peter Horton explained that the airport has been a port of entry for every country except Cuba until last year when KWIA was also made a port of entry for Cuba also. Currently the customs facility gets about 2.2 aircraft a day, or 800 annually. There are currently no restrictions to fly into KWIA from any other country.

Marlene Durazo asked what about commercial passenger flights from other countries stopping in Cuba before heading to Key West? Peter Horton responded that they could do that, but remember that KWIA only has a 4,800 foot runway and he doesn't see them making that run; he sees it is more likely they would fly to a larger location with larger aircraft. It is all speculative at this point.

R.L. Blazevic asked how does this affect Marathon Airport, will Marathon have any impacts from Cuba opening? Peter explained that Marathon is looking at a customs facility, for two reasons; to clear aircraft, but primarily to clear boats in Boot Key Harbor. They are starting small, but it requires a sizable capital investment. KWIA is currently a GAF, a general aviation facility and is trying to upgrade to a FIS, a Federal Inspection Station. Marathon is putting together a program to be a GAF for aircraft up to 10 passengers. Later on Marathon could upgrade to a FIS, but there would have to be a market for it.

Dan Botto mentioned that at the last meeting there was a discussion about having interior noise levels of 45 dB and there is a series of articles in consecutive issues of the Noise Report chronicling the ongoing discussion about how this will affect noise mitigation programs. Kay Miller asked if it is in the guidelines incorrectly. Deborah Lagos said in the draft program guidance, the FAA is saying this has always been the rule. In order for a home to receive sound insulation, it must have an interior noise level of above 45 dB and be able to achieve a minimum of 5 decibels of noise reduction in order to qualify. This is not how it has been implemented for the last 20 years. Kay Miller asked how did Key West measure up to this standard? Deborah Lagos explained that quite a few of the homes in the program area would not have qualified under this guidance, and we should consider ourselves fortunate that we were able to get them done.

## **KWIA Ad-Hoc Committee on Noise June 5, 2012 Meeting Minutes**

Kay Miller then asked if Key West by the Sea would qualify. Dan McMahon mentioned that KWBTs presents an interesting and challenging configuration. Deborah explained that it all depends on what the interior noise measurements show, but since it is pretty uniform construction, we would not have to test every single unit just a representative sample of one, two, and three bedroom configurations to determine the eligibility.

Kay Miller asked if we had to test each home individually during the previous Part 150 mitigation. Deborah Lagos responded that we did not but the revised guidance seems to suggest that every home will have to be tested to determine their eligibility. Kay followed up asking how does that fit with neighborhood equity? Deborah Lagos explained that this is a big question mark in the guidance; where on one hand the FAA is suggesting that every house has to be tested to meet eligibility standards but on the other hand they are pushing this concept of neighborhood equity; and so far the FAA has not resolved the two issues. AAE and ACI are currently in discussions with the FAA regarding this guidance and to prevent this guidance from going into effect until a better idea of how this will affect existing and proposed programs. The homes at risk in Key West would include all the homes in the clean-up phase.

Dan McMahon notes that in addition to having 45 dB interior noise, the homes must also be within the DNL 65 dB contour.

Dan McMahon asked about getting a copy of the AIP Handbook. Deborah Lagos responded that we will get him either the website or at minimum send him a copy of the section pertaining to noise.

Kay Miller asked about the RNP flight procedures and how they are looking for the most efficient routes; do we think this may lead to changes in how the aircraft may approach Key West. Deborah Lagos responded that currently the FAA is focusing on developing new procedures at the larger airports, but eventually it will trickle down to all airports since the aircraft will be equipped with the systems to apply the new guidance procedures. Robert Gold asked if the VOR will no longer be required if new procedures were to be implemented. Deborah Lagos responded that the new system is satellite based, not ground based.

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Peter Horton explained how the airspace around Key West is currently operating with the Navy and the existing navigational aids in the area. Peter expects some of the oldest aids would be phased out but does not expect the VOR to be phased out. Peter also expects the GPS approaches would closely mirror the existing flight tracks due to the interaction with the Navy. Robert Gold interjected that usually when new technology is introduced, seldom is the old technology phased out, it is left in place as another layer. Peter Horton believed the Non-Directional Beacon (NDB) would be removed, but R.L. Blazevic mentioned that ships use the NDB also, so it may be kept in place. Dan McMahon asked if the NDB is the tower at Higgs Beach. Peter Horton said yes it is, and they are trying to get it relocated to the top of the KWIA terminal.

Peter Horton explained that Cape Air is the only regular user of the NDB, but Cape Air is transitioning their aircraft to full GPS capability. Kay Miller asked if the GPS will work in inclement weather. Peter Horton said the GPS works in all conditions. Dan McMahon asked a follow-up about whether the NDB tower would be removed. Peter Horton responded that they are not sure, but the discussion is about removing the equipment and relocating it to the airport. There would be nothing done at the tower until this was completed. Peter also explained that the current equipment is housed in a large shed and can now be handled on a desktop. Dan McMahon asked if removal of the tower and equipment shed is part of the Higgs Beach Master Plan and Peter responded that it was and the area would be maintained as green space.

Commissioner Wigington mentioned that she has voted not to remove the equipment as it may be useful in case the computer system was attacked, assuming pilots were still trained to use it.

### **Other**

Eleanor Garcia asked if the Airport could investigate the cracks that are occurring in her home around a window that was replaced and then later repaired as part of the Part 150 Noise Insulation Program [NIP]. Peter Horton mentioned that the work may be out of warranty. Kay Miller said that it depends on when the work was completed and many items had one year warranties. Commissioner Wigington asked if the warranty period was based on the initial work or on the date the repair was

## **KWIA Ad-Hoc Committee on Noise June 5, 2012 Meeting Minutes**

completed. Deborah Lagos told Eleanor Garcia that URS will investigate and assist with this issue.

Valdimir Prokhodouy told the committee that he has just purchased a home in an area that was part of the NIP and did not participate, and is wondering if he can be included. He lives at 2301 Linda Avenue. There was a discussion between Deborah Lagos and Kay Miller that this home was not included in the initial NIP because it was either bank-owned or in a short sale situation, and the owners did not want to participate at the time. Kay Miller explained that this home would have been part of the clean-up phase. Deborah Lagos explained what the clean-up phase was and that the FAA decided not to fund the clean-up phase until the Part 150 Study Update was completed and the homes still met the NIP criteria.

Dan McMahon asked about whether there were some construction traits that may have kept this home from participating in the NIP. Deborah Lagos explained that the NIP had never obtained access to the home, so the NIP was never able to determine the eligibility to participate. Valdimir Prokhodouy explained that the home was on two properties, and one of the properties was sold, with half the house on this property. He has finally obtained both properties.

Commissioner Wigington asked Valdimir Prokhodouy to leave his information with URS.

Commissioner Wigington stated that the next meeting would be on August 7th.

Meeting adjourned at 2:50 PM

# **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**



## 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.

**Key West International Airport  
Noise Hotline Log**

Date of call	Time of call	Caller	Contact information	Date rec'd	Message	Response	Date
6/3/2012	1:56 PM	Carol Lorick	KWBTS, 305-949-9693	6/4/2012	All the airplanes are taking off towards KWBTS and its extremely noisy. Air Tran just took off around almost 2pm and it sounded like it went through my house.		
6/5/2012	6:06 PM	Carol Lorick	KWBTS, 305-949-9693	6/14/2012	I live at KWBTS and its just absolutely inhumane. Delta's taking off and it sounds like they're going through my house. Please do something.		
6/6/2012	5:20 PM	Carol Lorick	KWBTS, 305-949-9693	6/14/2012	This plane just came in and it sounded like he just went through my entire house at KWBTS. Please not so much noise.		

**Key West International Airport  
Contact Log**

Date of call	Caller	Contact information	Subject	Response	Date
5/29/2012	Vladimir	305-704-1984	I just bought a house on Linda Ave and I know you guys are doing the noise installation program on my street but my house hasn't been done because someone lives there. I just want to find out more information about that program. Is it still available and all?		
7/5/2012	Alicia Lama	305-896-5995	She has lived at 2915 harris Avenue for 50 years, and wanted to know if she could be in the NIP.	I explained to her that Harris Avenue is not in the NIP.	7/5/2012
7/13/2012	Eric Van Hove	305-304-2553	Asked for Deborah Murphy to call him.		
7/17/2012	Brian Bradley	2507 Linda Ave	Called to inquire about the status of the Clean-up phase.	I told him the study was underway, and to check back with me in about six months.	7/17/2012
7/19/2012	Yvonne Leon	305-304-0602 Cell 292-3400 ext 3019 Work	305- Called with a question regarding a broken insulated glass door. She stated that her lawn person was cleaning her backyard and a little rock hit the door causing it to shatter and wanted to know about getting it replaced.		

# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 24, Number 16

May 25, 2012

## *Ft. Lauderdale-Hollywood Int'l*

### **DANIA BEACH VOIDS NOISE SETTLEMENT; ASKS COURTS TO ENJOIN RUNWAY EXTENSION**

After learning that neither the Federal Aviation Administration nor Broward County, FL, would fund two key provisions of a 2011 noise mitigation settlement agreement, the City of Dania Beach, FL, asked a federal district court and Broward County Circuit Court this week to enjoin work on the extension of the south runway at Ft. Lauderdale-Hollywood International Airport, which is already underway.

