

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

Agenda for Tuesday, June 4th, 2013

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
 - 1. For February 5th, 2013
 - 2. For April 2nd, 2013
- B. Discussion of Part 150 Study Update -
 - 1. Role of the FAA and the Part 150 Process
 - 2. Noise Compatibility Program
- C. Other Reports:
 - 1. Noise Hotline and Contact Log
 - 2. Airport Noise Report
- D. Any Other Discussion
 - 1. By-Laws
- E. Next meeting: August 6th, 2013

2013 Schedule of Meetings

February 5 th	April 2 nd	June 4 th
August 6 th	October 1 st	December 3 rd

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 February 5, 2013 Meeting Minutes

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

ROLL CALL:

Committee Members in Attendance:

Commissioner Danny Kolhage
Sonny Knowles
Dr. Julie Ann Floyd
Marlene Durazo
Marvin Hunt
Harvey Wolney (Alternate)

Staff and Guests in Attendance:

Peter Horton, KWIA.
Deborah Lagos, URS Corp.
Dan Botto, URS Corp.
R. L. Blazevic,
Bob Tepper. Resident
AL Sullivan, Last Stand
Tina Mazzorana, Resident
T. J. Menendez

A quorum was present.

Review and Approval of Meeting Minutes for the October 2nd and December 4th, 2012 Ad Hoc Committee Meetings

Commissioner Kolhage asked if there were comments on the meeting minutes for either the October or December meetings. No comments were volunteered. Motion to approve minutes was made by Marvin Hunt and seconded by Marlene Durazo. There were no objections and the motion carried.

Dan Botto noted that Tina Mazzorana's name was missing from the attendance list in the approved, December meeting minutes. He stated that he would make the correction and post the revised minutes to the website. He asked that the approval of the December minutes be contingent on the revision. The committee agreed and approved the minutes with the contingency.

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Review and Approval of Meeting Schedule

Commissioner Kolhage asked if the committee had issues with the meeting schedule. Peter Horton commented that it was the same schedule as the previous year, with meetings falling on the first Tuesday of every other month. Motion to approve meeting schedule was made by Marvin Hunt and seconded by Marlene Durazo. There were no objections and the motion carried.

Discussion of Part 150 Study Update

Role of the FAA

Dan Botto reported to the committee that sections 4 and 5 have been submitted to the FAA. He continued that from this point forward the FAA's review will be more serious than assuring the noise exposure maps are in compliance, as they will either approve or disapprove the Noise Compatibility Program (NCP) recommendations. Dan said we are asking for ideas for [noise mitigation] measures to include in the program, realizing that those ideas could be disapproved by FAA.

The question was asked by R.L. Blazevic on how high up in the FAA organization does the review go. Deborah Lagos answered that it ultimately goes as high as FAA Headquarters in Washington D.C. after the initial reviews that are performed at the district and regional levels. Deborah added, in response to a follow up statement on how the levels of review flow, that it starts at the bottom (district) and goes to the top (Headquarters), and then comes back to the bottom. Marlene Durazo asked if the district and regional FAA will forward the reviews up to the next level even if their recommendation is to disapprove one or more of the proposed measures. Deborah Lagos said that they would, and that ultimately, Headquarters would have the final say. She continued that any disagreements on the proposed measures between different levels of the review would be discussed and resolved within the FAA.

Marlene Durazo asked if the committee would have the opportunity to speak in support of the proposed program measures if the district recommends disapproval of any of the measures, and would the district let the committee know of their position on the proposed program. Deborah Lagos answered that we will most likely know of the district's stance when they do their informal review and can try to work with them on resolving any issues. Deborah continued that we can go higher in the FAA organization if we disagree with the district's position. Dan Botto

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added that often the potential issues can be resolved by adjusting the wording of the recommendation(s) such that the district would approve the measure(s). Deborah added that once we start submitting formal recommendations, the FAA will get more involved in the process.

Commissioner Kolhage requested that URS staff give the committee an update on the maps. Dan Botto said the Noise Exposure Maps (NEMs) have been submitted to the FAA for their initial review, and that we are waiting for their comments. Deborah Lagos added that the committee would be discussing those maps as part of today's meeting and that they are in their preliminary draft form which is how they were submitted to the FAA. Commissioner Kolhage asked if anyone here has seen them. Deborah indicated that the committee has not seen them, and that they would see them today.

Peter Horton stated that, referring to the maps, the committee would love what they saw. Peter requested that the maps be passed out to the committee. While the maps were being passed out, Peter asked the committee to recall how four years ago, when the noise contours showed Key West by-the-Sea (KWBTs) inside the contour, the FAA responded that our data was too old. He continued that FAA requested that the airport perform a Part 150 study to update the maps which they would (and did) fund, and that if KWBTs was still inside the new noise contour, it could be addressed in the NCP.

Section 1, 2, 3, and Forecast Comments

Dan Botto asked if there were any comments to Sections 1, 2, 3, and the Forecast which were previously submitted to the committee. Deborah Lagos commented that Marlene Durazo had previously shared one comment. No other comments were made by the committee.

Sections 4 and 5 & Noise Exposure Maps

Peter Horton briefed the committee on the work that URS performed that was necessary to generate the noise contours. He continued that the "meat" of the information was on Figure 4.7, which shows the existing condition, and Figure 5.1, which shows the future (base study year plus five years) noise contour. Peter

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stated that the important thing is that he could see three building of KWBTs that fall within the existing contours and continue to be within the contours in the future. Deborah Lagos added that [a portion of] Flagler Avenue was also within the contour. Peter continued that the results are preliminary, and the FAA will be reviewing the methodology as well as the results, but he was confident that the methodology and results are sound. Commissioner Kolhage made the comment that he lived nearby, and the contours looked reasonable to him. Peter continued that several blocks in the area between Staples and Flagler and from 10th thru 12th [Streets] would be in the contour for the first time, which represents a good number of houses.

Commissioner Kolhage asked if the funding [for noise mitigation] was restricted to areas within the noise contours. Deborah Lagos answered that that is yet to be determined. Peter Horton added that they [FAA] generally approve mitigation in blocks. Harvey Wolney asked if that means the Part 150 will repeat in the next five years. Peter answered that it would not, and that Part 150 studies are generally good for ten years. He gave the example using the last cycle of the 1999 study and this Current study starting in 2011. We have pulled all new data to perform this update.

Sonny Knowles asked Peter Horton what he thought the odds were for getting the noise program going again after the study. Peter deferred to the URS staff, saying he thought the odds were good unless FAA has a cut back on funding. Deborah Lagos states that they have not cut back on funding, but the committee has to bear in mind that the FAA has clarified the rules on how to determine if houses are eligible, and this includes condominiums. In the former program, all seven phases, a sample, or about ten percent, of the homes were tested for noise levels before they were insulated, mainly so they could be retested after the noise insulation was installed. This was strictly done to see how much of an improvement had been achieved.

Deborah Lagos said that the FAA has clarified the rules so that eligibility is now a two-step process. Where before, a house was deemed eligible if it was within the DNL 65 dBA noise contour (one step process), now a house also has to exhibit an interior sound level of DNL 45 dBA or greater (second step) to qualify as eligible. So, the testing requirements for determining eligibility have increased.

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Deborah Lagos continued that the FAA does not require 100 percent testing, and they have suggestions for grouping homes of similar characteristics [age, building material, etc.] so that a certain percentage of each group can be tested. If those homes qualify, then all homes in that group qualify. If not then, potentially, all homes in that group would not qualify. Deborah added that it is still early in the implementation of these new requirements and there are no field testing results that would tell us how to implement these guidelines.

Sonny Knowles asked if the testing is done with the windows open or closed. Deborah Lagos said that testing is performed with the windows closed. A brief discussion took place on how that would be implemented in the case of condominiums. Deborah commented that it will be an interesting discussion with the FAA about how the determination of eligibility will work in the case of a condominium complex. She continued that methodologies, such as what kind of sound/noise source is used to test each housing unit, have yet to be determined. Further discussion regarding possible methodology of testing and grouping of residences continued.

Peter Horton concluded that this [preliminary noise results] is just the important first step, and there is a lot of work left to do before the committee can decide on what gets included in the program (NCP). He continued that there is also the question of if and what kind of a cleanup phase can be done for homes in the previous NCP. He commented that we would be "nowhere" if KWBTs was not solidly within the noise contours.

Mr. Menendez asked if his home would be included in the clean-up phase. Deborah Lagos stated his house is within the contour so he has nothing to worry about. Houses that were within the previous NCP that were not insulated and are within the current Part 150 NEM would have the chance to receive noise insulation under the new NCP. However, it is unclear if houses that were within the previous NCP that were not insulated and are not within the current study's NEM would have the chance to receive noise insulation under the new NCP. That is the question of the cleanup phase for the previous NCP. Deborah stated and Dan Botto affirmed that the only houses that fall within this category are those on Linda Avenue. Deborah responded to Sonny Knowles on whether or not the houses on Linda Avenue had

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already been offered sound insulation measures saying that they had, but for various reasons some had not been insulated.

Peter Horton cautioned that we need to remember the lessons learned in the last study, where just because a home was in the noise contour, doesn't mean it will be determined eligible for sound insulation. He continued that 306 or 307 houses were submitted for consideration in the previous NCP, and the FAA approved all of them and suggested notifying each homeowner that they were a part of the program. He continued that by the time the airport got around to insulating some of those homes, the FAA said that they were no longer eligible.

Sonny Knowles asked for the reason the FAA took the homes out of the program. Deborah Lagos explained that it was due to the smaller size of the annual noise contours that were generated subsequent to the Part 150 NEM. The homes in question were not within those updated contours. Peter Horton recalled that Linda Avenue was an example of this situation.

R.L. Blazevic asked if an empty lot that was built upon after the noise contours were published would be eligible. Deborah Lagos stated that according to current Federal law, if there was a published set of noise contours, that home would not be eligible. FAA set the cut-off date for construction as October 1, 1998. Peter Horton commented that a good example of post cut-off construction is the La Salinas/Ocean Walk complex which is not eligible for that reason, and they constructed the complex with that in mind. There was a brief discussion of the effectiveness of the soundproofing that was built into the complex.

Peter Horton commented that later in the study, work would shift to focus on what the community wants to see included in the NCP. He continued that we really need to get into that work and that today is an overview, but at the next meeting in April, the committee will need to identify what kind of measures we want to propose. He added that the NCP is what the FAA would need to approve, and if they don't, they are not going to fund it.

Peter Horton led a discussion on noise mitigation measures that can be included in the NCP. He brought up measures from the past NCP process that included both measures that were approved and those that were not. Among the measures that

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did not get approved were restrictions on non-stage three jet operations and restrictions on the airport's hours of operations (shut down the airport from midnight to 6 AM), both of which would require a Part 161 Study. Peter mentioned that the non stage 3 jet aircraft would be banned from operation across the country by 2016. What the FAA did approve were measures to: provide noise insulation in exchange for avigation easements, this is the NIP at an average cost of \$75,000 per home. This was completed with the FAA covering 95 percent of the cost. They also approved the purchase of homes which were then to be sound insulated, and then resold with an avigation easement, this was not done as the costs were too high and no one really wanted to participate. FAA also approved updating the noise contours annually, which has been done; rezone vacant parcels around the airport, establish compatible land use zoning, both of which are the responsibility of the City of Key West; and acquire 2 large vacant parcels, one of which will be completed very soon. Peter mentioned that over the years the airport has tried a variety of other measures including adjusting flight tracks and creating noise buffers. He reiterated that the committee needs to consider all these types of measures when coming up with what goes in the new NCP.

Deborah Lagos added there are a lot of different measures that need to be considered including the land use and operational measures that Peter Horton mentioned. Deborah added that some of the measures, like the operational curfew that Peter mentioned, are very difficult to get FAA to approve. We still need to consider all of them and document why we deem it as appropriate or not appropriate for the airport. We can come to the end of the analysis and determine that there are no measures that are appropriate.

Deborah Lagos continued that there is a third category of measures that needs to be considered called Program Management Measures. This includes measures such as the installation of a permanent noise and flight track monitoring system, the hiring of a noise abatement officer, the development of a "Fly Quiet" program, and the development of a community participation and/or public involvement program. These are measures that are designed to help the community deal with the noise, rather than reduce the noise. Some of these may be appropriate for Key West, and some are not, but they need to be looked at. Deborah reiterated that all measures need to be looked at and then documented as to the appropriateness of each measure for Key West. Deborah continued, saying that each of the

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recommended measures will be looked at and either approved or disapproved by the FAA. Dan Botto added that on page two of the agenda package there is a list of what the FAA looks at in determining whether or not a proposed measure gets approved or not.

There was a brief discussion between R.L. Blazevic and Peter Horton about the possibility of the city purchasing a vacant parcel on 11th Street, close to the boat ramp. R.L. would like the property purchased for a place to park boat trailers on the weekend. Peter Horton explained that the City was looking at making that property a park, but the city did not want to spend the money to maintain an additional park. It was also discussed that it would become a magnet for the homeless people in the area.

Tina Mazzorana asked if changes to flight tracks can be discussed at the April meeting. Deborah Lagos said that it can be discussed and that it is difficult to get those types of measures approved, but that kind of thinking is along the right line for discussion point at the next meeting. Deborah added that because FAA considers houses outside the DNL 65 dBA noise contour to be compatible, even if you have aircraft flying over your house on a daily basis, the FAA does not consider your house to be impacted. So the FAA would only consider approving such measures if they benefit homes that are impacted.