The litigation was filed just days after the City of Dania Beach Commission voted unanimously on May 22 to void the 2011 noise mitigation settlement agreement reached with Broward County, FL, last year that would have ended 20 years of litigation over the runway extension.

The \$790 million extension of the airport's south runway began in January.

The City filed suit in U.S. District Court for the Southern District of Florida challenging the U.S. Army Corps of Engineers' permit for filling the wetlands where the extended south runway will be located and seeking to enjoin the Corps from further work on the runway.

The lawsuit, *City of Dania Beach, FL et al. v. U.S. Army Corps of Engineers*  
(Continued on p. 63)

## *Helicopters*

### **CA LAWMAKERS SEEK STAKEHOLDER INPUT ON SOLUTIONS TO HELICOPTER NOISE IN L.A.**

CA Congressman Howard L. Berman, joined by CA Senators Feinstein and Boxer and other Los Angeles-area Members of Congress, sent a letter to U.S. Department of Transportation Secretary Ray LaHood requesting that the Federal Aviation Administration formally solicit local stakeholder views on solutions to the helicopter noise problem in Los Angeles County.

The federal legislators said this collaborative community effort is an important step in broader efforts to institute rules regarding the flight paths and altitudes of helicopters flying over residential neighborhoods

"We believe the FAA should expeditiously undertake an examination of potential remedies to the ongoing problem of helicopter noise in residential areas of Los Angeles," Rep. Berman and cosigners, Sens. Feinstein and Boxer and Reps. Janice Hahn, Adam Schiff, Brad Sherman, and Henry Waxman wrote in their letter. "We strongly feel that FAA's leadership must lead to meaningful action to reduce helicopter noise."

Rather than simply asking the FAA to begin a study of helicopter noise in LA, the letter calls for a "collaborative effort to identify specific concerns with helicop-  
(Continued on p. 64)

## *In This Issue...*

***Ft. Lauderdale-Hollywood Int'l ...*** The City of Dania Beach voids noise mitigation settlement agreement, asks courts to enjoin Broward County from work on runway extension, challenges Corps of Engineers' permit after FAA, County say they will not fund major components of settlement - p. 62

***Helicopters ...*** California federal lawmakers want FAA to formally solicit input from stakeholders on solutions to helicopter noise problem in L.A. County - p. 62

***Technology ...*** Patent awarded to University of Alabama engineering professor for sponge-like material that is placed directly in the combustion flame of a jet engine to reduce noise levels at the source - p. 64

***Burlington Int'l ...*** City Council of S. Burlington votes against proposal to base U.S. Air Force's new F-35 fighter jets at Burlington Int'l Airport out of concern about noise impact - p. 65

### ***Ft. Lauderdale, from p. 62***

(Case No. 0:12-CV-60989-JIC), asserts that the Corps of Engineers in its 2011 Environmental Assessment for the permit – and the Federal Aviation Administration in its 2008 Environmental Impact Statement on the project – violated the National Environmental Policy Act (NEPA) by failing to adequately discuss and consider recent scientific studies showing adverse health effects from exposure to high noise levels.

While the Corps of Engineers contends that aircraft noise is beyond the scope of its concern, the City asserts that NEPA does not allow the Corps to ignore the health effects studies.

These recent health effects studies, done in Europe, show a relationship between exposure to high noise levels from aircraft and other transportation sources and cardiovascular disease, high blood pressure, and poorer cognition in children.

The lawsuit also cites a newly-issued 2011 World Health Organization (WHO) report, “Burden of disease from environmental noise: Quantification of healthy life years lost in Europe,” which concluded that there is “overwhelming evidence that exposure to environmental noise has adverse effects on the health of the population.”

Dania Beach also alleges in its lawsuit that the Corps violated the Clean Water Act by authorizing the destruction of wetlands where a practicable alternative exists: adding a north parallel runway, which according to the City, would eliminate the wetland impacts, significantly reduce noise impact, save approximately \$270 million, and meet the project goal of reducing operational delay at the airport.

### **Motion Filed in County Court Also**

In addition to the lawsuit filed in federal district court, Dania Beach also filed a separate motion in Broward County Circuit Court asking it to enjoin work on the runway and to hold Broward County in contempt for not abiding by the terms of a 1996 Final Stipulated Judgment under which the County agreed to operational restrictions (limits on night flights, the size of aircraft, and the direction of takeoffs and landings) and the city agreed to drop its litigation challenging the airport’s expansion. The operational restrictions were part of a 1995 Interlocal Agreement between the County and City that was part of the 1996 Final Judgment.

The County also agreed in that Final Judgment that it would not proceed with construction of the south runway extension unless FAA approved the operational restrictions on it. FAA has not done that even though the County has proceeded with the runway extension.

Dania Beach is now asking the Broward County court to enforce the terms of that Final Judgment and to impose fines and penalties on the County for proceeding with the runway extension without first getting FAA’s approval of the operational restrictions as the Judgment required.

In December 2010, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit upheld FAA’s approval of \$791 million project to extend the south runway

at Ft. Lauderdale-Hollywood International Airport in order to reduce delay (23 ANR 1).

The City of Dania Beach had challenged the project on the grounds that the FAA should have approved another alternative under consideration: extending the airport’s north runway.

But the three-judge panel said it had “very little difficulty” finding that there was nothing arbitrary or capricious in the FAA’s finding that Alternative C1 (extending the north runway) was not “prudent” and that the agency met the demands of Section 47106(c) (1)(B) of the Airport and Airway Improvement Act (AIAA).

### **County Won’t Fund Settlement**

In her May 22 letter formally voiding the 2011 noise mitigation settlement agreement, Dania Beach Mayor Patricia Flury told Broward County officials, “We are aware of no legal impediment which prevents Broward County from implementing the two rejected provisions of the Settlement Agreement. The only issue raised by [a May 7 FAA letter] is that Broward County now will not be able to pay for those provisions with federal money. If Broward County were willing to fund those provisions with other sources of money, Dania Beach would not be voiding the Settlement Agreement.”

The two provisions of the settlement that FAA said cannot be funded by federal AIP funds are an “Early Benefit Component” to the standard Sales Assistance Program and the return of two plots of land taken for noise mitigation purposes that the City wants to put back on its tax rolls.

FAA said that the Early Benefit Component of the Sales Assistance Program – which has not been tried at any other airport in the country and would have applied to 857 homeowners in the 65 dB DNL contour of the airport – was outside the scope of the 2008 Record of Decision (ROD) for the runway project and associated airport development and therefore is not eligible for funding under the Airport Improvement Program (AIP) as an Environmental Impact Statement noise mitigation measure, FAA said May 7.

Broward County and Dania Beach officials had sought the Early Benefit Component of the Sales Assistance Program because an “absorption study” done by the County concluded that, because of market conditions in the area, only about 22 homes per year can participate in the Standard Sales Assistance Program. At that rate it would take almost 39 years for the 857 eligible homes to be processed through the Standard Sales Assistant Program.

The Early Benefit gave homeowners an option to this decades-long wait. Under the program, Broward County would pay property owners who do not want to wait an “early benefit payment” equal to 20 percent of their property’s fair market value. In return, property owners must enter into a recordable “Conveyance and Release Agreement” with the County, which is similar to an avigation easement but more encompassing.

Participants in the Early Benefit program could still par-

participate in the sound insulation program and are not required to sell their residences.

The Commissioners do not hold out hope that Broward County will fund the Early Benefit Component of the Sales Assistance Program, estimated to cost \$48 million. “What we got this past month [from the County] was a resounding, ‘Sorry you are on your own. We’re not taking care of anything,’” Dania Beach Commissioner Anne Castro told the *Miami Herald*.

Allan Siegel, Community Outreach Coordinator for Broward County Aviation Department told ANR that the County is “disappointed the Dania Beach Commission rejected the new 2011 Interlocal Agreement. The benefits of the new 2011 agreement far exceed the benefits of the 1995 Interlocal agreement.”

In addition to the Early Benefit Component, the 2011 settlement agreement also included a sound insulation program for approximately 1,706 residences, a Standard Sales Assistance Program under which the County would provide the seller with up to 25 percent of the fair market value (FMV) of their home if the property sells for less than the FMV, and voluntary night closure of the expanded south runway.

Asked if the County could fund the Early Benefit Component of the Sales Assistance Program in the 2011 agreement, Siegel replied, “At this time, Federal regulations will not permit use of any airport revenues for this program.”

The Conveyance and Release Agreement provision of the 2011 noise mitigation settlement agreement would have:

- Given the County “a continuing and perpetual public right of free, unrestricted, and unobstructed flight over the property now and in the future;
- Waived all rights of property owners to receive any damages from the County on account of noise, vibrations, aircraft lights, fumes, dust or other particulate matter, fuel particles, fear, interference with sleep, enjoyment and communication, and any and all other effects”;
- Given the County the right to prevent the property owner from obstructing the airspace beginning 60 feet above their property with structures or vegetation and allows the County to remove anything that obstructs that airspace; and
- Required that the Conveyance and Release to run with the land in the deed.

## **Technology**

### **SPONGE-LIKE MATERIAL REDUCES JET ENGINE COMBUSTION NOISE**

A sponge-like material employed by a University of Alabama engineering professor can significantly quiet jet engine combustion, according to the university.

Dr. Ajay K. Agrawal, the Robert F. Barfield Endowed Chair and professor of mechanical engineering, was recently granted a patent for the breakthrough technology for noise reduction in combustion.