Dan Botto asked that the committee review the documentation included in the agenda package, and come up with ideas on potential noise mitigation measures for discussion at the next meeting. Commissioner Kolhage asked if there was a menu [list] of possible measures to consider that would help the committee come up with ideas. Dan Botto and Deborah Lagos said that there is a list of measures that have to be considered, but it is not very descriptive. Peter Horton offered to get that list out to the committee as well as anyone else who would like a copy. Commissioner Kolhage explained that the reason for his question is a concern that people might spend a lot of time coming up with ideas that have little chance of success. Dan explained that having worked with FAA over the years that there are a number of measures on which we can forego analysis and come up with reasoning on why it is not appropriate for the airport. Dan added that someone could come up with a viable measure that has not been thought of before.

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R.L. Blasevic asked that with all the other cities that have similar airport noise issues and on which we have data, could we generate a list of measures that have the best chance of success. Dan Botto responded that we do use the lessons learned at other airports to help with ongoing studies. The problem is that Key West has residential land use on three sides and the ocean on the remaining side with the navy's flight paths that constrain the list of potential measures. Dan continued that the airport is also constraint by the weather, with the wind blowing 80% of the time such that the planes have to come in across the island. Also, the FAA will not approve moving the noise from one area to another area that does not currently experience noise.

Other Reports

Noise Hotline and Contact Log

Dan Botto reported that there were three calls the noise hotline. One was from KWBTs, and Dan said that all calls came in on the same day, and it looked like they were on a day with a west flow. Dan reported that there were four entries on the contact log. Three were about being included in the NIP, and the other was from Helen Heitzeman asking about the noise monitor report from the noise monitoring completed in October of last year.

Airport Noise Report

Dan Botto stated and Deborah Lagos agreed that they did not see anything of interest in the Airport Noise Reports. Peter Horton said that an article on page 40 on improving helicopter noise modeling caught his eye because the airport is seeing more helicopter traffic. There was a brief discussion about modeling helicopter noise and the characteristics of helicopter operations that lead to noise complaints.

Any Other Discussion

Committee Member Nominations

Peter Horton introduced the topic of the need to select a new committee member and alternate. Deborah Lagos explained that with the resignation of Dan McMahon we have an open spot for a full committee member from the community. Deborah

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made the suggestion that Harvey Wolney could be promoted from an alternate to a full committee member. That would result in the need for recruiting a new community alternate. At the previous meeting it was mentioned there was an vacant committee position for an aviation representative alternate. However, if Paul Depoo resigns, we could have a full aviation position available as well.

Commissioner Kolhage asked for a motion to promote Harvey. Marlene Durazo made the motion and Sonny Knowles seconded the motion. There were no objections and the motion carried. Commissioner Kolhage asked for a motion to officially nominate Nick Pontecorvo for the aviation representative alternate. Marlene made the motion and Sonny Knowles seconded the motion. There were no objections and the motion carried. Deborah Lagos said that there are several options for the open community representative alternate. The first is the new manager of KWBTs, Jessica Wallace. Marlene stated that she didn't think Jessica would accept as she was too busy. The second possible nominee is Robert Gold, who has expressed a possible interest. Sonny Knowles asked if there were requirements as to where in the community the new committee member needed to reside. Deborah answered was that there is no such requirement. Sonny Knowles nominated Tina Mazzorana. Harvey Wolney seconded the nomination. There were no objections and the motion carried. There was a brief discussion on what was required to make the committee membership official (appointment by the BoCC).

New 4 and Stage 5 Noise Requirements

Deborah Lagos brought up what is currently being discussed internationally with respect to the new stage 4 and stage 5 noise rated aircraft requirements. She said that a number of the newer aircraft already meet the stage 4 criteria. She continued that stage 5 criteria are currently under discussion internationally. The likely outcome would be that stage 5 criteria will be 9 dB quieter than the stage 4 criteria. Deborah added that the stage 5 criteria would likely be required for aircraft certificated after the year 2020. So these would apply to future designed aircraft.

Commissioner Kolhage asked if there was any other business. No additional business was brought up to the committee. Commissioner Kolhage adjourned the meeting at 3:03 PM.

**KWIA Ad-Hoc Committee on Noise
April 2, 2013 Meeting Minutes**

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

ROLL CALL:

Committee Members in Attendance:

Commissioner Danny Kolhage
Marlene Durazo
Marvin Hunt
Harvey Wolney
Tina Mazzorana (Alternate)

Staff and Guests in Attendance:

Peter Horton, KWIA.
Deborah Lagos, URS Corp.
Dan Botto, URS Corp.
R. L. Blazevic, Resident
Robert Gold, Resident
Ashley Monnier, NAS Key West
Inocente Santiago, Jr., Resident

A quorum was not present.

Review and Approval of Meeting Minutes for the February 5th, 2013 Ad Hoc Committee Meetings

Review and approval of the February 5th Ad Hoc Committee meeting minutes has been postponed due to lack of a quorum. Dan Botto mentions that this actually works to the committee's favor as there was an issue getting the agenda package delivered to the members living at Key West by the Sea (KWBTS). After a discussion of when other members received their packages, it was determined that KWBTS members would have their packages hand delivered as there is an issue with mail delivery to KWBTS.

Welcome to the New Members

Commissioner Kolhage welcomed the two new members, Tina Mazzorana and Nick Pontecovo.

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Discussion of Part 150 Study Update

Role of the FAA and the Part 150 Process

Dan Botto reported to the committee that Peter Horton had signed the transmittal letter and Sponsor's Certification for the NEM. The NEM with the transmittal letter and Sponsor's Certification will be sent to the FAA for review and official acceptance of the noise contours.

Dan Botto explained that the alternatives analysis for the NCP has begun and some local inspection was performed while Dan and Deborah Lagos were in Key West for the Ad Hoc meeting.

Dan went on to explain that this is the area where the FAA takes a greater role as they will approve or disapprove any recommended mitigation measures that the NCP and the Ad Hoc committee recommend.

Commissioner Kolhage asked about a public review of the Noise Exposure Maps and when does that happen. Deborah Lagos explained that these Ad Hoc meeting are the public review. Commissioner Kolhage then asked if there was no general dissemination of this information. Peter Horton and Dan Botto mentioned that the meetings were advertised as open to the public for the Part 150 Study in the local papers. Commissioner Kolhage then asked if there was a public hearing process. Deborah Lagos explained that there is a public hearing requirement at the end for the NCP, but there is not a public hearing requirement for the NEMs. Deborah continued that just because there is no requirement for a public hearing, the committee can elect to hold one anyway. Commissioner Kolhage then clarified that the public review in the Part 150 process refers to the Ad Hoc committee meetings. Deborah explained that was the case, but before the NCP can go to the FAA for review, there is a public hearing requirement. Commissioner Kolhage asked if by the time we get to the public hearing isn't the NCP pretty much a done deal. Peter Horton explained that any comments received at the public hearing have to be included and responded to before the NCP goes to the FAA.

Commissioner Kolhage explained that he felt there was something wrong with this process but he was unsure if we could change it. Peter Horton mentioned that we could discuss this more as we go through the NCP.

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Commissioner Kolhage then asked how is the Ad Hoc meeting advertised. Peter Horton explained that it was a public notice placed in the Key West Citizen. Commissioner Kolhage then asked if the ad mentioned that we were going to consider the Noise Exposure Maps. Peter Horton believes that the ad, while mentioning the ongoing Part 150 Study, did not specifically mention the NEMs. Robert Gold mentioned that he found out about the meetings through the Monroe County Website. Deborah Lagos and Peter Horton indicated that there is a separate website available specifically for the Ad Hoc committee that contains all the historical and current noise and Part 150 information. Dan Botto mentioned that at another airport letters were sent directly to the homes within the contours, but it was dealing with a much smaller number of homes. Commissioner Kolhage asked if there is a process that must be followed. Deborah Lagos explained that the regulations are vague and provide very little regarding specifics. Commissioner Kolhage asked if we publish an ad that does not specifically mention the NEM maps, how does that meet the standards. Deborah thought we had specifically changed the ad mentioning the Part 150 and the NEMs as topics for the Ad Hoc meeting. Dan Botto said he will check the advertisements, and any future ads will contain more specific information about the purpose of the meeting.

Dan Botto discussed that at the last meeting, the committee asked for a list of items that are required to be analyzed during the Part 150 Study. This information along with the items the FAA uses for determination of acceptability was emailed to all that provided email addresses.

NEM Documentation

Dan Botto mentioned that we have already covered the NEM documentation update and he reviewed the information provided before. Dan also provided a copy of the Executive Summary that was provided to the FAA.

Commissioner Kolhage asked how long of a review time does the FAA have. Deborah Lagos explained that there is no time limit for the review of the NEM, but as the FAA has already seen the document by sections, there should not be a large number of new comments. Peter Horton and Deborah explained that while we are waiting on the comments from the FAA, the NCP is not on hold and work

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continues forward. Furthermore, unless there are significant comments on the NEM, the FAA will provide a letter to the airport, and will place a notice in the Federal Register that the noise contours have been accepted. Then the airport will publish a notice in the local papers indicating the contours have been accepted and they are made available for viewing in the local libraries.

Dan Botto asked if there were any comments on Sections 1, 2, 3, and the Forecast which were previously submitted to the committee. Deborah Lagos commented that Marlene Durazo had previously shared one comment. No other comments were made by the committee.

NCP

Each member of the committee and all guests were provided a handout containing noise abatement information from 12 different airports around the nation that are similar in size and operational characteristics to EYW. Deborah explained that this information was obtained from a Boeing airports website. She said we have provided this information so the committee can see what other airports have done to deal with noise and to give the committee some idea of what can be looked at for EYW. Deborah also explained that there will be some restrictions that due to the passage of the Airport Noise and Capacity Act, passed by Congress in 1990, are no longer available.

Deborah went on to discuss each different airport covered in the handout. The following restrictions were mentioned and specifically discussed:

Auxiliary Power Units (APUs) and Ground Power Units (GPUs):

Deborah Lagos mentioned that there are not specific complaints regarding APU usage, but along Riviera Drive there have been complaints about airport but not aircraft noise. Deborah mentioned that it would be quieter if the aircraft use GPUs instead of APUs. Marvin Hunt thinks the APUs at the airport are not that noisy since most aircraft are smaller aircraft. Deborah felt that while there are no specific complaints about APU noise, use of GPUs may results in a general reduction of airport noise. Deborah asked Peter Horton what is the current situation regarding GPUs at the airport. Peter believed that all airlines but Silver Air has access to a GPU. Marvin informed the committee that US Airways must use the GPU to save the fuel that the APU uses, unless there is a quick turn like

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Southwest performs. Peter Horton felt that during the busy times, it would be hard to distinguish APU noise from the noise as a whole, but that during the average day there are some very loud APUs in the GA business jet fleet. While there are GPUs available for the GA side, many of the older business jets will be phased out anyway. Peter suggested that a voluntary request to use GPUs whenever possible be included in the NCP. Peter continued, with Marvin Hunt's agreement, that GPU usage also saves a considerable amount of jet fuel. Marvin asked if this would be mandatory for the airlines, but Peter Horton explained that this would be a voluntary. Marvin felt that making it mandatory might lead to additional chances for mistakes if they have to hook-up a GPU.

Marlene Durazo asked if the GPU produces a different level of air pollution compared to the APUs. Peter Horton explained that while he did not know for sure, it sure seemed like the GPU produces less exhaust than an APU. Dan Botto guessed that strictly on the basis of the GPU using less fuel in the same time period as the APU would result in less air pollution.

Use of NBAA Close in Departure and Arrival Procedures:

For use when noise sensitive areas are close to the airport, asking the aircraft to obtain maximum altitude as quickly as possible on departure. EYW could apply this departure procedure to departures from Runway 27, and arrival procedure to arrivals to Runway 09. Peter Horton suggests we recommend putting these procedures into the Airport Facilities Directory. Robert Gold asked if the arrival procedures would also be put in for arrivals to Runway 09. Robert Gold and Tina Mazzorana mentioned that they are looking for arrival track variability to Runway 09. Peter Horton explained that while the airport had previously looked into additional arrival routes, the resultant outcry from neighborhoods newly experiencing noise caused them to be removed as a recommended route.

Marlene Durazo asked if we had a pamphlet that outlines the noise abatement policies at EYW that we can compare to the ones of other airports provided at this meeting. Deborah Lagos explained that there currently is not one, but that was going to be another suggestion for the NCP. Deborah also explained that in the most recent Airport Noise Report, that will be in the June 2013 Ad Hoc agenda package, there was an article about a new app that pilots can use that would provide all of the noise abatement requests electronically, instead of having to cart

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around large amounts of paper, that they have to obtain and print out. In other words, the information will be much more readily available to the airport users.

Quiet Flying Page:

Hayward Executive has a Fly Quiet page with specific procedures for jet aircraft and for helicopters. Deborah Lagos mentioned that EYW could examine the idea of having all helo operations arrive and depart from the south side of the airport, US Navy operations permitting. Peter Horton felt that helo operations could be requested to fly to the south as their operating altitude would be below what the Navy is operating.

Deborah continued discussing that Hayward also has a "Propeller and Power Adjustment" recommendation that could be implemented at EYW. Peter Horton believed that would work on arrivals, but not so much on departures.

Intersection Takeoffs:

Deborah Lagos mentioned that at Boca Raton, they prohibit intersection takeoffs, and she inquired of Peter Horton if they perform intersection takeoffs at EYW. Deborah asked if the departures from Runway 09 could move to the next taxiway for take offs. Peter Horton felt that this could be done and would be beneficial in two ways. It could possibly reduce departure noise at KWBTs and would reduce fuel usage because aircraft would not have to taxi to the end of the runway. Dan Botto mentioned that we should not allow intersection takeoffs on Runway 27 to force aircraft higher as they pass by KWBTs.

Robert Gold and Marlene Durazo expressed their surprise that EYW does not have a documented set of noise abatement procedures for EYW. Deborah Lagos explained that the Airport Facilities Directory (AFD) does contain the information, the airport has just not put together a slick presentation of it, but this will be suggested in the NCP, to place in the pilot's lounge. Robert Gold asked if they could get a copy of the AFD for EYW. Peter Horton mentioned using Google for the online AFD. Robert also asked that the previous test of the Garrison Bight Approach had any documentation available. Deborah Lagos explained that we have the Approach Procedure Study, but the only documentation we have is from the previous Ad Hoc meetings where the residents affected by the new tracks attended to express their displeasure. Peter Horton and Harvey Wolney

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mentioned that there had been handouts provided to the pilots requesting they use the Garrison Bight Approach. Robert Gold said that even if this reduced the arrivals over his home from 30 ops a day to 15, that it would make a huge improvement.

Robert Gold felt the biggest problem is the small tour/sightseeing aircraft that fly all over the island at low altitudes. Peter Horton explained that that is much easier to remedy than the large air carrier aircraft. Peter felt that these operations can be adjusted with a simple request for voluntary compliance.

Avoidance of Noise Sensitive Area and AOPA Noise Awareness Steps:

Deborah discussed 2 other airports that have published flight procedures to avoid noise sensitive areas and to apply Aircraft Owners and Pilots Association (AOPA) Noise Awareness Steps. Marlene Durazo asked if the next meeting will have the recommendations of what would and would not work at EYW. Deborah said that the plan is to have these recommendations customized by the next meeting. Peter Horton mentioned that EYW used to have a Noise Abatement Officer at the airport, funded by the FAA, to work with the pilots and homeowners to increase interaction and application of noise abatement procedures. Peter suggested that the NCP recommend that the airport renew this position to manage this noise program.

Flight Track Restrictions:

Deborah Lagos discussed the radical flight tracks that are being used in Sun Valley to avoid noise sensitive areas.

Approach Procedures:

Peter Horton began the discussion of approach procedures by discussing how limited the airport is due to the proximity of NAS Key West. Peter explained the various approaches currently in place at EYW and how they interact with NASKW. He also discussed the right hand pattern at EYW and the interaction with NASKW traffic. Peter then mentioned the approaches that have been previously examined, including coming in at White Street Pier and the Garrison Bight Approach. He discussed that the GB approach was suggested to aircraft that could make the turn, and many aircraft began to use this approach, which led to noise complaints from areas that had not been previously experiencing noise. Additionally, the

KWIA Ad-Hoc Committee on Noise April 2, 2013 Meeting Minutes

approach became so popular due to fuel/time savings that Cape Air, the Beech 1900s, and Gulfstream began using it. Even the ATR aircraft began using it, which is the noisiest aircraft arriving to EYW.

Peter Horton explained that the southern approach does not work because of the interaction with NASKW, and the shifting of noise to new areas. Peter also explained that the jets and regional jets very much prefer to have the 3 mile stabilized approach for safety.

Robert Gold asked if a document like this would have an affect on pilots' usage of approach procedures. Peter Horton explained that it would work on local pilots as the Noise Abatement Officer would be knocking on their hanger door to re-explain the requested procedures.

Robert Gold continued saying just a small variability in flight tracks would have a noticeable effect on those homeowners on the runway centerline.

Commissioner Kolhage asked that in reality, the aircraft don't really follow the "tracks" indicated in the NEM, but already have some variability. Peter Horton explained that if you examine the radar track figures, it is recognizable that there is some variability already in the flight of aircraft due to weather, aircraft type, and pilot skill. Commissioner Kolhage mentioned that therefore there already is operator variability in the flight tracks.

Tina Mazzorana mentioned that while KW BTS is getting the brunt of the departure noise, Old Town is receiving the brunt of the arrival noise. Peter Horton explained that there is not a lot that can be done because they are on the runway centerline, but as Commissioner Kolhage said, there is already much variability in arrival tracks as seen in the radar data.

Robert Gold felt the best news he heard at today's meeting is the development of a concise set of noise abatement procedures to be provided to the pilots.

Noise Barriers and Taxiway Signs:

Tina Mazzorana mentioned that at Columbus International Airport website has their full noise abatement program details, which includes noise abatement wall

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that reduces noise in nearby neighborhoods by up to 10 dB. She indicated that while this may not help her area, it may buffer some of the areas directly surrounding the airport. Peter Horton mentioned that EYW has done a study on this and determined that putting the vegetative buffer had a better benefit compared to the wall as the wall would have been much more restrictive on the area residents and a wall has a habit of bouncing the noise back in other directions and onto other areas. Peter mentioned that in addition to the vegetative buffer, they also have insulated many of the homes for which a barrier would have a benefit. Marlene Durazo mentioned that at KWBTs they already experience sound bouncing among the buildings. R.L Blazevic mentioned that since the last hurricane, the mangroves surrounding the airport have become much denser. Dan Botto explained that the mangroves are a much better barrier than a wall because they tend to absorb the sound whereas a wall reflects the sound.

Deborah Lagos asked Peter Horton if there are already taxiway signs in place asking pilots to follow noise abatement procedures. Peter explained that the airport does have a few, but could do a much better job, especially if the airport recommends the use of NBAA procedures.

Tina Mazzorana mentioned that the airport should look at a soft curfew limiting some types of operations as specific times. Deborah Lagos indicated that EYW currently does have a voluntary curfew limiting operations between 11 pm and 7 am, but these voluntary restrictions could be better publicized. Peter Horton explained that this is voluntary and occasionally flights do come in after hours when they really have no other option.

Other Reports

Noise Hotline and Contact Log

Dan Botto reported that there were nine calls to the noise hotline, six from Patrick Murphy. Dan responded directly to Mr. Murphy and he is now receiving the agenda package and has been invited directly to the Ad Hoc meetings. Commissioner Kolhage asked what were the dates of his calls to see if the calls coincided with the airshow. These were not the dates of the airshow. Commissioner Kolhage was surprised there were no calls during the airshow, but Peter Horton said they did a great job notifying the public that the airshow was going on.

**KWIA Ad-Hoc Committee on Noise
April 2, 2013 Meeting Minutes**

Airport Noise Report

Dan Botto stated that he did not find any articles in this batch of ANR's that were applicable to EYW.

Any Other Discussion

Dan Botto was going to discuss by-laws but without a quorum, there is no point this time.

Commissioner Kolhage informed the committee that he will not be at the June 2013 meeting.

Marvin Hunt informed the committee that he may not be at the June meeting as US Air does not operate during the summer.

Commissioner Kolhage asked if there was any other business. No additional business was brought up to the committee. Commissioner Kolhage adjourned the meeting at 3:30 PM.

The Role of the FAA in the Part 150 Process:

Noise Exposure Maps

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

Noise Compatibility Program

The FAA conducts an evaluation of each of the measures (operational, land use, and program management) included in the noise compatibility program and, based on that evaluation, either approves or disapproves each of the measures in the program. The evaluation includes consideration of proposed measures to determine whether they—

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

The Administrator approves programs under this part, if –

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

Source: .Title 14 cfr part 150.

PART 150 PROCESS

NOISE EXPOSURE MAPS

Existing Noise Exposure Map



Future Noise Exposure Map



Public Review

Noise Exposure Maps Report



FAA Review / Comments

FAA Notice of Noise Exposure Map Conformance

NOISE COMPATIBILITY PROGRAM

Operational Noise Abatement Alternatives



Land Use Noise Mitigation Alternatives



Public Review

Program Management Alternatives



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

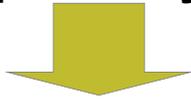


Preliminary Noise Compatibility Program Report



FAA Review

Final Noise Compatibility Program Report



Public Hearing



FAA Review - 180 Days

FAA Record of Approval



Key West International Airport Noise Hotline Log

Date of call	Time of call	Caller	Contact information	Date rec'd	Message	Response	Date
4/8/2013	12:56 PM	Christine Esten	305-797-7493	4/12/2013	Can you please call me about the noise at the airport?		
4/12/2013	11:38 AM	Bill Estes	305-797-7493	4/15/2013	We live at 1618 Trinidad Drive. The noise from the airport just keeps increasing, the take off and "staging" area is right across from our home. There are now flights during the night and before 7 a.m. From 7 a.m. to 10 a.m. from noon until 3 p.m. from 5 p.m. to 8 or 8:30 p.m. the noise is horrendous. The walls are vibrating, which never used to be a problem. We cannot hear ourselves talking on the phone in the house, even with the windows closed. We did have the additional soundproof work done on the house before we bought it, it's just not adequate anymore & we have given up using the outside yards for relaxation as the noise is too constant and the smell from the planes is all pervasive now.		
4/15/2013	1:39 PM	Marlene Durazo	KWBTS, 296-2094	4/22/2013	A plane came screaming by and the doors and windows were shaking.		
4/15/2013	2:24 PM	Marlene Durazo	KWBTS, 296-2094	4/22/2013	Two screaming jets took off towards the west between 2:25 and 2:30 on 4/15. Just wanted to let you know that they were loud and rattling the doors.		
4/15/2013	5:51 PM	Marlene Durazo	KWBTS, 296-2094	4/22/2013	A plane took off heading west, excruciatingly loud.		

Key West International Airport Contact Log

Date of call	Time of call	Caller	Contact information	Subject	Response	Date
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No Airport Contact Log calls have been received since March 14, 2013.

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 25, Number 9

March 22, 2013

Part 150 Program

FAA APPROVES MOST OF PART 150 PROGRAM FOR CLEVELAND-HOPKINS INTERNATIONAL

On March 19, the Federal Aviation Administration announced that it approved the Part 150 Airport Noise Compatibility Program for Cleveland-Hopkins International Airport.

Twelve Part 150 recommendations were granted outright approval; six were approved in part; one was withdrawn; one was disapproved; and one required no action.

Outright approval was granted for twelve specific program measures:

- Continue voluntary restriction of run-ups and engine maintenance testing as specified in the 1987 NCP and updated in the 2000 NCP;
- Continue to encourage the use of noise abatement departure profiles (NADPs);
- Adopt land use development controls and construction standards in the local communities surrounding the Airport to include those within the 60 dB DNL contour;

(Continued on p. 35)

Detroit Metro

NEW \$11 M. GROUND RUN-UP ENCLOSURE, LARGEST IN NORTH AMERICA, WINS AWARDS

The new \$11 million Ground Run-up Enclosure (GRE) at Detroit Metropolitan Airport – which was completed last summer and is the largest blast deflector in North America – recently won awards from the Federal Aviation Administration, the Michigan Concrete Association, and the American Council of Engineering Companies of Michigan.

The three awards were presented to the Wayne County Airport Authority (WCAA) Board at its March 12 meeting.

“The Airport Authority is deeply gratified to have received these awards, as our constant emphasis and our top organizational value is safety,” said Naughton. “The Ground Run-up Enclosure is a very important component of our endeavor to be good neighbors with the community of Romulus which surrounds the airport.”

FAA’s Great Lakes Region presented a 2012 Safety Award to the airport for its Pavement Management Program, the Ground Run-up Enclosure, and the adoption of a Safety Management System framework.

The Michigan Concrete Association present a 2013 Award of Excellence to the

(Continued on p. 36)

In This Issue...

Part 150 ... FAA approves most of Cleveland-Hopkins International Airport’s Part 150 program - p. 34

Detroit Metro ... New ground run-up enclosure, the largest in North America, receives awards from FAA, two associations - p. 34

Helicopters ... Los Angeles, other cities voice strong support for bill that would regulate helicopter noise, traffic over L.A. County - p. 35

Awards ... Airport consultant Mary Vigilante is the recipient of the 2013 UC Davis Walt Gillfillan Award - p. 36

Portland Int’l ... PDX seeks to give away VOR equipment no longer needed to support noise abatement efforts in light of NextGen - p. 36

News Briefs ... John Wayne Airport seeks Airport Access/Noise Specialist ... FAA hosting webinar on update of AC 150/5190-4A that will address noise land redevelopment - p. 37

Cleveland, from p. 34

- Adopt real estate disclosure policies regarding airport noise exposure in the local communities surrounding the Airport, to include those within the 60 dB DNL contour;
- Complete sound insulation of residences within the higher levels of the Noise Exposure, 65+ DNL;
- Sound insulation program within 60 dB DNL contours;
- Expand capabilities of the Airport's Noise and Operations Monitoring System (NOMS) by acquiring and installing six new permanent noise monitors and more fully utilizing the analysis capabilities of the current software;
- Investigate the feasibility of a new state-of-the-art NOMS system to replace the current system in its entirety;
- Expand the content of the Airport's Quarterly Noise Reports;
- Update the tower's Standard Operating Procedures Manual to reflect all FAA-approved NCP measures;
- Retain the current Part 150 working group and continue to report on information regarding noise issues; and
- Continue periodic updates of the NCP and reviews of the NEMs.