“This technology decreases the noise generated by combustion systems at the source by placing a sponge-like material directly in the flame. This patent is based on Agrawal’s work on jet engine combustion with Ultramet Corp., funded by the U.S. Navy,” the university said.

“The combustion process in several engines, especially those of jets, produces a deafening noise that can also be devastating to the engine. Because the noise level is so high, the sound waves produced can cause intense pulsations. These pulsations shake the engine and result in mechanical failure. The more the engine is exposed to these intense acoustic pulsations, the more likely it is to break down.

“So far, noise reduction has been addressed after-the-fact, suppressing the noise outside the engine after the combustion process takes place. Agrawal’s technology eliminates the noise at the source, during the combustion process.

“The challenge of cutting the sound level during the combustion process is that combustion happens at extremely high temperatures and pressure. Most material cannot withstand such conditions. However, Agrawal found a porous material that can tolerate the conditions of jet engine combustion.

“This porous inert material, or foam, is a composite material made of hafnium carbide and silicon carbide. It can withstand intense levels of heat and pressure. The material is placed directly into the flame and acts like a sponge for the noise.

“Due to its high permeability, the foam allows gases to easily flow so combustion is not interrupted, yet is much quieter. The foam surrounds the flame, cuts the noise and eliminates the potential for engine instability.

“Experimenting with combustion can be quite noisy and unstable, shaking the whole building, but when you put the foam in place, you can talk to the person next to you. It’s a night and day difference,” Agrawal said.

“This technology reduces noise at its source, minimizing the need for bulky and expensive modifications to exhaust equipment. It also increases the uniformity of the combustion and allows for retrofitting of existing systems, which is highly cost efficient. This technology will be useful in gas turbines, burners, furnaces, power generators and other industrial devices using combustion.”

The application of the technology extends beyond jet engines, the university said. “Some chemical manufacturers place loud, high-capacity torches at ground level instead of safer heights to control noise. Factories that rely on combustion also face government regulations to protect employees from noise.”

### ***Helicopters, from p. 62***

ter operations, including noise [and] evaluate options that would respond to identified concerns including, but not limited to routes, operating altitudes, and hovering practices.”

Referring to previous noise studies at Burbank and Van Nuys airports, “I won’t allow the issue of helicopter noise to be studied to death,” said Rep. Berman. “This is not meant to

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be a substitute for further action to curb excessive helicopter noise in LA.”

Berman called the collaborative study, “the first step in efforts to enact helicopter flight restrictions in LA. Even if legislation were passed tomorrow mandating certain flight paths and minimum altitudes, the FAA would have to do an analysis to determine how to best impose new rules.”

In addition to the letter, Congressman Berman spoke personally with Secretary LaHood during the week of May 21 to press for meaningful action on helicopter noise and to urge the FAA to solicit community concerns and possible solutions to this problem.

“We had a productive conversation,” said Berman. “I believe Secretary LaHood understands the helicopter noise and safety concerns that so many of my constituents have raised with me, and that he and the FAA will work with Valley residents in a constructive way to help better identify solutions to these problems.”

Last year, Rep. Berman authored the Los Angeles Residential Helicopter Noise Relief Act of 2011 (H.R. 2677), which would mandate the FAA to regulate helicopter traffic in LA, with special exception for law enforcement, emergency responders, and the US military. A companion bill (S. 2019) was introduced in the U.S. Senate by Senators Feinstein and Boxer.

### *Burlington Int’l*

## CITY COUNCIL REJECTS LOCATING F-35 FIGHTERS AT BURLINGTON AIRPORT

Due to concerns about aircraft noise impact, the City Council of South Burlington, VT, voted 4-1 on May 21 against a proposal to base U.S. Air Force F-35 jet fighters at Burlington International Airport, which also serves as an Air National Guard base.

A Draft Environmental Impact Statement identifying environmental impacts of basing the aircraft, which will replace F-16s, at six alternative locations, shows that Burlington and the cities of Burlington, Williston, and Winooski, VT, will be in the 65 dB DNL and higher contours of Burlington International if the jets are based there.

The City Council of Winooski passed a resolution on May 21 asking the Air Force to assess the economic impact of basing the F-35s at Burlington International.

The resolution notes that noise impact from the F-35s could put at risk more than \$175 million that has been put in developing downtown Winooski.

Burlington is one of two preferred locations for basing the new F-35 fighter jets. The other is Hill Air Force Base in Utah.

## AIRPORT NOISE REPORT

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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## Research

### DESIGN PROPOSED FOR U.S. FIELD STUDY ON EFFECTS OF AIRCRAFT NOISE ON SLEEP

The “optimal” design for a long-needed U.S. field study on the effects of aircraft noise on sleep was outlined in a report released by the PARTNER research consortium this week.

The report is part of PARTNER Project 25, “Noise Exposure Response: Sleep Disturbance,” the goal of which is to understand the impact of aircraft noise on sleep and to develop models that predict sleep disruption for a given aircraft noise profile.

While research conducted in Europe over the past decade has shown a link between high levels of exposure to aircraft noise over extended periods of time and heart disease and high blood pressure, similar U.S. research has lagged. The most recent U.S. field studies done on the effects of aircraft noise on sleep were conducted in 1996.

The Federal Aviation Administration, which will fund the PARTNER sleep study, needs a U.S. study conducted in order to confirm the findings of the European studies and to determine if U.S. communities react similarly to their European

*(Continued on p. 67)*

## RNP

### JETBLUE IS FIRST CARRIER IN U.S. TO FLY RNP AR APPROACHES INTO JFK INT’L AIRPORT

On June 20, JetBlue Airways became the first Federal Aviation Administration-certified carrier in the United States to use the new satellite-based Special (Non-Public) Required Navigation Performance Authorization Required (RNP AR) approaches to Runways 13L and 13R at its home base at New York’s John F. Kennedy International Airport with its fleet of Airbus A320 aircraft.

Said JetBlue, “These unique Special Performance-Based Navigation (PBN) procedures are designed to utilize a constant vertical descent in conjunction with a precise curved flight path to the runways, resulting in the following efficiencies:

- Stabilized approach path;
- Shorter flight times for customers;
- Reduced noise levels and greenhouse-gas emissions and,
- Increased fuel savings by as much as 120 pounds, or 18 gallons, per flight.

“These new procedures increase traffic flow predictability and efficiency in the notoriously unpredictable New York Metro air space, allowing us to get customers from point A to point B much more efficiently while reducing our environmental

*(Continued on p. 68)*

## In This Issue...

**Research ...** The “optimal” design for a U.S. field study on the effects of aircraft noise on sleep, which will be funded by the FAA and conducted under the PARTNER research consortium, is proposed. A sleep expert recommends that the study ideally be conducted at four airports or, at a minimum, at one airport with high traffic densities at night - p. 66

**RNP ...** JetBlue says it is the first carrier in the United States to use RNP AR approaches into its home base at JFK Int’l which will reduce flight time, noise levels, and GHG - p. 66

**Complaints ...** Naples Municipal is the third airport to sign up for the new Plane-Noise Complaint Box service which enhances the complaint handling process at airports - p. 67

**China ...** L&B will train mid-level airport managers in China on a broad range of aviation issues including aircraft noise - p. 68

**Research, from p. 66**

counterparts.

Mathias Basner, assistant professor of sleep and chronobiology at the University of Pennsylvania Perelman School of Medicine, said in his report recommending a design for the U.S. study that, “Due to intercultural differences, results from studies performed outside the U.S. may not be transferred 1:1 to U.S. domestic airports.”

Basner recommended that the U.S. field study be conducted at four airports:

- An airport with high traffic densities during the night (e.g., a freight hub) and no nighttime traffic curfew;
- An airport with low traffic densities during the night and no nighttime traffic curfew;
- An airport where a night traffic curfew is in effect;
- An airport that recently has been expanded (i.e., experienced a significant change in air traffic) and;
- At least one control site without aircraft noise exposure.

If it is not feasible to conduct the study at five locations, then it should be done at one airport with high traffic densities during the night and one control site, Basner told FAA and PARTNER.

In terms of how to best conduct the study, Basner recommended the use of (1) actigraphy (an instrument worn like a wrist-watch that measures acceleration of body movements and has been used in three European studies), plus (2) a single-channel Electrocardiogram (ECG), which measures heart rate; plus (3) the actigraph event marker to signal conscious awakenings; plus (4) a brief questionnaire on the effects of aircraft noise on the subjects’ sleep to be filled out the morning after exposure.

Basner said this study design would not be expensive because the subjects can apply the sensors and start and stop measurements themselves and that would assure a large subject sample.

This design also will allow for comparisons of the U.S. study results with earlier U.S. studies and with studies done outside the United States.

The Electrocardiogram “offers a unique opportunity to inexpensively and unobtrusively measure both subtle and more obvious changes in sleep physiology,” he explained.

Sleep physiology is important, Basner noted, because cortical arousals [ranging from sleep stage changes to waking up] may indeed be a prerequisite for next day consequences, whereas vegetative arousals [increased heart rate and blood pressure] alone may suffice to increase the long-term risk of cardiovascular disease.”

Basner recommended that the study sample size should be at least 40 or more people and said it is dependent on how frequently they experience aircraft overflights during the night.

It has not yet been announced when the PARTNER field study on the effect of aircraft noise on sleep will begin.

Basner’s report, “Design for a U.S. Field Study on the Effects of Aircraft Noise on Sleep,” is available at the PART-

NER website at

<http://web.mit.edu/aeroastro/partner/reports/index.html>.