Measures Approved in Part, Rejected

The FAA approved the following measures in part:

- Develop and implement new RNAV flight procedures for departures from Runways 6L and 6R;
- Develop and implement new RNAV flight procedures for departures from Runways 24L and 24R;
- Modify existing standard instrument departures (SIDs) to reduce early turns after take-off;
- Designate Runway 6R as the preferred late night (11:00 p.m. to 6:00 a.m.) departure runway;
- Wind and weather permitting, instruct arriving aircraft at night (10:00 p.m. to 6:59 a.m. to intercept the final approach course to all runways no closer than four miles; and
- Update the "Fly Quiet" Communication Program.

FAA provided no reasons for approving the measures above only in part. ANR asked the agency for an explanation but did not receive a reply as of deadline.

The FAA rejected one measure in the Cleveland-Hopkins Part 150 proposal: Encourage the FAA and airlines operating at CLE to use optimized profile descents (OPDs) between 11:00 p.m. and 6:00 a.m. for arrivals to Runway 6L, 6R, 24L, and 24R.

No action was taken on one measure: Add a minimum turn altitude to initial departure clearances.

The Airport Sponsor requested one measure to be withdrawn: Construction of enclosed ground run-up facility.

The Record of Approval will be available on-line at: http://www.faa.gov/airports/airtraffic/airports/environmental/airport_noise/part_150/states/.

For further information, contact Katherine S. Delaney in FAA's Romulus, MI, office: Email:

Katherine.S.Delaney@faa.gov; Phone: 734- 229-2900.

Legislation**L.A., OTHER CITIES SUPPORT BILL CONTROLLING HELICOPTERS**

The Cities of Los Angeles, West Hollywood, Beverly Hills and Lomita, CA, expressed support for legislation introduced by California Rep. Adam Schiff (D) last month to regulate helicopter traffic and noise in Los Angeles County.

The Los Angeles Residential Helicopter Noise Relief Act (H.R. 456) would require the Federal Aviation Administration to establish regulations on flight paths and minimum altitudes for helicopter operations in Los Angeles County (25 ANR15).

"Such regulations would address the enormously disruptive noise caused by low-flying helicopters on non-emergency flights, such as tours and paparazzi photo shoots," the Los Angeles County Board of Supervisors said in a letter to the House Committee on Transportation and Infrastructure.

Last week, the City of West Hollywood voted unanimously to adopt a resolution in support of the bill, less than a week after Mayor Jeffrey Prang voiced support for the measure.

Mayor Prang praised the initiative at a recent Council meeting, noting that he was pleased that the "challenge we have with helicopters strafing our neighborhoods and causing havoc" was one of the first conversations he had with Rep. Schiff when he began representing West Hollywood earlier this year due to redistricting.

In a letter to Schiff, Beverly Hills Mayor William Brien expressed his support and agreed that, "By reducing, if not eliminating the noise of low-flying helicopters over Beverly Hills and surrounding communities, your legislative measure will significantly improve the quality of life and safety for all our residents."

Additionally, the Van Nuys Airport Citizens Advisory Council also voted 13-0 to support the legislation. "This is putting pressure on the FAA," said Wayne Williams, a member of the council.

Schiff said that he was encouraged by the strong support from local organizations for the legislation. "Residents across the Los Angeles area – from Pasadena to the Coast, and the Valley to the Hollywood Hills – are affected by intrusive, disruptive, and often non-emergency related helicopter traffic about their neighborhoods and homes. Angelinos deserve peace and quiet, and if the FAA won't act to regulate disruptive and preventable helicopter traffic noise, Congress must pass this legislation to give residents the relief they deserve," the congressman said.

Rep. Schiff's bill was co-sponsored by California Reps. Henry Waxman (D), Brad Sherman (D), and Janice Hahn (D). A companion bill (S. 208) was introduced in the Senate by Sens. Dianne Feinstein (D) and Barbara Boxer (D).

Awards

MARY VIGILANTE IS RECIPIENT OF UC DAVIS GILLFILLAN AWARD

Mary Vigilante, president of the Seattle aviation consulting firm Synergy Consultants, Inc., was presented with the 2013 Walt Gillfillan Award on March 4 at the annual University of California at Davis Noise and Air Quality Symposium held in Costa Mesa, CA.

The award is presented annually at the symposium “to an aviation environmental stakeholder for exemplary work addressing the challenges of reducing the environmental impacts of aviation.”

Ms. Vigilante has 34 years’ experience in preparing environmental documents and strategic plans for airports. She is unique in having expertise in both airport noise and emissions mitigation as well as environmental sustainability. In addition to her work supporting the UC Davis Noise and Air Quality Symposium, Ms. Vigilante is involved with ACI-NA and has been industry co-chair of several working groups, most recently the NEPA Working group.

She has been one of the lead instructors for the ACI/FAA/ACC NEPA & Planning Workshop, was a founding member of TRB’s Environmental Impacts of Aviation Committee (AV030), has been involved in numerous ACRP research studies, and sits on the Editorial Advisory Boards for *Airport Noise Report* and *Aviation Emissions Report*.

“Mary is one of the most innovative and creative minds in the industry. She’s always perceptive about the next major challenge for airports from noise to air quality and more recently to climate and alternative fuels. She’s an asset to the industry,” said Mary Ellen Eagan, president of HMMH Inc.

Portland Int’l

PDX SEEKS TO GIVE AWAY VOR EQUIPMENT NO LONGER NEEDED

The Port of Portland, owner/operator of Portland International Airport (PDX), is the first – and possibly only – airport to install, own, and operate a VHF omnidirectional range navigation system (VOR) solely for the purpose of supporting noise abatement efforts.

With the growing use of Area Navigation (RNAV) departure and approach procedures at PDX, the Port has decided to decommission its VOR in June.

Anyone interested in the VOR equipment, whether for use as a new NavAid or for parts to support an existing NavAid, should contact Port of Portland Noise Manager Jason Schwartz at tel: (503) 415-6068.

Prior to 1983 and the completion of the PDX Part 150 study, aircraft arrivals and departures were focused over the Columbia River in an effort to minimize low altitude operations over the dense residential populations north and south

of the river. The Part 150 completed in 1983 included a recommendation calling for installation of a VOR/DME [distance measuring equipment] navigational aid, which was ultimately installed and in operation for nearly three decades, Schwartz explained.

As the FAA proceeds with the development of the Next Generation Air Transportation System (NextGen), there is a steady shift away from conventional technologies, especially ground-based navigation, he told ANR. “Satellite-based RNAV is now a core component of NextGen and a technology the Port has been exploring since 2000 as a way to enhance the PDX noise program.”

Realizing NextGen was coming, the Port began collaborating with the Federal Aviation Administration and local airlines to explore the potential benefits of RNAV, based in part on improving the precision and overall effectiveness of the existing noise abatement procedures.

In 2008 the first RNAV departure procedures were published for PDX (as overlays of then current noise abatement departure procedures) and in 2012 the first RNAV approaches were published (again as overlays of conventional noise abatement arrival procedures).

“It would really be a shame to salvage or recycle the equipment,” Schwartz told ANR. “It’s served us well for many years and we’ve have expert maintenance on it, so I expect it has much more service life for an airport that can use it.”

Detroit, from p. 34

airport for the GRE project, which included the construction of a 550-foot concrete taxiway and a 76,000 square-foot concrete ramp totaling more than 25,000 cubic yards of concrete.

More than 50 projects from across the state were considered for the Michigan Concrete Association awards.

The American Council of Engineering Companies of Michigan presented the third award, an Engineering Merit Award, also for the GRE project.

The 90,000 square-foot, three-sided, 42 foot-tall, steel GRE structure on the airfield is lined with more than 2,000 noise-absorbing acoustical panels that reduce noise exposure from 20 square miles to 2.2 square miles when jet engines are tested after maintenance. It is used an average of three times per day, the airport said.

“ACEC presents awards to projects that show engineering innovation and the use of new techniques to improve the quality of life for the users,” the Council said. “This project confirms what our program is all about – finding a unique solution that will greatly benefit the owner and the surrounding community.”

After making repairs, airlines regularly “run-up” aircraft engines for testing purposes before the aircraft are returned to service. This testing requires airlines to run engines up to full-power for periods of time ranging from a few minutes to an hour, generating noise up to the equivalent of an aircraft take-off throughout part or all of that time period.

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The new GRE allows airlines to taxi aircraft into the three-sided facility to conduct nearly all run-ups. Engine noise is largely absorbed and directed upward rather than outward into surrounding communities. Prior to the GRE opening, airlines performed these tests in designated open areas adjacent to the airport's runways.

The new GRE can accommodate aircraft as large as Boeing's 747-8k, the airport explained. Most aircraft types that use the GRE are able to turn around inside the facility while operating under their own power, reducing the need for diesel-powered aircraft tugs and additional personnel required for tug operations. The facility also incorporates steel cladding specially-engineered to avoid interference with airfield radar and radio frequencies.

The overall GRE project was engineered by the Livonia, MI, office of Syracuse, NY-based C&S Companies. The actual steel structure was designed and constructed by Reno, Nevada-based Blast Deflectors, Inc. as a subcontractor to Dan's Excavating, Inc. the project's prime contractor. FAA provided 80 percent of the project funding.

In Brief...

JWA Seeks Noise Specialist

John Wayne Airport (SNA) is seeking an experienced Airport Access/Noise Specialist II to perform a critical role in working with a variety of customer groups to interpret and explain the provisions of the Airport's access and noise programs, related laws and ordinances and to monitor the operation of noise monitoring stations.

Requires a minimum of one year of related experience.

For a full job description and position requirements, please visit our employment website at <http://agency.governmentjobs.com/oc/default.cfm>.

Only online applications will be accepted.

FAA Hosting Webinar on AC Revision

FAA will host a webinar on its update of Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports, on March 27 from 2-4 p.m. EDT.

The updated AC is expected to address a broad range of land use planning topics, including land use compatibility and noise land redevelopment.

Further information on the webinar is available on ACI-NA's website at <http://www.aci-na.org/committee/environmental-affairs>

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 25, Number 10

March 29, 2013

Sound Insulation

FRUSTRATED WITH FAA, SIP STAKEHOLDERS DEVELOPING ACOUSTICAL TEST PLAN FOR PGL

Concerned about inadequacies in the methodology for conducting interior noise level testing in FAA's new Program Guidance Letter 12-09 – and frustrated by inconsistencies in the way FAA district offices are implementing it – experts in airport sound insulation programs are moving to develop what they believe is the appropriate acoustical testing plan for the PGL.

A decision to set up a working group to develop the plan was made at the end of a March 6 meeting of sound insulation program stakeholders in Los Angeles, convened by Los Angeles World Airports and San Diego International Airport.

There was agreement at the meeting that the new working group should include key stakeholders in airport sound insulation programs beyond acoustical consultants and that future meetings of the working group will be planned to discuss methodologies for the acoustical testing plan. No further information was made available to ANR.

The March 6 meeting was attended by 70 people representing acoustical consulting firms, contractors, manufacturers of sound insulation products, and spon-

(Continued on p. 39)

Noise Abatement Procedures

WHISPERTRACK, PORT OF PORTLAND SEEK BEST WAYS TO PRESENT NAP INFO TO PILOTS

Whispertrack, a service that allows airports to distribute information about their noise abatement procedures (NAPs) to pilots through iPads and flight planning services, is now working with the Port of Portland to develop guidance on how best to standardize and present NAPs to pilots so they can easily understand them.

"Today every airport uses different terms, diagram formats, etc.," Jason Dougherty, Vice President of Operations for Whispertrack, told ANR. "For noise abatement procedures to be effective, they need to have the same look, feel, and terminology across the board, just like instrument procedures do."

"We are working with the Port of Portland because they have three airports with very different noise environments and operator mixes. The result will be three different 'example airports' that other airports can use to learn how to best present their data so their procedures are effective (pilots can quickly and easily understand and follow the procedures)."

The effort is similar to what was done for instrument procedures, he added.

Said Jason Schwartz, Noise Manager for the Port of Portland, "The goal of our team is to provide an example of how noise abatement program information can be

(Continued on p. 40)

In This Issue...

Sound Insulation ... A working group of stakeholders in airport sound insulation programs is being formed to improve the acoustical test plan defined in FAA's PGL 12-09, which many involved in SIPs say is inadequate - p. 38

Whispertrack ... The firm is working with Port of Portland to determine the best way to present information on airport noise abatement procedures to pilots - p. 38

Research ... The Navy is providing \$4 million in funding to six universities and two companies to find a way to reduce jet fighter aircraft engine noise - p. 39

... NASA awards a three-year grant to Cranford University in the UK to support research on future aircraft propulsion systems - p. 39

EU ... Court upholds Germany's ban on low overflights of its airspace at night by planes approaching, departing Swiss airport - p. 41

PGL, from p. 34

sors of sound insulation programs, mainly from southern California. ACI-NA also was represented at the meeting.

Those at the meeting agreed that further discussion with FAA is needed regarding the many questions that still remain about the types and extent of sound insulation treatments allowed under the new PGL, which requires that homes meet a 45 dB DNL interior noise level in addition to being located in the 65 dB DNL noise contour.

Need Fixed Point of Contact at FAA

There also was consensus at the meeting that there is no consistency among FAA Airport District Offices in implementing the PGL. “The ADOs are all saying different things,” a summary of the meeting stresses, adding that there is an urgent need for a uniform approach and methodology for acoustical testing.

Meeting attendees noted that there is no fixed point of contact to answer questions about the new PGL. FAA needs to appoint one person in Washington to assist and advise airports on compliance with the PGL, they asserted.

The acoustical testing program in the PGL is based on defining residences by category of construction. Attendees at the L.A. meeting said this may work for multi-family buildings but will not work for single-family homes because of the broad range of construction methods and materials used with them.

There was discussion at the meeting of the application of the interior acoustical testing process defined in the PGL at Houston Bush Intercontinental Airport, where it resulted in only one in 45 residential units qualifying for insulation.

ANR was told that homeowners near the airport are hiring their own acoustical engineers to perform interior noise level testing when told their homes do not meet the 45 dB DNL interior noise level requirement and are no longer eligible for sound insulation.

Because Los Angeles International Airport and San Diego International Airport have the most homes remaining to be sound insulated, they are particularly concerned about how many remaining homes in their programs are able to meet the 45 dB DNL interior noise level in the PGL, which airports contend is a new requirement and FAA asserts is an existing requirement that has not been uniformly enforced.

Of the estimated 27 U.S. airports with active residential sound insulation programs, LAX has approximately 11,283 homes in El Segundo, L.A. County, and Inglewood remaining to be insulated. San Diego International has approximately 8,000 homes remaining in its sound insulation program.

Program Guidance Letter (PGL) 12-09, AIP Eligibility and Justification Requirements for Noise Insulation Projects, was issued on Aug. 28, 2012. It imposes a two-step eligibility requirement for Airport Improvement Program (AIP) funded noise insulation projects, including requiring that structures must have a noise level equal to or greater than 45 dB Day-Night Average Sound Level (DNL) prior to insulation.

Research**NAVY FUNDING RESEARCH TO REDUCE FIGHTER JET NOISE**

The Navy is providing \$4 million in funding to six universities and two companies to find a way to reduce that deafening noise fighter aircraft engine noise as part of a three-year project funded by the U.S. Office of Naval Research’s Hot Jet Noise Reduction Program.

University teams working on the project are based at Virginia Polytechnic Institute and State University, Brigham Young University, California Institute of Technology, University of Illinois, University of Mississippi, and The Pennsylvania State University. Two firms, Cascade Technologies, Innovative Technology Applications Co., are also participating in the program.

The National Aeronautics and Space Administration is partially funding the project.

The Navy’s goal is to reduce noise exposure on the flight deck and its impact on the communities near air bases or in the path of jet flyovers. The project is related to a broader Navy initiative known as the Noise Induced Hearing Loss Program.

“It is a subject that has received very little attention in the military world since it doesn’t improve military vehicle performance,” said Todd Lowe, assistant professor in Virginia Tech’s Department of Aerospace and Ocean Engineering.

Yet it has created a problem of hearing loss and damage among military personnel, said Lowe. The Navy estimates that jet noise from tactical aircraft can reach 150 dB on the flight line as sailors and Marines prepare fighters and other aircraft for launching, he explained.

Research**UK UNIVERSITY GETS NASA GRANT TO STUDY PROPULSION SYSTEMS**

The National Aeronautics and Space Administration has awarded a three-year research grant to a non-U.S. institution – Cranfield University in the UK – to enable research into future propulsion systems.

NASA is evaluating turbo-electric aircraft propulsion in an effort to achieve significant reductions in noise, emissions, and energy consumption. Cranfield University said it also is engaged in this field of research and has developed novel concepts of its own to improve both propulsive efficiency and airframe performance.

Cranfield will work on wide-ranging research on future distributed propulsion systems for aircraft, including turbo-electric systems.

“Together, NASA and Cranfield bring forward challenging but important concepts which have the potential to re-de-

fine the future direction of aerospace propulsion,” the university said.

Dr. Ruben Del Rosario, NASA’s Subsonic Fixed Wing project manager at the Glenn Research Center in Cleveland, OH, said, “NASA is pleased to place this grant with Professor Riti Singh and his team at Cranfield University. They have conducted various studies in this area of research, which we judge to have gone further than many institutions. Cranfield has developed appropriate methods to understand the economic and environmental aspects of these advanced aircraft and propulsion concepts. By joining forces, both parties are able to better simulate and analyze such concepts.”

Said Professor Singh on receiving the grant, “We are delighted to have this opportunity to work with Dr. Del Rosario’s team and NASA. This unique partnership is a first for the UK and an incredible opportunity for our researchers and students to be involved in work that could one day revolutionize air travel, much like the arrival of the jet engine did in the fifties.

“Cranfield has considerable strengths in propulsion, aircraft design, and electrical systems research which are often brought together for various studies undertaken here at the University. The NASA grant is yet another example where bringing these skills together will enhance the resulting output from this project.”

Cranfield University said that Professor Singh is renowned in the field of aerospace propulsion systems and was awarded the prestigious ASME International Gas Turbine Institute’s (IGTI) Aircraft Engine Technology Award in 2010 for his continued contribution to the field of propulsion.

The NASA grant was made possible by Scottish space enthusiast John Murnin, who bequeathed half of his substantial estate to NASA after he passed away in May 2010. The university did not disclose the amount of the grant.

Whispertrack, from p. 38

communicated to the intended audience, pilots, in the most effective way possible. The result will be content for three airports with differing noise environments and differing classes of operators (airlines vs. corporate aviation vs. light general aviation and flight training) serving as examples and guidance for other airports who use Whispertrack.”

“We’ve seen extraordinary growth of the Whispertrack airport network in the last year,” Dougherty said. “Pilots, for the first time in history, receive standard noise abatement procedures directly on their iPads through Apps they already use and they are presented next to all of the other flight critical data they need and use during their flight planning and operations. Our effort with the Port of Portland will further help airports effectively get information to pilots and communities.”

Launched in 2010, Whispertrack provides a centralized source of data on airport noise abatement procedures. Such data centralization was revolutionary and crucial to allowing airports to get their NAP information onto pilot iPads or to

flight planning services.

The firm now has about 200 airports in its network. Already over a dozen of those are currently using its new PRO service and about a dozen more are in the approval process with their various boards and advisors to change their service to the fully integrated service, Dougherty told ANR.

Whispertrack provides a web-based interface to airports to upload and maintain standardized noise abatement procedures free of charge and provides access to the distribution pipeline through its Whispertrack PRO service at a cost of \$2,995/year.

PRO service airports also have the ability to print automatically generated noise abatement brochures, Whisperplates, to educate local operators and pilot training operations on the best way to be good neighbors to the community.

“We’ve been using Whispertrack PRO for the last 12 months at Hillsboro, Portland International, and Troutdale airports,” said Schwartz, a longtime supporter of the technology, “and have found Whispertrack PRO to be an effective tool not only for getting information to pilots but also for demonstrating for the community our efforts to encourage pilot awareness and participation in our noise program.”

Paradigm Shift Occurred

“Over the past several years, a paradigm shift has occurred that has changed the way pilots get flight critical data,” Dougherty explained. “What used to take stacks of paper in a flight bag now is available in the cockpit on the iPad and through the flight management system (FMS). The simple truth is that if you want pilots to know something about your airport or airspace, it needs to be either on the iPad or in the FMS. Unfortunately key data have been left behind by this digital revolution: noise abatement procedures. Prior to the new Whispertrack standard, it simply wasn’t possible to effectively communicate with pilots.”

“With the standardized data came the ability to create a pipeline for noise abatement procedures to the iPad Apps most popular among pilots and aircraft operators. NAPs are now distributed to the place pilots need them and at the time they need them (pre-departure/pre-arrival). All this is happening on a scale not possible prior to Whispertrack. In several cases, airports have reported an increase of pilot access to their NAPs of several thousand per year. The resulting cost to reach each pilot can drop significantly, to as little as one-tenth by using this efficient communication method.”

Said Whispertrack CEO and corporate pilot Chris Snideman, “We built this technology from the ground up with airports in mind. We learned several valuable lessons along the way. Foremost is that if airports don’t get information either on the iPad or on the FMS, pilots simply won’t know the information exists and, therefore, pilots will not be aware of the noise abatement procedures and the procedures cannot be effective. Without awareness, procedures cannot be effective.”

For more information about Whispertrack, contact info@whispertrack.com or call 866-578-2033.

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European Union

**COURT UPHOLDS BAN ON LOW FLIGHTS
LATE NIGHT OVER GERMAN AIRSPACE**

On March 8, the European Union Court of Justice dismissed an appeal by Switzerland challenging measures adopted by Germany in 2003 banning low flights at night into and out of Zurich Airport.

Zurich Airport is located only 15 kilometers from the German border. All flights landing in Zurich from the north or north-west must use German airspace while landing.

In order to reduce the noise to which the local population was exposed, in 2003 Germany adopted measures prohibiting flights at low altitude over the German territory close to the Swiss border between 9 p.m. and 7 a.m. on weekdays and between 8 p.m. and 9 a.m. on weekends and public holidays.

As a result, the landing approaches to the airport from the north and north-west, previously used as the main approaches, were no longer possible during those periods. In addition, airplanes taking off to the north during those periods had to make a detour until they had reached the prescribed minimum flight altitude before entering German territory.

Switzerland lodged a complaint with the European Commission in June 2003 requesting it to prohibit Germany from applying those measures. In Switzerland's view, the measures were contrary to the Air Transport Agreement it had entered into with the EU. However, on Dec. 5, 2003, the European Commission decided that Germany could continue to apply the measures.

On Sept. 9, 2010, the EU General Court dismissed an action brought by Switzerland against the Commission's decision. Consequently, Switzerland brought an appeal before the Court of Justice seeking to have the judgment of the General Court set aside and the Commission's decision annulled.

In its March 8 judgment, the Court of Justice dismissed Switzerland's appeal. The Court held that the German measures do not entail a prohibition of passage through German airspace for flights leaving or arriving at Zurich airport; only a change in the path of the flights concerned.

It also held that the Commission's decision did not infringe the principle of the freedom to provide services, since that principle does not apply in the context of the EU-Switzerland Air Transport Agreement. Furthermore, the Court of Justice ruling agreed with the view of the Commission and of the General Court that it was not necessary to take account, during the examination of the German measures, of the rights of the operator of Zurich airport and of persons living near that airport.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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April 5, 2013

John Wayne Airport

PROPOSED EXTENSION OF SETTLEMENT AGREEMENT RETAINS NOISE CURFEW TO 2035

The noise-based curfew on operations at John Wayne Airport would be extended through 2035 under a proposed extension of a 1985 Settlement Agreement announced March 21.

Since late 2011, the City of Newport Beach, the Airport Working Group (AWG), Stop Polluting Our Newport (SPON), and the County of Orange have worked cooperatively to develop a proposed extension of the John Wayne Airport Settlement Agreement, which restricts the use of the airport.

Extending the curfew was a major goal of the City of Newport Beach, SPON, and AWG.

The parties to the proposed extension of the Settlement agreed that they would preserve and continue the current restrictions as outlined below and that these stipulations should comprise the “proposed project” that will be studied pursuant to the California Environmental Quality Act (CEQA):

- Protection and extension of the noise-based curfew for another 22 years, through 2035 - no commercial departures before 7:00 a.m. Monday-Saturday or before (Continued on p. 43)

AIP

FAA NEEDS TO CLARIFY IF AIP HANDBOOK WILL SUPERSEDE PGL 12-09 ON SIP FUNDING

When finalized, will the Federal Aviation Administration’s draft update to its Airport Improvement Program Handbook supersede the agency’s September 2012 Program Guidance Letter 12-09 on eligibility of airport sound insulation programs for AIP funding?

That question was posed to the agency by several companies that manage airport sound insulation programs – THC, Inc. and The Jones Payne Group, Inc. – and by the San Diego International Airport in comments on the draft Handbook.

They asked FAA to clarify many provisions in the PGL, including whether the three-year transition period (until Sept. 30, 2015) provided in the PGL for airports to meet the new two-step eligibility criteria for funding remains in effect if the AIP Handbook is revised prior to that date.

The National Organization to Ensure a Sound-controlled Environment (NOISE) and the City of Minneapolis-St. Paul told the FAA that changing the eligibility criteria for funding of airport sound insulation program (the PGL includes a 45 dB DNL interior noise level criteria) “could unfairly eliminate previously-eligible homes as well as create a potential for non-uniform and, therefore, unreliable test-

(Continued on p. 45)

In This Issue...

John Wayne Airport ...

Noise-based curfew on operations at airport would be extended for 22 years – until 2035 – under a proposed extension of a 1985 Settlement Agreement announced by City of Newport Beach, Orange County, and two community groups - p. 42

Sound Insulation ... FAA is asked to clarify whether the update to its AIP Handbook the agency is preparing will supersede PGL on insulation funding eligibility - p. 42

Research ... New COE replacing PARTNER needs to focus on four noise issues, HMMH’s Nicholas Miller tells FAA - p. 43

UK ... Government rejects, delays stringent and novel noise measures it sought comment on in draft aviation policy framework - p. 44

Airlines ... Delta will outfit its fleet of 182 MD-88 and MD-90 aircraft with glass cockpits and NextGen navigation technology - p. 44

JWA, from p. 42

fore 8:00 a.m. on Sunday and no arrivals after 11:00 p.m.

- Maintenance of the “million annual passenger” cap (MAP CAP) of 10.8 MAP for another eight years through 2020, with an additional 1.0 MAP allowed in 2021-2025. During the period of 2026-2030, an additional 0.7 MAP may be allowed if JWA’s use shows at least 11.21 MAP in any calendar year during 2021-2025. If the 11.21 MAP trigger is not reached, then only an additional 0.4 MAP would be authorized between 2026 and 2030.