Scroll down to the subheading “Noise.”

**Complaints****NAPLES AIRPORT SIGNS UP FOR COMPLAINT BOX SERVICE**

Naples Municipal Airport is the third airport to join the new PlaneNoise™ Complaint Box service that enhances the noise comment handling process.

Naples joins East Hampton Airport in New York and Morristown Municipal Airport in New Jersey in using the Plane Noise service, which was launched in March 2011 and allows airport management and governmental entities to outsource and automate their existing noise complaint management process or to establish an entirely new system to address unresolved or escalating aircraft noise issues (23 ANR 61).

“PlaneNoise™ Complaint Box’s unique automated noise comment collection process and analytic tools will allow the City of Naples Airport Authority to better utilize staff resources while at the same time enhance our ongoing noise mitigation efforts,” said Sheila Dugan, Naples Airport Authority’s deputy executive director.

Robert Grotell, president and founder of PlaneNoise™, added, “Our PlaneNoise™ Complaint Box will assist Naples Municipal Airport in implementing its aggressive noise abatement program by providing increased intelligence on where comments are being generated, how often, and by whom.”

“Given the noise sensitivities of the airport’s surrounding neighborhoods, PlaneNoise™ will provide the City of Naples Airport Authority and airport management with critical data needed for planning, improved airport user and stakeholder interactions and further enhancing the airport’s overall community compatibility.”

Grotell described PlaneNoise™ Complaint Box as “an innovative, web-based aircraft noise complaint management application that automates and simplifies the labor and cost intensive tasks of noise complaint collection, investigation, response, database management, and reporting.”

PlaneNoise™ 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, and government relations and community affairs.

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

*China***L&B WILL TRAIN MID-LEVEL AIRPORT MANAGERS IN CHINA**

The consulting firm Landrum & Brown will provide five years of executive management training for mid-level airport managers in China under a Memorandum of Understanding with the Civil Aviation Management Institute of China (CAMIC) signed on May 24 in Beijing.

CAMIC President Madame Sun Xiaomei and L&B CEO Jeffrey N. Thomas signed the agreement at a ceremony officiated by Civil Aviation Authority of China (CAAC) Deputy Administrator Xia Xinghua and attended by Director General Qin Zhanggao of the CAAC Airport Department and Deputy Director General Yang Shengjun of the Education Department.

The agreement resulted from a request by Director General Qin of the CAA Airport Department to Sheila Thomas, L&B Managing Director and Co-Chair of the US-China Aviation Cooperation Program Airport Committee (ACP), to have L&B lead the overseas portion of the CAMIC Executive Management Training program.

The three week overseas training will follow a 10-week domestic training curriculum and will focus on various aspects of airport planning, air traffic operations and strategic management issues, including security, safety, and customer service quality. Some of the training will focus on aircraft noise issues, planning and managing environmental sustainability, and energy conservation and emissions reduction.

The training will take place twice a year and will involve participation by various member companies of the ACP, and tours of airport facilities and operations.

L&B said in an announcement that it “is very pleased to partner with CAMIC to provide this training. It is an honor to have been asked by CAAC to share our 63 years of airport planning experience with China’s airport managers. L&B has been fortunate to work for all of the busiest U.S. airports and over the last 10 years, for more than 20 China airports, including the top ten. As we are currently working for airports on six continents, we bring a broad international experience that we believe can illustrate the most important concepts essential to training China’s airport managers.”

As members of the US-China Aviation Cooperation Program (ACP), L&B will also include other industry experts on key topics of safety, security, and IT management to ensure that the most current methods and technology are represented.

“We look forward to continuing our relationship with China, CAAC, CAMIC and the growing number of airports in China,” L&B said.

*RNP, from p. 66*

impact,” said Captain Joe DeVito, manager flight standards compliance at JetBlue.

JetBlue said the RNP AR approach procedure will allow it to utilize a decision altitude [at which a missed approach must be declared] while in a slight turn to the runway. JetBlue said it is the first airline in the United States to harness this special capability.

This allows for lower landing weather minimums, increasing runway utilization at JFK. “These procedures will be a key component in making JFK operate independent of the other NY-area airports and reduce delays at JFK, LaGuardia (LGA), Newark Liberty International (EWR) and Teterboro (TEB) airports in certain poor weather conditions.”

“This continues a grand tradition of introducing aviation innovations at JFK, and we applaud JetBlue and the Federal Aviation Administration for the work they’ve done,” said Port Authority Aviation Director Susan M. Baer. “We’re excited to have another piece of the NextGen solution in place.”

JetBlue said it began designing and testing the JFK special instrument procedures in 2004 in partnership with the FAA and MITRE Corporation. The airline’s more than 2,300 pilots have been trained and certified at JetBlue’s flight simulator training facility in Orlando to fly RNP AR procedures across the United States.

“The activation of the 13L RNP procedure at JFK is a success for NextGen and a catalyst for increased safety and reduced emissions across the National Airspace System,” said Jeff Martin, JetBlue’s senior vice president of operations.

“We are proud to play such a vital role in this industry-leading initiative along with the FAA and the Port Authority of New York and New Jersey.”

JetBlue said that in 2008 it became the first – and remains the only – Airbus A320 operator in the country to receive FAA authorization for RNP AR approaches, followed by RNP AR certification for its entire fleet of Embraer E190 aircraft in 2010.

The airline plans to extend the unique capability at JFK to its Embraer E190 fleet in the near future.

JetBlue said that to further advance its active role in upgrading the nation’s air traffic control system, it announced a partnership with the FAA in 2011 to provide data and conduct real-time operational evaluations for the organization’s Next-Generation Air Transportation System (NextGen) airspace modernization program.

Through FAA-funding, the airline will equip up to 35 of its A320 planes with Automatic Dependent Surveillance Broadcast (ADS-B) Out avionics that will provide air traffic controllers with precise positioning of the aircraft using GPS satellite signals, enabling the aircraft to fly more direct routes off the East Coast.

This capability, when combined with the new FAA En Route Automation Modernization (ERAM) System, will begin field trials next summer. JetBlue said it is currently awaiting final aircraft certification.

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 24, Number 18

June 29, 2012

## *NextGen*

### **AIRLINES BEGIN TESTING RNP APPROACHES IN COMPLEX AIRSPACE INTO SEA-TAC AIRPORT**

On June 11, the Federal Aviation Administration began allowing some airlines on revenue flights to begin testing NextGen approach procedures into Seattle-Tacoma International Airport that are designed to cut fuel use, emissions, and noise and to demonstrate that satellite-based navigation procedures can be seamlessly integrated into complex airspace.

Under the “Greener Skies over Seattle” partnership, Boeing, the FAA, the Port of Seattle, and Alaska Airlines combined their expertise to develop RNP (Required Navigation Performance) procedures that allow aircraft to fly shorter approaches into Sea-Tac and to reduce noise impact by directing aircraft over water rather than over residential communities and using a continuous descent approach rather than traditional step-down landing paths.

RNP procedures have been implemented at airports with less complex airspace but the goal of the Greener Skies over Seattle initiative is to demonstrate their efficacy in a more complex airspace environment. Sea-Tac has three runways, including parallel runways, which makes the introduction of NextGen procedures more

*(Continued on p. 71)*

## *Military*

### **WYLE AWARDED \$20 MILLION CONTRACT WITH AIR FORCE CENTER FOR ENV. ANALYSIS**

The high-tech services firm Wyle said June 27 that it will provide environmental research, analysis, and engineering services under a \$20 million contract with the U.S. Air Force Center for Engineering and the Environment in support of the Center’s mission to optimize Air Force environmental planning and promote the sustainability of Air Force installations.

The technical services Wyle will provide include noise and air quality model prototyping and development, training, interoperability studies, and assessments related to human or community response to noise and emissions.

Other services to be provided include critical measurement and sampling capabilities of noise and air quality, as well as architectural acoustics and noise control, structural acoustics and vibration, land-use and geo-spatial analysis, greenhouse gas inventories, and system-level analyses of environmental and energy efficiency practices and goals.

“We are committed to helping the U.S. military safeguard its mission while protecting the environment,” said Jawad Rachami, Wyle’s director of Environmental and Energy Research and Consulting unit, based in Arlington, VA. “We are excited

*(Continued on p. 73)*

## *In This Issue...*

**Sea-Tac ...** Aircraft on revenue flights begin testing NextGen approach procedures into Sea-Tac - p. 70

... Alaska, Virgin, SkyWest are winners of Sea-Tac 2012 Fly Quiet awards - p. 72

**Military ...** Wyle to provide noise, emissions analysis under \$20 million contract with Air Force - p. 70

**Technology ...** WheelTug successfully tests its nose wheel on 737-700 - p. 71

**AIP Noise Grants ...** Only four grants for airport noise mitigation projects have been awarded by FAA thus far in FY 2012, an extremely low number for so late in the fiscal year - p. 72

**News Briefs ...** Hearing set for July 3 on Dania Beach motion seeking preliminary injunction to block further work on runway extension at Ft. Lauderdale-Hollywood International ... Cleveland Hopkins Part 150 program under FAA review - p. 72

**Seattle, from p. 70**

difficult.

But there are real advantages to demonstrating NextGen procedures at Seattle, David Suomi, acting regional administrator for FAA's Northwest Mountain Region, told ANR.