- Maintenance of the cap on Average Daily Departures (ADDs) of the Class A (loudest) commercial air carriers of 85 passenger flights plus four cargo flights per day for another eight years, through 2020, with an additional 10 Class A passenger ADDs (no new cargo flights) for a total of 95 Class A passenger flights annually starting in 2021.

While the FAA is not a party to the Settlement Agreement, those that are said they hope that the FAA will find that any proposed extension of the Agreement fully complies with the terms of the Airport Noise and Capacity Act of 1990 (ANCA), is consistent with the airport’s sponsor assurances, and will not adversely affect any JWA application for federal grant funds or the use of passenger facility charges.

The next step in the process of extending the Settlement Agreement is for the County, City, AWG, and SPON to move forward with a Memorandum of Understanding between the four parties that allows for the environmental analysis required under CEQA.

This process will provide the community the opportunity to review and comment on the proposed project and project alternatives, as well as the environmental analysis of these alternatives.

“A challenging aspect of the discussions between the four parties was determining the appropriate balance between the interests of Newport Beach residents and the interests of the residents of the JWA ‘corridor cities’ located within vicinity of the airport, air travelers, air cargo needs, and the aviation industry,” Newport Beach Mayor Keith Curry said in announcing the proposed extension of the agreement.

He acknowledged the hard work of the parties. “The four groups have worked cooperatively and diligently on an extension that safeguards the community by protecting the curfew. If approved, we can rest assured that our nighttime and early morning peace and quiet will remain undisturbed for another generation.”

“I thank the County, AWG, and SPON for the countless hours spent working through the legal and practical issues associated with extending the one-of-a-kind Settlement Agreement that protects our quality of life. The legal and practical balance reached here between requirements of law and community interests is remarkable.”

In addition, separate and apart from the JWA Settlement Agreement, the City of Newport Beach has a Cooperative Agreement (November 2006) with the County that affects JWA’s size. The cooperative agreement says that property for

a second commercial runway or to expand the current, single commercial runway cannot be acquired without the City’s permission. The Cooperative Agreement has no expiration date and is not affected by the proposed extension of the JWA Settlement Agreement.

The 1985 Settlement Agreement formalized consensus between the County of Orange, the City of Newport Beach, the Airport Working Group, and Stop Polluting Our Newport, on the nature and extent of facility and operational improvements that could be implemented at John Wayne Airport through 2005.

In 2003, the original four signatories approved a series of amendments to the Settlement Agreement that allowed for additional facilities and operational capacity and continued to provide environmental protections for the local community through 2015.

Research**NEW COE NEEDS TO ADDRESS FOUR NOISE ISSUES, MILLER SAYS**

The new Center of Excellence that the Federal Aviation Administration is in the process of establishing to replace PARTNER should focus on four research areas related to aircraft noise that continue to need work, according to Nicholas Miller, senior vice president of Harris Miller Miller & Hanson Inc.

At an FAA-sponsored symposium in California in early March, held to tout PARTNER’s accomplishments, Miller defined the noise research he would like to see the new COE address:

- Noise impact arising from the concentrated flight tracks resulting from the transition to NextGen Performance-based Navigation (PBN) procedures and airspace refinements;
- The change in composition of aircraft noise with jets having become much quieter and noise complaints increasingly focused on helicopter and prop operations. Miller questioned whether we have the correct metric to assess noise from approaching helicopter aircraft, which, he said, as a relatively slowly approaching sound, may be perceived by the listener as more threatening than the rapid rise of jet aircraft noise;
- Noise problems arising from the increase in night operations at airports, which is expected to occur to address capacity problems; and
- How to correctly model the noise from air tours over national parks, especially in light of the differing missions of the FAA and the National Park Service, who jointly work on this issue.

Miller said there already has been research done on the latter three areas he defined, especially in the area of noise modeling.

Regarding the noise impact from airspace refinements and PBN, Miller told ANR, “We don’t know how people will

respond to concentrated tracks.”

What happens to annoyance, he asked, when the exposure is concentrated? “And the thing about it,” Miller said, “is right now not many aircraft are equipped to fly the tight PBN procedures, so there may be little public response when the procedures are first implemented.”

But, he asked, what happens when more and more aircraft fly the narrow paths? Is it like the frog in the pot slowly heating up that doesn’t notice it is being boiled or are the annoyance scales tipped at some point as the number of flights on the concentrated flight tracks increase?

Additionally, the PBN noise issues arise well outside the 65 dB DNL contour line, Miller noted. Rather than trying to determine whether there is noise impact or no noise impact, what is needed is to communicate with the public in a way they can understand: by providing information to them on what is happening now in terms of overflights and what will happen in the future. “Comparisons are important,” he said.

UK Aviation Policy

UK REJECTS, DELAYS STRINGENT NOISE MEASURES IT CONSIDERED

In a final Aviation Policy Framework announced March 22, the UK Government rejected or delayed consideration of the stringent and novel noise mitigation measures it asked the public to comment on in a draft Framework issued last July (24 ANR 78).

The final Aviation Policy Framework will retain the existing UK policy on the onset of significant community annoyance and on mapping noise exposure at the designated airports: Heathrow, Gatwick, and Stansted.

Current policy sets 57 dB LAeq (measured over 16 hours) as the threshold for significant community noise impact around UK airports. The UK Department of Transport said that threshold will be maintained because, “It is clear that there is no consensus on the best way to measure the noise impacts of aviation.”

“However, to facilitate improved monitoring, transparency, and communication of the impact of aircraft noise, airports may wish to consider producing contours to a lower level or using other indicators as appropriate,” the Department said in its response to the 491 comments it received on the draft, most of which focused on noise.

The Department said it agreed that it would be useful for airports to produce supplementary nighttime noise contours on a regular basis adding it “will ensure that this is done in future for the three noise designated airports [Heathrow, Gatwick, and Stansted].”

The final Aviation Policy Framework delays consideration of noise mitigation measures intended to incentivize the airlines to fly quieter aircraft or to fly their current fleet more quietly: differential landing fees, noise envelopes, use of restrictions on airspace and night operations, and noise abate-

ment procedures at Heathrow, Gatwick, and Stansted airports.

The Department of Transport said that further work on these measures will be done by it, its Aircraft Noise Management Advisory Committee, the Civil Aviation Authority, or the Airports Commission.

The Department said it will not exercise its regulatory powers to tighten penalties for violating the night noise regime at the London airports or to tackle helicopter noise in the final Aviation Policy Framework.

The UK Government also said it does not see the benefit of giving greater aircraft noise enforcement powers to local authorities. But it does want to encourage the aviation industry and local stakeholders “to strengthen and streamline the way in which they work together.”

The final Aviation Policy Framework “confirms that we want the Airport Consultative Committees to play a more effective role within their current statutory remit,” the Department of Transport said.

But the UK Government stressed that it does not want its Civil Aviation Authority to provide independent oversight of airports’ noise management.

The UK Aviation Environment Federation, the principle non-profit group in the UK concerned about aviation noise, said that relevant evidence presented in the draft framework on how noise sensitivity has increased over time has been removed from the final policy framework, with no reference made to the Government’s previous acknowledgement that: “International research carried out in recent years by the World Health Organization, European Environment Agency, and others seems to reinforce the finding that the level of aircraft noise exposure at which a certain level of annoyance occurs has decreased in the last 20-30 years.”

The Framework is available at <https://www.gov.uk/government/speeches/aviation-policy-framework—2>

Airlines

DELTA FITTING MD-88, -90 FLEET WITH NEXT GEN NAVIGATION

Delta Air Lines said April 3 that it will outfit its fleet of 182 MD-88 and MD-90 aircraft as well as several flight simulators with standardized, state-of-the-art glass cockpits and GPS navigation that will improve efficiency, reduce environmental impact, and position the airline to take advantage of procedural improvements outlined in the Federal Aviation Administration’s Next Generation Air Transportation System.

“The enhanced avionics suite, developed by Innovative Solutions & Support, Inc., will allow the aircraft to fly shorter flight paths and take advantage of continuous-descent, Required Navigation Performance (RNAV) approaches to reduce fuel consumption, carbon emissions, and noise levels – a primary objective of NextGen,” the Delta said.

Installation of the enhanced flight deck technology is slated to begin in early 2014 and will be completed by IS&S

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technicians at Delta TechOps facilities. The process is expected to take approximately two years.

Due to the lighter weight of the new equipment, Delta said it will see an immediate improvement in fuel economy while long-lasting benefits from the new flight decks include reductions in CO2 emissions by 80 million pounds annually and a 50 percent decrease in the aircraft noise footprint once NextGen procedures are fully implemented.

“In addition to deploying technology enhancements, Delta continues to work closely with the FAA as it advances NextGen procedures – many of which are being developed at key hub airports,” said Steve Dickson, Delta’s senior vice president-Flight Operations.

“Delta continues to invest in NextGen and looks forward to the FAA’s continued progress in system-wide implementation of these improvements, especially at these key hubs, which promise to deliver real savings as well as safety and efficiency enhancements.

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ing of interior noise levels.”

“Additionally,” they told the agency, “the ability to use airport funds is an important tool for implementation of sound insulation programs and individual airports should not be further limited in their discretion over the use of PFC’s as they deem appropriate and beneficial to their surrounding communities.”

The two-step eligibility test outlined in the PGL applies to sound insulation programs funded by AIP grants as well as those funded by Passenger Facility Charge revenue.

The City of College Park, GA, told FAA that its draft AIP Handbook “does not sufficiently explain the requirements of the grant assurance of disposal of lands acquired with AIP grant funds for noise compatibility reasons ... FAA guidance should emphasize the importance of promptly disposing of these lands when no longer needed for noise mitigation purposes, preferably by sale to the local jurisdiction with zoning authority to assure compatible use.”

College Park noted that the draft AIP Handbook implies that the detailed program guidance ultimately consolidated in previous versions of the AIP Handbook on disposal of noise lands may no longer be incorporated in a comprehensive order.

The City said it is “concerned that the airport community at large may not have the opportunity to comment on the presumably more detailed ‘guidance for tracking and disposal of AIP acquired land’ yet to be issued and now outside the scope of the proposed AIP Handbook.” College Park requested that jurisdictions neighboring airports have to opportunity to comment on such guidance before it is finalized.

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Budget

OBAMA FY 2014 BUDGET WOULD INCREASE PFC CAP TO \$8; CUT AIP GRANTS \$450 MILLION

President Obama's FY 2014 budget request would cut funding for the Airport Improvement Program (AIP) by \$450 million from the FY 2012 level and focus federal AIP grant funding on smaller commercial and general aviation airports that do not have access to additional revenue or other outside sources of capital.

At the same time, the budget proposes to increase the Passenger Facility Charge cap from \$4.50 to \$8, providing larger commercial airports with additional funding.

However, a coalition of 29 large hub airports has asked Congress to remove the PFC cap entirely in exchange for them foregoing AIP grants (See story on p. 47).

"We are pleased that the Obama Administration has recognized the need to increase the local airport user fee to fund necessary safety and modernization projects," said George Kelemen, ACI-NA Senior Vice President, Government and Political Affairs.

"America's airports have documented \$71.3 billion dollars in projects critical for air travelers, shippers and airlines over the next five years. However, the Passenger Facility Charge (PFC) user fee, which has not been increased in 13 years, *(Continued on p. 47)*

FAA

FAA SAYS IT DOES NOT LACK METHODOLOGY, POLICY TO ADDRESS NEXTGEN NOISE IMPACT

Last fall, ANR requested an interview with FAA officials in charge of developing noise policy to discuss how the agency is addressing the concentrated noise impact of aircraft flying on narrowly-defined NextGen flight tracks.

The agency declined the interview request and told ANR to submit questions that would be answered by the appropriate FAA offices.

The answers to the questions submitted were completed in January but have been under review by Laura Brown, Deputy Assistant Administrator for FAA's Office of Public Affairs, since January and were only released this week after ANR asked for an explanation, on the record, for the hold-up.

Following are the questions submitted by ANR and FAA's answers to them:

Q: Does FAA agree that the noise associated with tightly concentrated NextGen flight paths is a new type of noise problem that we have not seen before and that will have to be managed in some way?

A: This is not a new type of noise issue. It's a variation of an issue we've dealt *(Continued on p. 48)*

In This Issue...

Budget ... President Obama's FY 2014 budget request would cut AIP grant funding by \$450 million and direct it to smaller commercial, GA airports while raising the cap on PFCs to \$8 to provide more revenue to larger airports; the budget would provide almost \$1 billion for NextGen - p. 46

PFCs ... A coalition of airport sponsors operating most of the of 29 large U.S. hubs tells Congress they are willing to forego AIP grant funds if it will lift the cap on PFCs, which, they contend, could result in savings to FAA of \$500 million annually by FY 2018, significantly helping the agency meet sequester budget cuts - p. 47

Noise Policy ... FAA asserts that it does not lack the policy or methodology to address the concentrated noise impact being caused by NextGen focused flight paths in response to questions it took ANR three months to shake out of the Public Affairs Office - p. 46

FAA, from p. 46

should be raised to at least \$8.50 to restore its original purchasing power. The PFC is a key component in funding airport modernization so the U.S. aviation industry can maintain its global competitiveness.”

“However, given that the PFC user fee cannot be increased by the Administration, we look forward to more details on their plan for legislative action to accomplish the increase,” Kelemen added.

ACI-NA also expressed concern about the proposal to cut Airport Improvement Program (AIP) funding by almost a half a billion dollars, to \$2.9 billion. “Airline passengers and general aviation – aviation users, not taxpayers – pay for airport improvements through taxes and segment fees,” said Kelemen.

“By cutting AIP, the Administration’s budget hinders airports’ ability to secure the resources necessary to provide safe and efficient facilities that reduce delays and inconvenience. This is especially true for smaller airports which would lose significant formula funding under the proposal.”

The Administration also proposes making significant changes to the tax treatment of municipal bonds, which would increase airport funding costs, ACI-NA said.

PFC user fees, AIP grants and bonds are the primary sources of airport infrastructure funding.

Almost \$1 Billion Requested for NextGen

President Obama’s budget requests \$928 million for NextGen, an increase of \$65 million or 7 percent over FY 2012 enacted levels. The funding will enable the Federal Aviation Administration to continue its ongoing NextGen projects, including:

- Area Navigation/Required Navigation Performance (RNAV/RNP): \$32 million is requested to fund the consolidation of databases used to improve and develop new arrival and departure procedures at airports and to optimize the use of airspace and procedures in complex metropolitan areas with multiple airports.
- Automatic Dependent Surveillance Broadcast: \$282 million is requested for the implementation of satellite-based surveillance capabilities.

This will provide a more complete picture of airspace conditions and more accurate position data.

- Air-to-Ground Data Communications: \$115 million is requested for data communications, to accelerate the implementation of a text-based data communication system.

- NextGen Systems Development: \$62 million is requested to conduct system level engineering reviews of human factors, safety, environment, wake turbulence, future ATC communications and surveillance requirements.

R&D Funding Decreased

The President’s FY 2014 Budget requests \$166 million for Research, Engineering, and Development in FY 2014 to support the continuation of work in both NextGen and other

research areas such as environmental research, safety research in areas such as fire research, propulsion and fuel systems, unmanned aircraft, advanced materials research, and weather research. This is a decrease of \$1.6 million from FY 2012 enacted levels.

The President’s Budget requests \$12 million for the Joint Planning and Development Office (JPDO) to ensure the efficient coordination between all Federal partners whose decisions impact NextGen. The JPDO facilitates collaboration with the Federal partners (including FAA, Department of Commerce, Department of Defense, Department of Homeland Security, and NASA) in order to best prioritize multi-agency concerns in the development of NextGen, including the integration of Unmanned Aircraft Systems (UAS) into the National Airspace System.

The FY 2014 President’s Budget also requests \$50 billion in Immediate Transportation Investments above current law spending for immediate investments in highways, highway safety, transit, passenger rail, and aviation activities.

PFCs**LARGE AIRPORTS OFFER TO GIVE UP GRANTS IF PFC CAP REMOVED**

A coalition of airport proprietors operating most of the 29 large hubs is making Congress an offer they hope it can’t refuse as it struggles to find ways to reduce federal spending.

The airports are willing to forego Airport Improvement Program grant funding if Congress lifts the cap on local Passenger Facility Charge rates, which has been frozen at \$4.50 since 2000.

In an April 5 letter to the chairs of the House and Senate Budget Committees, the airport coalition said the only exceptions to their agreement to forego future AIP grants of both apportionment (entitlement) and discretionary funds would be for: (1) the grandfathering of existing FAA Letters-of-Intent (LOIs), and (2) possible future airport infrastructure projects of national significance approved specifically by the DOT Secretary.

“If all 29 large hub airports were to forego their future AIP grants, except for payments of LOIs, we estimate that approximately \$200 million in federal savings initially would grow to approximately \$500 million annually by FY 2018 as these LOIs expire,” the coalition wrote.

“If, as projected by the Budget Control Act’s sequester, FAA must reduce its \$15.2 billion FY 2013 budget by 4.1 percent – some \$619 million – the \$200 million to \$500 million in annual savings that we proposed would be significant. Should medium-hub airports also elect to forego future AIP grants, as our proposal would allow, the savings would be even greater,” the airports explained.

They argued that airports’ ability to set PFCs would increase local control over sorely needed airport infrastructure financing but would not eliminate FAA oversight and PFC

approval.

One aviation attorney close to the coalition's effort stressed that it is not an attempt at deregulation.

A spokeswoman for Airlines for America told ANR, "We think the PFC cap that is in place is appropriate and Congress agreed in affirming the FAA Reauthorization."

FAA estimates that the nation's large hub airports have the greatest development needs, accounting for \$15 billion of the \$42 billion in nationwide AIP-eligible projects for 2013-2017, the airport coalition told Budget Committee chairs Sen. Patty Murray (D-WA) and Rep. Paul Ryan (R-WI).

"As you consider in the coming weeks how to responsibly approach crafting a federal budget for FY 2014 that will reduce the federal deficit, while at the same time assuring the capacity and safety our national infrastructure requires," the airport coalition told Murray and Ryan, "we urge you to shift responsibility for certain airport revenues and expenditures from the federal government to local communities. In effect, we ask you to consider our large airports as models of how to reduce federal spending while spurring job creating through deregulation, competition, and local decision-making."

The coalition said that in this environment of constrained federal spending, without additional revenues from PFCs, they have few options to raise the revenue required for needed infrastructure projects.

The large hub airports in the coalition are Hartsfield-Jackson Atlanta International; Chicago O'Hare International and Midway International; Los Angeles International; Dallas-Ft. Worth International; Denver International; John F. Kennedy International, LaGuardia, and Newark Liberty International; George Bush Intercontinental and William P. Hobby/Houston; San Francisco International; Las Vegas McCarran International; Boston Logan International; Phoenix Sky Harbor International; Miami International; Philadelphia International; Detroit Metro/Willow Run - Wayne County; and Washington Dulles International and Ronald Reagan Washington National.

Congress authorized the AIP Program at \$3.35 billion annually for FY 2013-2015. The program provides grants to commercial airports for runway and terminal construction and improvements, safety improvements, and mitigation of noise impacts.

It is unclear what would happen to the noise and emissions set-aside in the AIP Program if Congress would allow airports to forego AIP grants in exchange for the cap on PFC rates being lifted.

One observer told ANR that smaller airports would still be able to draw funding out of the noise and emissions set-aside, if it is retained, and that pressure would remain on larger airports to mitigate noise and emissions even if they were no longer accepting AIP grants.

AIP grant assurances run for 20 years so, in the short-term, airports would still be bound by them if they are no longer taking AIP grants. However, the grant obligations would eventually end.

FAA, from p. 46

with for decades whenever flight paths are concentrated over certain areas. Technology has provided the opportunity to converge flights over a more concentrated area. This can be beneficial when we are able to design the procedures so they are located over non-residential areas or bodies of water. Communities become concerned about noise when that is not possible and the flights are concentrated over noise-sensitive areas. Performance-Based Navigation (PBN) procedures give us much greater flexibility to determine where we place the procedures. Although the FAA has developed these new procedures primarily to improve safety and efficiency, the FAA does consider noise impacts with each new design phase. The agency has worked with industry and communities to reduce aircraft noise over noise-sensitive areas for many years, and continues to do so.

Q: Does FAA believe that the DNL metric is not adequate to assess the impact of noise from concentrated flight paths that occur with PBN procedures, especially impact beyond the 65 DNL contour? DNL is sensitive to loudness but not frequency of operations, which is the issue with the NextGen flight paths. Is FAA open to using supplemental noise metrics?

A: The DNL metric is adequate for PBN procedures, just as it is for other procedures. The FAA uses the DNL metric because it accounts for multiple factors that comprise noise – the noise level, the number of aircraft operations, and the duration of the operations. DNL also includes a 10-decibel adjustment for nighttime noise events because of the increased sensitivity to noise during normal night hours and because ambient sound levels are typically about 10 decibels lower than during daytime hours.

As for supplemental noise metrics, the FAA already allows for the use of supplemental metrics. FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," Section 14.5 states "[s]upplemental noise analyses are most often used to describe aircraft noise impacts for specific noise-sensitive locations or situations and to assist in the public's understanding of the noise impact. Accordingly, the description should be tailored to enhance understanding of the pertinent facts surrounding the changes. The FAA's selection of supplemental analyses will depend upon the circumstances of each particular case." As you know, DNL is not just an FAA metric, it is a government-wide metric.

Q: Does FAA agree that, at this point, it lacks a policy and methodology for making decisions on when the noise impact from NextGen procedures is significant? Are you in the process of developing such policy and methodology?

A: No, the FAA does not agree. The FAA does have a policy and methodology for determining a significant noise im-

pact that applies to all procedures, including NextGen procedures. These are contained in FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures.” A significant noise impact would occur if analysis shows that the proposed procedures would cause noise-sensitive areas to experience an increase in noise of DNL 1.5 dB or more at or above DNL 65 dB noise exposure, when compared to the no-action alternative for the same timeframe.

Q: What criteria does FAA use to determine when NextGen procedures need an environmental assessment and when they can be given a categorical exclusion from environmental review? EAs were done at Seattle and Denver but not at Minneapolis. What was the difference?

A: The criteria used to decide whether to prepare an environmental assessment or make a categorical exclusion determination is contained in FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” and is the same for NextGen procedures as for other procedures, with one exception. The exception is a legislative categorical exclusion for certain NextGen procedures that was promulgated in the FAA Modernization and Reform Act of 2012. The FAA recently issued guidance on using this legislative categorical exclusion.

[The guidance is at https://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_policy_guidance/guidance/media/Guidance_for_Implementation_of_Categorical_Exclusion_in_Section213c1.pdf]

[The guidance is for Section 213(c)(1) of the FAA Modernization and Reform Act of 2012, which allows FAA to give a CATEX to RNAV and RNP procedures certified, published, or implemented at 29 large hub airports (designated as Core Airports) plus Memphis International Airport unless the FAA Administrator “determines that extraordinary circumstances exist with respect to the procedure.”]

In accordance with paragraphs 304, Extraordinary Circumstances, and 311, Categorical Exclusions for Procedural Actions, of 1050.1E, we assess the potential for extraordinary circumstances before making a final determination of applying an appropriate CATEX. If, after applying the noise screening criteria below, there is the “potential” for an extraordinary circumstance, we can make the decision to conduct additional noise analysis and/or prepare an environmental assessment rather than a CATEX.

- 3 dB increase for DNL 60 dB to <65 dB
- 5 dB increase for DNL 45 dB to <60 dB

The difference between Seattle, Denver, and Minneapolis is the potential for extraordinary circumstances.

Q: Does FAA headquarters set any kind of overall guidance for regional offices to follow in terms of implementing NextGen procedures?

A: We assume this question is specific to environmental guidance. The FAA Office of Environment and Energy in FAA headquarters provides overall guidance that applies to the environmental review of all FAA actions subject to the National Environmental Policy Act, including NextGen procedures. The guidance is in FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures.” In addition, Chapter 32, Environmental Matters, of FAA Order JO 7400.2J, Procedures for Handling Airspace Matters, provides guidance and establishes policy and procedures to assist air traffic personnel in applying the requirements of FAA Order 1050.1E to proposed air traffic actions.

Q: Local officials in New York, Seattle, and Minneapolis have offered the same criticism of the process used to implement NextGen procedures in those locations. They say the public information process and environmental analysis were not adequate; they could not understand much of the technical information provided; and they were not told specifically where the concentrated flight paths would be. Any response to that criticism?

A: The environmental reviews of NextGen procedures for New York, Seattle, and Minneapolis were all conducted in accordance with NEPA requirements in FAA Order 1050.1E.

We prepared an environmental impact statement for the New York/New Jersey/ Philadelphia Airspace Redesign that included substantial public review. The Seattle Greener Skies project resulted in an environmental assessment that also included substantial public review and notification. The PBN procedures proposed for Minneapolis were reviewed and coordinated extensively with their Metropolitan Airport Commission (MAC) and Noise Oversight Commission (NOC).

The local airport authorities are invited to participate in the design, implementation planning, and implementation of NextGen procedures, and they assist the FAA in providing information to the public and coordinating with the public on procedures.

Q: Whose responsibility is it to conduct the public information campaign and environmental analysis of NextGen procedures: FAA or airports?

A: The FAA is responsible for the environmental review of NextGen procedures and for public information related to environmental review. Airports frequently foster community relations and may undertake additional public information.

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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John Wayne Airport

NEWPORT BEACH ASKS FAA TO USE RNP DEPARTURE GE DETERMINED IS FEASIBLE

The City of Newport Beach, CA, has asked the Federal Aviation Administration to revise the RNAV departure procedure proposed for John Wayne Airport to make it a curved RNP departure that GE Aviation determined is feasible and will more precisely keep aircraft over a bay that serves as the airport's noise abatement departure corridor.

Newport Beach is the first U.S. city to hire one of the two firms that FAA has certified as capable of developing public use RNP procedures, which are based on standard design criteria and published for use by all qualified aircraft operators.

RNP (Required Navigation Performance) is a refinement of RNAV (Area Navigation). RNP establishes highly refined parameters for the containment of aircraft within airspace. A key component of RNP is curved flight tracks, which interest airports and communities because they present greater opportunities than straight flight tracks to avoid overflying noise-sensitive areas.

If approved by FAA, the RNP departure procedure developed by GE for New-

(Continued on p. 51)

NASA

FLIGHT RESEARCH ON HYBRID-WING-BODY AIRCRAFT MEETS GREEN GOALS NASA SET

[Following is an April 12 news release by Michael Braukus of NASA Headquarters in Washington, DC; Gray Creech of NASA's Dryden Flight Research Center; and Tom Koehler of Boeing Research & Technology Communications.]

NASA's remotely piloted X-48C hybrid-wing-body subscale aircraft, which demonstrates technology concepts for cleaner and quieter commercial air travel, completed an eight-month flight research campaign on April 9.