First, he said, Alaska Airlines and Sea-Tac are strongly committed to the project and some 80 percent of the aircraft operating at Sea-Tac are equipped to fly RNP procedures. Alaska Airlines' fleet is 100 percent RNP-capable. Such a high equipage rate makes the transition to NextGen procedures easier for the carriers at Sea-Tac.

Further, he added, while the Seattle airspace is complex, it is not saturated, which means there is room to be innovative in developing and implementing NextGen procedures.

"Any place we can have a win implementing NextGen will help bootstrap the airlines with the transition" to it, Suomi said. "We have to prove the value added to the airlines."

There are two parts to the testing of NextGen approach procedures at Sea-Tac. On June 11, tests began of the Optimized Profile Descent (continuous descent approach) system that guides airlines from 30 miles out at an altitude of about 30,000 feet down to about six miles from the runway. On July 1, the testing will be expanded to include RNP approaches from that point to the runway.

"The flight trials are really just meant to make certain that the procedures being implemented are working as we expected; that they are flyable by all aircraft," Suomi explained. We are looking for bugs in the system. Not technical bugs but maybe discovering problems such as the phraseology used by air traffic controllers is confusing to pilots.

Suomi said the flight tests will continue until FAA is convinced that it has "run all issues to ground."

The flight tests are going well, according to the FAA official. Alaska Airlines launched the testing on June 11 when its flight from Los Angeles became the first passenger airline to be guided into Sea-Tac with NextGen technology. The intent initially was to limit flight tests to just three or four aircraft on the midnight shift, Suomi said. However, the initial tests went very well and the testing was soon expanded to include more revenue flights at other times of day.

FAA also plans to soon issue a Draft Environmental Assessment of the NextGen procedures being put into effect at Sea-Tac. This is a separate action and not related to the flight tests. FAA has not said when the Draft EA will be issued.

Suomi said the agency is preparing an EA because it wanted to conduct a "robust" environmental review of the NextGen procedures. Noise impact will be estimated through the use of noise modeling, which is underway. The cumulative net effect of all the changes has not yet been calculated, he told ANR.

While Suomi said he could not presuppose the outcome of the EA, he added "Theoretically, it is not unreasonable to think that, if you are going to route aircraft over areas where there are less people, the noise impact will be reduced and if

engine power is cut, noise will be reduced.

After Alaska Airlines successfully tested NextGen approach procedures at Sea-Tac in 2009 on non-revenue flights, the FAA took over the project the following year and committed to spend \$1.5 million to \$2 million to implement it.

**Technology****WHEEL TUG INSTALLED, TESTED ON 737-700 AT PRAGUE AIRPORT**

WheelTug plc announced June 25 that it has successfully installed and tested its nose wheel WheelTug system at Prague Rzyne Airport on a Germania Airline 737-700.

During four days of system testing on all pavement types as well as wet and oil-slicked tarmac, pilots were able to push the plane back and taxi without waiting for a tug or powering up the engines and were able to move the plane through motors in the nose wheel powered solely by the aircraft's Auxiliary Power Unit (APU).

WheelTug said its nose wheel taxi system will significantly reduce fuel consumption, substantially cut aircraft emissions and taxi noise, increase safety and flexibility of airport operations, and provide airlines faster turnaround times, thus reducing engine wear and repair costs.

"The small and powerful M1 WheelTug, built into the nose wheel and powered solely by the aircraft's APU, moves a commercial aircraft through the full range of pushback and taxi maneuvers across a broad range of weather and surface conditions," said WheelTug CEO Isaiah Cox.

"We're proud that we're ready to enter the final stretch of system specification, leading to commercial deployment. A recent study in conjunction with the management consulting firm Oliver Wyman and US Airways, as reported by the *Wall Street Journal*, showed industry net profit of less than \$164 per flight. Thus, WheelTug's projected savings to airlines of over \$200 per flight has the potential to dramatically increase airline profitability," Cox said.

Germania Captain Patrick Hintzen added, "I'm excited about seeing engineless-taxi come to aviation. It was a great honor to be the first pilot to use WheelTug on a Boeing 737. In particular, there are many delays on pushback and it is where the airline has the least control of aircraft. With WheelTug, we are freed from the 'chains' that keep us parked at the gate."

WheelTug said its nose wheel system is designed for rapid retrofit. In under two hours, the test system was uninstalled from the Germania 737-700 and the aircraft returned to service.

After meeting the latest test milestone, WheelTug said it remains on target for Entry-into-Service for the 737NG and A320 families of aircraft. Some 215 WheelTug delivery slots have already been reserved by European, Middle East, and Asian airlines, WheelTug said, but did not indicate when it will begin installations.

A “sneak peek” of the full test video, including a tugless aircraft pushback, can be viewed at <http://www.media.wheel-tug.com>

## *AIP Grants*

### **ONLY FOUR AIP NOISE GRANTS ISSUED THUS FAR IN FISCAL 2012**

Only four Airport Improvement Program (AIP) grants for noise mitigation projects have been issued by the Federal Aviation Administration thus far in fiscal year 2012, according to FAA data recently posted on the agency’s website.

That is an extremely low number of noise mitigation grants to be issued this late into the fiscal year and likely indicates that FAA is not issuing AIP grants for airport residential sound insulation programs (RSIPs) until after it issues updated guidance on AIP funding eligibility of such programs.

None of the AIP grants issued by FAA as of June 22 will fund RSIPs.

FAA is expected to soon issue a Program Guidance Letter imposing a 45 dB DNL interior noise level criterion for RSIPs, which airports and consultants contend will leave many homes currently within an airport’s 65 dB DBL contour no longer eligible for insulation.

While FAA contends the interior noise level criterion is not new, airports and others contend it is.

Following are the four AIP grants issued for airport noise mitigation projects thus far in fy 2012, according to FAA data as of June 22:

- Alexandria (LA) International Airport received a \$270,000 AIP grant to conduct a noise compatibility plan study to recertify noise contours or prepare new noise exposure maps for continued AIP funding;
- Shreveport (LA) Regional Airport received a \$450,000 AIP grant to conduct a noise compatibility plan study to update its Part 150 study and generate new noise exposure maps and update its noise compatibility program;
- Portsmouth International Airport at Pease received a \$146,124 AIP grant to conduct a noise compatibility plan study;
- Seattle-Tacoma International Airport received a \$2 million AIP grant for noise mitigation measures for public buildings.

## *Seattle-Tacoma Int’l*

### **ALASKA, VIRGIN, SKYWEST ARE WINNERS OF FLY QUIET AWARDS**

Alaska Airlines, Virgin America, and SkyWest Airlines are the winners of the Port of Seattle Commission’s 2012 Fly Quiet Awards for their efforts to reduce noise at Seattle-

Tacoma International Airport in 2011.

The three airlines were honored for their strong commitment to noise reduction. “These awards highlight what can be accomplished when an airport and airline work together on noise reduction,” the Port Commission said in a June 26 announcement. Following are the awards:

**Fly Quiet Bravo Award – Alaska Airlines** – Awarded to the quietest airline among the top five carriers at Sea-Tac.

Alaska has replaced its older MD80 aircraft with newer Boeing 737s, creating a quieter fleet of aircraft. It also has been a key partner with the Port and the FAA to pioneer the Greener Skies Initiative, which is developing quieter and more fuel efficient approaches set to be implemented by 2013, the Commission noted.

**Fly Quiet Award – Virgin America** – Awarded to the quietest airline among all other carriers at Sea-Tac.

Virgin America has a full fleet of newer Airbus A320 and A319 aircraft and consistently excels in adhering to noise abatement flight procedures, the Commission said.

**Fly Quiet Regional Airline Award – SkyWest Airlines** – Awarded to the quietest airline among all regional carriers at Sea-Tac.

SkyWest wins for the third year in a row and is a prime example of airline commitment to noise reduction, according to the Commission. “The very quiet fleet of Canadair Regional Jets (CRJs) benefit their score as well as excellence in adhering to Sea-Tac flight procedures.”

Sea-Tac’s Fly Quiet incentive program was designed to honor airlines that work to reduce the impacts of jet noise on the region. Evaluations include measuring each airline on its compliance with noise abatement flight paths, overall noise level of its operations, and compliance for testing engines on the ground.

### *In Brief...*

#### **July 3 Hearing in Dania Beach Lawsuit**

A hearing will be held on July 3 by the U.S. District Court for the Southern District of Florida on a motion by the City of Dania Beach, FL, for a preliminary injunction to block further work on the extension of the south runway at Ft. Lauderdale-Hollywood International Airport.

The motion is part of a lawsuit filed in May by Dania Beach against the U.S. Army Corps of Engineers after learning that neither the FAA nor Broward County, FL, proprietor of the airport, would fund two key provisions of a 2011 noise mitigation settlement agreement, which the City has now voided.

The lawsuit challenges the Corps’ permit for filling the wetland where the extended runway will be located (24 ANR

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62). It also may be the first instance of a court reviewing the findings of recent European studies showing a link between exposure to aircraft noise and cardiovascular disease and high blood pressure.

### Cleveland Part 150 under Review

On June 18, the FAA announced that noise exposure maps submitted by the City of Cleveland for Cleveland Hopkins International Airport meet federal requirements.

The FAA also said it is reviewing a proposed Part 150 airport noise compatibility program for the airport and will approve or disapprove the proposed program on or before Dec. 2.

The public comment period on the proposed Part 150 program ends on Aug. 4.

For further information, contact Katherine Delaney in FAA's Detroit Airports District Office; tel: (734) 229-2900.

### *Wyle, from p. 70*

to be in a position to help the Air Force Center for Engineering and the Environment achieve its long-term environmental and energy efficiency goals at a time when the Department of Defense is looking ahead to new strategies for sustainable operations."

Wyle will also provide geographical research and analysis products of environmental tasks, including cartographic efforts, remote sensing analysis and land use research, as well as refinement of population growth models based on reliability sampling and prediction techniques.

The Air Force Center for Engineering and the Environment's Environmental Planning Center of Excellence conducts environmental engineering studies and manages National Environmental Policy Act analyses and similar compliance activities at various Air Force facilities throughout the United States and abroad.

In addition to various environmental planning, engineering, and management tasks, the products of the center's studies are incorporated into National Environmental Policy Act documents (e.g., environmental impact statements, environmental assessments), air installations compatible use zones (AICUZ), range air installations compatible use zones (RAICUZ), as well as other environmental documents supporting Department of Defense environmental policies and planning efforts.

Wyle said its Environmental and Energy Research and Consulting unit has been providing similar services to other branches of the U.S. Military, including the U.S. Navy and U.S. Marine Corps, as well as to civilian agencies such as the U.S. Department of Transportation for several decades.

## AIRPORT NOISE REPORT

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 24, Number 19

July 13, 2012

## Helicopters

### FAA ISSUES FINAL RULE MAKING LONG ISLAND OFF-SHORE HELICOPTER ROUTE MANDATORY

Under strong pressure from NY Sen. Charles Schumer (D-NY), the Federal Aviation Administration on July 6 issued a final rule making mandatory an existing voluntary off-shore helicopter route designed to reduce noise impact on communities on the North Shore of Long Island, NY.

The helicopter noise problem on Long Island is mainly caused by executives being ferried by helicopters from Manhattan to vacation homes during weekend shoulder hours in the summer.

FAA's final rule allows pilots to deviate from the mandatory off-shore route when necessary for safety, weather, or when transitioning to or from a point of landing.

The North Shore Helicopter Route, which was designed to keep helicopters one mile off shore at a minimum altitude, goes into effect on Aug. 6. The FAA said it will sunset the rule in two years "in the event the agency concludes that the rule does not reduce or alleviate noise concerns or is otherwise unjustified."

During the time the rule is in effect, FAA said it plans to continue to review and  
(Continued on p. 75)

## Litigation

### THIRD CIRCUIT UPHOLDS FAA APPROVAL OF PHILADELPHIA INT'L AIRPORT EXPANSION

The U.S. Court of Appeals for the Third Circuit on July 6 upheld the Federal Aviation Administration's Record of Decision approving a significant expansion of Philadelphia International Airport.

The Court rejected arguments made by Tincum Township, PA, and Delaware County, PA that the FAA's air quality analysis of the project violated the National Environmental Policy Act (NEPA) and the consistency provision of the Airport and Airway Improvement Act (AAIA), which requires that FAA may only approve an airport project if it is consistent with local plans for the area.

Tincum Township, located adjacent to the airport, will lose residences and businesses to the airport expansion project, which will extend two runways and add a new runway. While aircraft noise is a concern, the litigation focused on FAA's air quality analysis.

The Environmental Protection Agency submitted comments on the FAA's Draft Environmental Impact Statement on the project alleging data omissions in the FAA's air quality analysis.

The EPA comments alleged five technical errors in the FAA's air quality analysis  
(Continued on p. 76)

## In This Issue...

**Helicopters ...** FAA issues final rule imposing mandatory off-shore helicopter route for Long Island but it sunsets in two years - p. 70

**Philadelphia Int'l ...** Federal Court of Appeals rejects assertion that FAA air quality analysis of airport expansion violated NEPA, AAIA - p. 74

**PANYNJ ...** Internet-based noise complaint form for all five airports managed by Port launched - p. 75

**LaGuardia ...** FAA gives CATEX to four RNAV departure procedures - p. 72

**News Briefs ...** Burlington Int'l gets AIP grant to conduct airport noise compatibility plan study ... ITT Exelis issues enhancement of its aircraft flight tracking, situational awareness system ... Santa Monica City Council decides not to conduct test of exporting flight school noise to other airports ... Judge denies Dania's motion to enjoin runway work at Ft. Lauderdale Int'l - p. 76

## ***Helicopters, from p. 74***

monitor its implementation and to work with stakeholders to ensure that the rule addresses the noise problem and is otherwise justified. If not, the FAA will allow the rule to lapse in two years.

The FAA said the final rule is categorically excluded from environmental review under Paragraph 312f of FAA's Environmental Order 1050.1E because it would cause no significant noise or emissions impacts.

"This is an historic win for Long Islanders that will provide some peace and quiet for many of those who have had to put up with the earth-shattering noise from a cavalcade of low-flying helicopters for too long. These regulations are now signed, sealed, and delivered and will mean real relief for many Long Islanders starting in early August," said Schumer.

The senator said he worked with officials from the FAA, New York metropolitan area helicopter operators, and airport managers from Nassau and Suffolk Counties, NY, to establish solutions to eradicate helicopter noise. "While the parties originally agreed to voluntary regulations [put into effect in 2008], the recommendations were largely ignored by the industry. The problem intensified and residents continued to suffer regular deafening, foundation-rattling flyovers," according to Schumer.

In light of that, Schumer added an amendment to the Senate version of the Federal Aviation Reauthorization bill that gave FAA "unquestionable" legal authority to implement helicopter flight regulations, shielding the agency from potential litigation.

Schumer's amendment also required the FAA to enact standards to measure helicopter noise and regulations to control helicopter noise pollution in residential areas and required FAA to enact regulations regarding helicopters operating in Nassau and Suffolk Counties that include requirements for helicopter flight paths and altitudes and penalties for failing to abide by them.

However, Schumer's amendment was blocked by the Republican-led House, "at the industry's behest," Schumer said.

In response to the House decision to block his bill, Schumer met with Secretary of Transportation Ray LaHood who committed to completing the regulations and to pursue additional rulemaking to cover remaining issues such as a Long Island South Shore helicopter route and greater protections for North Shore communities.

### **Five Circumstances Warrant Rule**

In its final rule, FAA noted the following five circumstances, "the combination of which is likely unique to Long Island, that support using our statutory authority to move forward with a final rule."

1. Because Long Island is surrounded by water, it was possible to develop a route that took helicopters a short distance off the shoreline. Thus, the North Shore Helicopter Route does not adversely affect other communities and opera-

tors can use the route without significant additional costs.

2. There are disproportionately more multi-engine helicopters [that are equipped to operate over water] flying in Long Island than the national averages (approximately 65% versus 10–15% nationally.) This allows for greater use of the off-shore route.

3. There are visual waypoints along the route that allow pilots to fly along the route with no additional equipment during good weather.

4. The helicopter traffic along the north shore of Long Island is largely homogenous, in that it is primarily point-to-point transit between New York City and the residential communities along the northern and eastern shores of Long Island.

5. The population corridor along the north shore of Long Island is significant, and coupled with the number of airports/heliports on the island, the FAA found it reasonable to develop a route to mitigate noise impacts.

Schumer said that he would push to renew the regulations in two years, when they expire. He expects renewal because the rule only requires the FAA to show that it reduced helicopter noise, instead of going through the entire regulatory process again.

"It does not solve every problem on Day One, but this regulation of helicopter flight paths is a giant first step that sets a critical precedent that values residents' quality of life. I will work with Long Island representatives, community leaders and residents to make the DOT live up to their promise of pursuing a second phase of regulation to cover a South Shore route and expanded protections for north shore communities," said Schumer.

### **Hearing in L.A. on Helicopter Noise**

In related news, CA Rep. Howard Berman (D) announced that FAA Acting Administrator Michael Huerta has agreed to hold a community hearing on helicopter noise in Los Angeles in order to obtain testimony from residents bothered by helicopter noise and to solicit suggestions on how to mitigate it.

Berman hopes the hearing will be held in early August but no date or time has been set yet.

In May, Berman and other federal lawmakers from California wrote a joint letter to LaHood asking that the FAA formally solicit local stakeholder views on solutions to the helicopter noise problem in L.A. County (24 ANR 62).

### **Complaints**

## **PANYNJ LAUNCHES INTERNET-BASED NOISE COMPLAINT FORM**

On June 26, the Port Authority of New York and New Jersey launched an Internet-based form for filing complaints about aircraft noise from any of the five airports it manages: JFK, LaGuardia, Newark Liberty, Teterboro, and Stewart.

"We've tried to make it easier for residents in both New

York and New Jersey who live near airports, or who believe they are affected by airport noise,” said Port Authority Executive Director Pat Foye. “The reaction we’ve gotten from many residents is they appreciate the new ease of filing complaints. We thought it was appropriate, and clearly exceeded the minimums required by law and regulation.”

In May, NY Sens. Charles Schumer (D) and Kirsten Gillibrand (D) urged the PANYNJ and the Federal Aviation Administration to work together to create one uniform complaint hotline and website for residents to use to voice their concern about aircraft noise at JFK and LaGuardia Airports (24 ANR 52).

They said that many Long Island and Queens residents did not know how best to log their noise complaints because the FAA and PANYNJ used separate complaint processes.

Rep. Carolyn McCarty (D-NY) made a similar request for a single complaint site in 2011.

The PANYNJ’s new online form allows those filing complaints to specify whether they are about aircraft noise, low-flying aircraft, or vibration caused by aircraft. They also can log the time the noise problem occurred, the type of aircraft involved, and can add general comments if they choose.

PlaneNoise, a new service that allows airports and governmental entities to outsource and automate their noise complaint management process, is using its Complaint Box software to collect complaints for PANYNJ via its webform and a new consolidated toll-free noise complaint hotline. All collected and analyzed noise complaint data are being shared online with the FAA Eastern Region.

The online complaint form is available at <http://www.panynj.gov/contact/contact-us.html>

## Environmental Review

### FAA GIVES CATEX TO FOUR RNAV DEPARTURES AT LAGUARDIA

The Federal Aviation Administration announced July 2 that it has elected to Categorically Exclude from further environmental review four Area Navigation (RNAV) departure procedures at LaGuardia International Airport.

The agency said its review process indicated that the proposed procedures will not adversely impact the environment.

FAA used the Terminal Area Route Generation Evaluation and Traffic Simulation (TARGETS) tool to screen the LaGuardia Airport RNAV departures for possible noise impacts.

“The screening revealed that the RNAV departures created no significant noise impact, and pursuant to applicable FAA Orders they were Categorically Excluded from further environmental review,” an agency spokeswoman told ANR.

TARGETS is a tool developed by The MITRE Corporation under the sponsorship of the FAA that allows RNAV arrival and departure procedures and airspace to be designed rapidly and easily.

### Litigation, from p. 74

sis, which Tincum argued rendered the EIS inadequate under NEPA.

But the Court held, “While additional data might enable a more detailed environmental analysis, NEPA does not require maximum detail. Rather it requires agencies to make a series of line-drawing decisions based on the significance and usefulness of additional information.”

“In sum,” the Court wrote, “the FAA gave serious consideration and reasonable responses to each of the EPA’s concerns. As the lead agency, the FAA has some latitude to determine the level of analytical detail necessary to support an informed decision and to adequately disclose air quality impacts to the public. The technical errors alleged by Tincum do not render the FAA’s air quality analysis arbitrary or capricious.”

Tincum Township also urged the Court to defer to EPA’s comments on the FAA’s air quality analysis under *Chevron U.S.A. Inc. v. National Resources Defense Council*, in 467 U.S. 837 (1984). “We extend *Chevron* deference to any agency action if Congress intended the action to ‘carry the force of law.’” The Court explained.

In this case, it said, EPA’s comments do not carry the force of law and do not warrant *Chevron*-style deference because FAA was the lead agency on the environmental analysis of the project; not EPA.

The Court also rejected Tincum’s request that FAA prepare a Supplemental EIS on the project and found that FAA had reasonably considered the Delaware Valley Regional Planning Commission’s plans in making its consistency determination under the AAIA.

The case is *Tincum Township v. DOT* (No. 11-1472).

### In Brief...

#### Burlington Int’l Gets Noise Grant

Burlington (VT) International Airport received a \$165,780 grant on June 28 to conduct a noise compatibility plan study, according to Airport Improvement Program (AIP) data updated by the Federal Aviation Administration on July 9.

Thus far in fiscal 2012 only five airports have received AIP grants to fund airport noise mitigation projects (24 ANR 72).

#### ITT Exelis Enhances Flight Tracking System

On July 11, ITT Exelis released a significant enhancement to its advanced aircraft flight tracking and situational awareness system. Symphony OpsVue v. 1.8 includes diversion management capabilities and surface surveillance for all 35 of the busiest US airports that use the Airport Surface Detection Equipment, Model X (ASDE-X) runway-safety tool.

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“With the convective weather season upon us, the Symphony OpsVue 1.8 diversions management capability allows for the indispensable capability of actively monitoring all commercial flights in the national air-space system,” said Ted Carniol, principal for commercial services at ITT Exelis Information System. “This enables automatic alerting to select airlines, airports, and concerned stakeholders of current tarmac delays and aircraft diversions, allowing for safer and more efficient operations system wide.”

### **Santa Monica Won't Be Exporting Noise**

The Santa Monica City Council July 10 voted unanimously to “table indefinitely” a six-month test of a program under which flight schools based at Santa Monica Airport would be paid to divert touch-and-go training flights to other nearby airports on weekends and national holidays.

Some \$90,000 was budgeted for the test, under which up to 4,800 flight school takeoffs and landings would have been diverted to eight other airports in the Los Angeles area. Santa Monica estimated that only 1.5 training flights per day would be shifted to the other airports during the test period.

The city was willing to pay \$150 for each training flight (a minimum of four takeoffs and four landings) that would be shifted to another airport. Training flights are a large source of noise complaints by Santa Monica Airport neighbors.

The flight schools based at Santa Monica Airport were very supportive of the test program but residents around the other airports definitely were not.

At the beginning of the Santa Monica City Council meeting, City Manager Rod Gould said the “staff had received considerable public input in the last several days and, although the experiment was intended to reduce pattern flying above and around Santa Monica and our neighboring cities and with little impact on surrounding airports, I have concluded that public fears and perceptions have escalated to the point where it is impossible to image that this test would be able to receive a fair and objective evaluation. For that reason, staff recommends that this creative response to community wishes be tabled indefinitely.”

Thus ended the Flight Training Reduction Incentive Test Program.

### **Dania Motion Denied**

A U.S. District Court judge on July 6 rejected a request by the City of Dania Beach, FL, for an injunction against further construction of an extension of the south runway at Ft. Lauderdale-Hollywood International Airport. The motion is part of a lawsuit filed by the city against the U.S. Army Corps of Engineers challenging the Corps' permit for filling the wetlands where the extended runway will be located (24 ANR 62).

## **AIRPORT NOISE REPORT**

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 24, Number 20

July 20, 2012

## UK

### UK DRAFT AVIATION POLICY STRESSES NEED FOR 'TOUGH REGIME' TO TACKLE NOISE

If airport capacity in the UK is allowed to grow, it is essential that the aviation industry continues to tackle its noise and emissions impact on communities around airports, the UK Department of Transport stressed in a draft aviation policy issued July 12 for public comment.

"The framework aims to strike a balance between allowing the aviation industry to make the most of our current capacity, while also recognizing the need for a tough regime to tackle levels of noise experienced by residents around airports," said UK Transport Secretary Justine Greening.

The draft policy – which will form the basis of future sustainable aviation growth in the UK – seeks to establish "a new policy framework that more strongly incentivizes noise reduction and mitigation and also encourages better engagement between airports and local communities and greater transparency to facilitate an informed debate."

Specifically, it seeks a tougher noise management regime based on:

- Independent and transparent monitoring and enforcement;

*(Continued on p. 79)*

## Charlotte-Douglas Int'l

### FAA, AIRPORT, AIRLINES AGREE TO VECTOR SOME RNAV DEPARTURES TO REDUCE NOISE

In June, the Federal Aviation Administration began vectoring some RNAV departures from Charlotte-Douglas International Airport in order to spread their noise impact over communities seven to 25 miles from the airport who have threatened to sue over the constant stream of aircraft going overhead on narrowed flight tracks.

"The FAA is working collaboratively with Charlotte-Douglas International Airport and airline officials to address noise concerns, while ensuring the safest, most efficient aviation system," FAA said in a statement to ANR.

"The Charlotte Airport RNAV departure procedures were put in place in August 2008. To enhance efficiency, air traffic can vector RNAV departures when they reach two miles from the Charlotte airport, weather and workload permitting. RNAV departures are vectored using the same procedures as non-RNAV departures."

The statement continues: "FAA developed the RNAV procedures and the agreement to vector aircraft in partnership with the airport and the airlines serving the airport. The FAA is implementing RNAV procedures as part of NextGen, the agency's plan to modernize the National Airspace System. NextGen is fundamental

*(Continued on p. 80)*

## In This Issue...

**UK ...** The UK Department of Transport seeks public comment on a draft aviation noise policy that calls for a tougher noise regime based on independent and transparent monitoring and enforcement; "realistic" noise limits and penalties; and effective use of non-regulatory instruments, such as differential land fees. It also proposes that "noise envelopes" be set up around large airports and airports consider fining aircraft that fail to follow CDA approaches - p. 78

**Charlotte-Douglas Int'l ...** Some RNAV departures are being vectored to reduce impact on complaining communities under agreement between FAA, airport, airlines - p. 78

**California ...** Lobbying effort pays off as Airport Land Use Commissions are spared the budget axe - p. 81

**... Increase in ops by low-cost carriers at CA secondary airports sparked increase in noise complaints - p. 80**

**UK, from p. 78**

- “Realistic” noise limits linked to penalties that incentivize noise reduction and reflect the severity of the noise disturbance; and

- Effective use of non-regulatory instruments, such as differential land fees.

For those who are already affected by noise, and especially where frequency of aircraft movements has increased over time, the UK Government said it believes that it is important to provide respite from noise exposure wherever feasible.

The Government noted that it is aware that there is “much good work” being done by the industry to explore opportunities for providing respite. Examples include:

- Joint work by industry and non-governmental organizations to explore opportunities to provide more predictable patterns of overflights;

- Varying the point where aircraft join final approach before landing, when this can be achieved without compromising safe operation. The draft says this “could address the problem of approach noise for which there are no preferential routes and where the problem is as much about frequency as it is about overall noise levels”; and

- Reducing stacking, where several aircraft fly the same holding pattern, separated vertically by at least 1,000 feet, while they wait for clearance to land.

**Need Approach Communities Buy Into**

“Local communities need to have confidence that airport owners take noise impacts seriously,” the draft policy states. It said that “establishing realistic departure noise limits linked to tougher penalties and enhanced noise monitoring is key to having a robust approach that both airports and communities can jointly buy into.” The Government proposes:

- A review of the departure noise limits which have been in place in for many years;

- Significantly higher penalties for any breach of noise limits;

- More transparency and independence in the enforcement of noise limits; and

- More comprehensive monitoring and publicly available data.

UK noise penalties currently apply only to departing aircraft noise limits. However, the draft aviation policy proposes that penalties be considered by airports for failing to comply with Continuous Descent Approach (CDA) arrivals.

“In order to give reassurance to residents living under approach routes, the Government believes that compliance with CDA and the requirement to maintain a minimum height when joining the final approach should be given a high priority by airports, airlines and air traffic management,” the draft policy states.

The Government said it “will task the UK Airport Noise Monitoring Advisory Committee (ANMAC) to consider these approach noise procedures as part of its review of the noise

controls at designated airports. The Government believes a penalty scheme should also be considered by airports where there are no clear overriding safety reasons for failure to comply with CDA requirements and the requirement to maintain a minimum height when joining the final approach.”

To enable communities to understand noise impacts, the Government would like to see greater investment by airports in noise monitoring, particularly on approach routes where there are fewer monitors deployed.

The Government will ask the UK Civil Aviation Authority (CAA) to investigate the use of differential landing fees “in order to ensure that airports and airlines are better incentivized to use aircraft that are best in class, and to ensure that the cost of noise disturbance, particularly at night, is sufficiently reflected in these fees.”

The UK Government also proposes a greater role for the CAA in overseeing noise management at airports because it believes that “there is a risk of a conflict of interest when the airport is responsible for enforcing the regime which affects its own customers.”

The draft aviation policy proposed expanding the CAA’s role beyond noise modeling and mapping to include:

- Acting as a liaison with airport community advisory committees to share good practice and advise Ministers on the extent to which an airport has complied with good practice;

- Publishing or arranging for airports to publish noise data to inform the public about noise impacts;

- Assisting Airport Consultative Committees in monitoring implementation of commitments made under noise action plans; and

- Assessing an airport’s implementation of noise penalty schemes and act as an arbiter in the case of disputes.

**Noise Envelopes**

In its draft aviation policy, the UK Government seeks public comment on its proposal to establish “noise envelopes” around larger airports where growth might lead to increased noise impact.

A number of ways to design such envelopes are discussed in the draft. They could be based on caps on passenger numbers or aircraft movements. But, noting a stark difference of opinion on whether caps on operations should be imposed, the Government said it is interested in “exploring other more sophisticated ways of articulating noise envelopes that respond more closely to the day-to-day experience of those affected by noise.”

Such ways include setting a geographic limit on the size of the noise contour; setting a limit on the number of people exposed to a certain level of noise; or by combining metrics “to incentivize airlines to introduce the quietest suitable aircraft as quickly as is reasonably practicable.”

The UK Government said it believes that the process of designing and consulting on an airport noise envelope could be a mechanism through which communities and airports work together to develop solutions appropriate to the scale of

the noise problem they face.

The CAA will be asked to produce guidance on how the concept of a noise envelope could be used to mitigate noise problems.

### Focus on Noise at Local Level

The Government acknowledged that tradeoffs will have to be made in airspace design regarding noise and emissions. However, it noted that public responses to its scoping document on the draft noise policy “made clear that noise was the main environmental consideration for people living near airports.”

“The aviation industry already has a strong incentive to develop new technologies that improve fuel efficiency and, as a consequence of this, reduce carbon emissions. This is less true for noise and will mean that industry would naturally tend to prioritize carbon over noise because of efficiency gains,” the draft noted.

“Therefore, as a general principle, and where this does not conflict with the Government’s obligations to meet mandatory EU air quality targets, the Government believes that at the local level, individual airports working with the appropriate air traffic service providers, should give particular weight to the management and mitigation of noise in the immediate vicinity of airports. Any negative impacts that this might have on CO2 emissions should be tackled as part of the UK’s overall strategy to reduce aviation emissions, such as the EU ETS.”

This principle will be particularly significant, the draft continues, when considering changes to procedures such as noise preferential routes or the introduction of new procedures such as continuous climb departures.

The draft policy avoids the contentious issue in the UK of expanding airport capacity by adding new runways or building new airports in southeast England near London.

The Government said it will begin a consultation on that issue at the end of the summer.

Public comments on the draft aviation policy must be submitted by Oct. 31.

The draft aviation policy can be downloaded at the UK Department of Transport’s website:  
<http://www.dft.gov.uk/news/press-releases/dft-press-20120712b/>

## California

### LCC GROWTH AT SECONDARY AIRPORTS SPARKS COMPLAINTS

The increase in operations by low-cost carriers (LCCs) at secondary and small airports in California has caused noise complaints to increase, a new report by the Mineta Transportation Institute (MTI) found.

The report focuses on how operations of LCCs are impacting the development of secondary airports in the state.

Three of California’s busier secondary airports (Oakland, Ontario, and Bob Hope airports) told MTI that noise impacts and expansion are their key challenges in light of the significant demand generated by the initiation of LCC operations.

Traffic at Long Beach more than doubled in less than a year once JetBlue initiated operations. Oakland, Ontario, Bob Hope, and airports where Southwest Airlines has initiated traffic have all seen significant traffic growth, MTI reported.

“This growth, however, has turned out to be a double-edged sword, leading to more noise and environmental pollution. The result has been complaints from residents in the surrounding communities,” MTI said.

“The pushback from residents on noise from aircraft operations is now a key constraint in the ability of the LCCs to grow their traffic at these airports. Airport officials admit there is no easy fix to the noise pollution problem. At Bob Hope Airport they have moved proactively to engage with the community and implement curfews and rules of operations so aircraft noise is kept to a minimum. At Long Beach the city initially imposed a very stringent noise ordinance but was forced to relax the restrictions after the airlines mounted a legal challenge.”

The MTI study found that LCCs have begun to slowly initiate flights out of the large hubs. “In the recent economic downturn some of them actually increased their flights at the large hubs and cut back on flights at the secondary airports. The secondary airports are now faced with the challenge of fighting to retain the LCCs at their ports while placating the neighboring residents and communities. If the current trend continues and the LCCs transition a large proportion of their flights to the large hubs, they could potentially reverse the gains in passenger traffic that the secondary airports have experienced during the growth of the LCCs.”

The past 10 years have seen the rapid growth of LCCs and a key component of their cost-minimizing strategy has been the use of secondary airports, MTI explained. “Using secondary airports allows the LCCs to negotiate cheaper aeronautical fees with the airports, avoid the congestion at the hubs, and also avoid having to battle with the legacy airlines at hubs for limited resources, such as gates, among others. This has generated significant demand at the secondary airports, exactly what the planners, and local and state officials had longed for.”

### Charlotte, from p. 78

to meeting projected air traffic growth by increasing NAS [National Airspace System] capacity and efficiency, while improving safety and reducing environmental impacts.”

Residents under the RNAV flight paths have banded together under a group called Fair Air Charlotte Today. They have criticized the FAA for putting the RNAV departures into effect without conducting an environmental review.

An FAA spokeswoman told ANR that the RNAV procedures at Charlotte-Douglas International were given a categorical exclusion (CATEX) from environmental review

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“since the RNAV routes were essentially overlays of existing air traffic routes.”

But Fair Air Charlotte argues that, prior to implementing the RNAV departures, air traffic beyond the immediate vicinity of the airport runways was dispersed over a wide area and all aircraft flew at much higher altitudes in local airspace. When the RNAV departures were put into effect, they said they became “victims of RNAV’s continuous streams of low-flying aircraft eighteen hours a day, seven days a week.”

It is unclear how Fair Air Charlotte members have responded to the vectoring. ANR attempted several times to contact Charlotte attorney William Terpening, who serves as counsel for the group, but he has not yet responded.

However, airport noise data do show a recent drop in noise complaints. Some 42 noise complaints were filed in May, prior to begin the vectoring; 45 complaints were filed in June, after the vectoring began; and only 10 complaints were filed thus far in July (as of July 18).

### *In Brief...*

#### **California’s ALUCs Spared Budget Axe**

California’s pioneering Airport Land Use Commissions have survived the state budget axe, at least for this year. Draft language in a budget trailer bill that would have eliminated them was dropped before the bill was signed into law.

Lori Ballance of Gatzke Dillon & Ballance LLP – a California attorney specializing in airport land use matters – believes California made the right call on this one: “Due to the importance of California’s airports as regional transportation and economic hubs, and in light of the continually growing population and urbanization of the State’s communities, it is imperative that we maintain a uniform and enforceable airport land use compatibility planning framework. The preservation of the legal mandate to undertake land planning efforts that are sensitive to airports’ operational parameters and future growth assumptions protects not only our airports, but also the neighboring communities.”

After learning in the spring that a provision had been put in a budget trailer bill to eliminate the ALUCs and also to eliminate the mandate to do any local airport land use compatibility planning except in San Diego and Los Angeles Counties, a lobbying effort began to retain those provisions in state law.

Many letters and meetings, big and small, by lots of interested parties helped to get the message across that deleting the ALUC mandate from law was just bad policy, one source told ANR.

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