The C model of the X-48 aircraft flew its first flight at Edwards Aug. 7 and its 30th flight brought the productive research project to a close.

"We have accomplished our goals of establishing a ground-to-flight database, and proving the low speed controllability of the concept throughout the flight envelope," said Fay Collier, manager of NASA's Environmentally Responsible Aviation project. "Very quiet and efficient, the hybrid wing body has shown promise for meeting all of NASA's environmental goals for future aircraft designs."

The scale-model aircraft, shaped like a manta ray, was designed by The Boeing Co., built by Cranfield Aerospace Limited of the United Kingdom, and flown in

(Continued on p. 52)

In This Issue...

John Wayne Airport ... City of Newport Beach, CA, asks FAA to revise the RNAV departure procedure it has proposed for JWA and, instead, approve a more advanced curved RNP departure procedure that a GE Aviation feasibility study determined will more precisely keep aircraft over a bay that serves as a noise-abatement departure corridor.

However, FAA would have to create the regulations needed to allow the procedure or grant waivers to existing regulations.

Newport Beach is the first U.S. city to hire one of the two companies certified by FAA to develop RNP flight paths but there is growing interest in their skills - p. 50

NASA ... Eight months of flight research on cleaner, quieter hybrid-wing-body aircraft ends; shows promise of meeting environmental goals set by NASA - p. 50

FAA ... FAA Administrator lauds CAEP action on noise, emissions - p. 53

John Wayne, from p. 50

port Beach would be the first employed at a U.S. airport as a public use procedure. Alaska Airlines flies an RNP departure out of Juneau Airport but it is proprietary, not public use. RNP departures developed by GE Aviation are in use at airports in other countries, however.

Growing Interest in Flight Path Development

GE Aviation is seeing growing interest by airports and other stakeholders in the development of NextGen flight paths and currently is talking with several airports about flight path development, Ken Shapero, director of GE Aviation's PBN Services Group, told ANR.

"Airports and communities are reading about NextGen and how it helps and they start asking: how can it help us?" he said.

Added Steve Fulton, GE Aviation Technical Fellow, "We have this fantastic technology that can bring so much good. We have a new set of tools that we never had before that gives us complete freedom to fly a plane anywhere we want within its technical limits. But communities view this technology negatively because they are not included in the flight path development process."

"The community's voice is needed at the beginning of the flight path development process," he stressed. "The community needs to be engaged early and their input gathered so that they have a sense that they have participated in the process and understand the considerations and tradeoffs made in the development of flight paths."

Community Input at Newport Beach

The City of Newport Beach hired GE Aviation last Fall and paid the company \$75,000 to help it respond to FAA's invitation to participate in the development of what the agency has dubbed the "RAWLZ" RNAV departure procedure for John Wayne Airport, which would handle northbound commercial flights and complement the already-approved "STREL" RNAV for departures going east of Las Vegas.

GE worked with local community members on how to best craft the city's response to the FAA. "It concluded that there is an opportunity to create a procedure utilizing a modern set of rules for aircraft departing JWA that would allow departure paths that could balance the competing environmental and noise interests of residents from different neighborhoods in Newport Beach," the city said.

In its report to the city, GE said it "met with a number of representatives from the surrounding communities to better understand concerns related to the current and proposed departures. The primary concern expressed was the perception of direct overflight of the communities on both sides of the Newport Back Bay. Any recommendations to the FAA regarding design changes to the proposed RAWLZ departure would be based, to the maximum extent possible, on addressing these concerns."

GE did not design a departure procedure, per se, but con-

ducted a feasibility study which concluded that RNP technology would enable a procedure to be designed that includes a shallow "S" turn at the upper section of the Back Bay, which would keep aircraft following the curvature of the bay, thus avoiding overflying the homes on either side.

Letter to FAA Approved

At its April 9 meeting, the Newport Beach City Council reviewed the report that GE Aviation prepared on its proposed curved RNP departure procedure. The City Council also approved a draft letter to FAA prepared by GE that describes how FAA can modify its proposed RAWLZ RNAV departure to include the curved RNP segments GE designed, which are called RF (Radius-to-Fix) legs.

In that letter, the City suggested that the FAA consider the following:

- Modify the proposed RAWLZ RNAV departure using the RF leg type to design an RNP departure that follows the center of the Back Bay from the departure end of the runway to open water. The path should be designed to avoid the populated areas on both the east and west side of the bay. The city of Newport Beach, through community engagement, could provide appropriate detail to the procedure designers as to the desired location of the path.

- All elements of the modified departure should conform to the criteria used to design the current proposed RAWLZ departure with the following exceptions:

- Waiver the required departure leg types to allow for a series of RF legs beginning not later than 1.0 NM past the departure end of the runway and extending out towards the proximate location of the current STREL waypoint.

- Construct the RF legs and obstacle evaluation area (OEA) in accordance with FAA Order 8260.58 (United States Standard for Performance Based Navigation (PBN) Instrument Procedure Design), Volume 6, Chapter 1.3.3 with waivers as necessary to allow for a combination of connected, opposite direction RF legs.

- Ensure that the design path remains within the lateral bounds of the current departures being flown at JWA.

- Publish the procedure as an RNP-1 with the additional procedure note: "RF required."

- Operators could be authorized to fly the procedure via OPSPEC C063 [Area Navigation (RNAV) and Required Navigation Performance (RNP) Terminal Operations]. Air carriers currently flying RNAV departures at JWA should already have this authorization.

- The procedure should qualify as a Categorical Exclusion under FAA Order 1050.1E SEC 311 [Policies and Procedures for Considering Environmental Impacts]. This could be substantiated during the design and review process through the use of historical radar data.

"The proposed modifications should not require a substantially higher level of coordination and review with airspace managers and stakeholders than the current proposed RAWLZ RNAV departure," the City told FAA. "The majority of air carriers flying RNAV departures at JWA are currently

equipped with the enabling avionics to fly a departure procedure with RF legs.”

Issues Are Regulatory, Not Technical

GE said in its report to the City of Newport Beach that the primary risks to its proposed RNP departure procedure “are regulatory in nature and not technical.” The regulatory risks relate to the fact that this procedure would represent the first public-use departure procedures using the RNP specification in the United States, GE said.

It defined the following risks:

- The specific geometry recommended for the modifications (curved paths) is not explicitly described in the 8260.58 rule set for use in departure procedure design. However, 8260.58 does include specifications for curved paths used in approach procedures. In order to use curved paths for the departure the FAA would need to make an exception for this procedure based on a “waiver” to the regulatory criteria. The timeline to develop and approve this waiver is unknown.
- Standards related to the charting of the proposed departure do not yet exist and would need to be developed.
- The mechanism by which airlines are approved to fly an RNP departure is not fully evolved.

Concentrated Flight Paths Are Concern

Newport Beach City Manager Dave Kiff explained, “Before NextGen, the FAA had upwards of six departure paths for commercial flights leaving John Wayne Airport. Over Newport Beach, this meant flights fanned out a bit and the noise and other impacts were spread over a wider area of the city. This was not ideal, but it was the ‘share the pain’ option and our residents came to terms with it.”

Kiff continued, “NextGen means we may have only two departure paths used by nearly all commercial flights. This will concentrate flights within distinct areas. Safety is the FAA’s highest priority and we respect that and the agency’s authority over all U.S. airspace. Locally, however, we are concerned about the quality of life here and want to represent our residents’ interests as best as we can. Given that we have no control over departing flights, we are grateful that the FAA has asked for our input and have developed suggestions that we think balance the FAA’s goals with our residents’ desires.”

The City said it has forwarded a letter with its suggestions to the FAA and “will now patiently await a response.”

The City stressed that its involvement is only to suggest how the FAA’s rules could allow a curved flight path and it acknowledged that FAA maintains full authority over airport departure decisions.

RNP Departure Would Be NextGen Milestone

The RNP departure procedure proposed for John Wayne Airport would represent an important milestone for the FAA’s NextGen plan; it would be the first use of the RNP specification for a public-use departure in the United States, GE Aviation explained in its report to Newport Beach.

“We hired Naverus [which was acquired by GE Aviation] to see if JWA could be a place for the first continental U.S. departure procedure using an RNP departure that follows the curvature of the Upper Bay,” City Manager Kiff said in his report to the City Council.

“As the report shows, Naverus concluded that such a departure pattern can be developed, provided the FAA was willing to accept it and/or design it. The report included a detailed discussion of exactly how JWA could have an RNP for RAWLZ.”

Ian Gregor, Public Affairs Manager for FAA’s Pacific Division, said the agency “will thoroughly analyze any proposal from the city of Newport Beach.”

Generally, such development takes considerable time but FAA may benefit from the experience of China, Australia, New Zealand, Chile, Peru, and Canada, which have already approved RNP departures developed for them by GE Aviation.

Newport Beach said it “may wish to engage Naverus again to further develop the departure pattern – funding from such an effort would come from the general fund or from Federal grant funds (if not sequestered) that can be awarded for similar purposes. We would work with our members of Congress to secure these funds.”

NASA, from p. 50

partnership with NASA. The X-48C is a version of NASA’s X-48B blended wing body aircraft modified to evaluate the low-speed stability and control of a low-noise version of a notional hybrid-wing-body design. This design features a flattened fuselage with no tail, and engines mounted on top of the fuselage at the rear of the plane. The design stems from concept studies for commercial aircraft that could be flying within 20 years. The studies are under way in NASA’s Environmentally Responsible Aviation Project.

“Our team has done what we do best: flight-test a unique aircraft and repeatedly collect data that will be used to design future ‘green’ airliners,” said Heather Maliska, X-48C project manager at NASA’s Dryden Flight Research Center in California. “It is bittersweet to see the program come to an end, but we are proud of the safe and extremely successful joint Boeing and NASA flight test program that we have conducted.”

The X-48C retained most dimensions of the B model, with a wingspan slightly longer than 20 feet and a weight of about 500 pounds. Primary changes to the X-48C model from the B model, which flew 92 flights at Dryden between 2007 and 2010, were geared to transforming it to an airframe noise-shielding configuration. External modifications included relocating the wingtip winglets inboard next to the engines, effectively turning them into twin tails. The rear deck of the aircraft was extended about two feet. Finally, the project team replaced the X-48B’s three 50-pound thrust jet engines with two 89-pound thrust engines. The aircraft had an estimated top speed of about 140 mph and a maximum alti-

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tude of 10,000 feet.

“Working closely with NASA, we have been privileged throughout X-48 flight-testing to explore and validate what we believe is a significant breakthrough in the science of flight and this has been a tremendous success for Boeing,” said Bob Liebeck, a Boeing senior technical fellow and the company’s Blended Wing Body (BWB) Program manager. “We have shown a BWB aircraft, which offers the tremendous promise of significantly greater fuel efficiency and reduced noise, can be controlled as effectively as a conventional tube-and-wing aircraft during takeoffs, landings and other low-speed segments of the flight regime.”

“Our goal was to define the low-speed envelope and explore the low-speed handling qualities of the blended wing body class of tailless aircraft, and we have accomplished that,” added Mike Kisska, Boeing X-48 project manager.

Because handling qualities of the X-48C were different from those of the X-48B, the project team modified the flight control system software, including flight control limiters to keep the airplane flying within a safe flight envelope. This enabled a stronger and safer prototype flight control system suitable for future full-scale commercial hybrid or blended wing aircraft.

NASA’s Aeronautics Research Mission Directorate and Boeing funded the X-48 technology demonstration research effort, which supported NASA’s goals of reduced fuel burn, emissions, and noise. The Air Force Research Laboratory in Dayton, Ohio, also was a member of the project team.

In Brief...

FAA Lauds CAEP Action

FAA said April 10 that, as a member of the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection (CAEP), it played a crucial role earlier this year advancing two important goals to make air travel cleaner and quieter worldwide.

“Air transportation continues to grow within and amongst nations,” said FAA Administrator Michael Huerta. “These new environmental standards and procedures recognize that we can work together internationally to achieve positive advancements in making aviation as environmentally efficient as possible.”

CAEP has recommended a new international standard for newly designed aircraft that would reduce noise by 7 decibels relative to the current noise standard. The new requirement would become effective in 2017 for large aircraft and in 2020 for smaller models.

To address global warming greenhouse gases produced in air travel, CAEP has agreed to new international certification procedures for aircraft relating to carbon dioxide (CO2) emissions.

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NextGen

GAO URGES FAA TO ADOPT GUIDELINES FOR INCLUDING STAKEHOLDERS IN PBN, OAPM

In a report to Congress this month, the Government Accountability Office (GAO) recommended that the Federal Aviation Administration develop and adopt guidelines for ensuring the timely inclusion of stakeholders, especially airports, in the planning and implementation of NextGen projects.

“While FAA has made progress involving airports in NextGen projects, several FAA officials, a representative of Airport Councils International-North America (ACI-NA), and officials from several airports said that FAA is not fully leveraging the expertise of airport officials about local community concerns, although the ACI-NA representative noted that FAA has begun to involve airports earlier as the OAPM [Optimization of Airspace and Procedures in the Metroplex] effort has continued,” the GAO report notes.

OAPM is a joint effort by the FAA and the aviation industry to integrate the airspace and deconflict traffic flows over 21 major metropolitan areas in order to increase airport capacity and safety.

The GAO told Congress: “Airport officials in one OAPM metroplex told us that
(Continued on p. 55)

Charlotte-Douglas Int’l

CITY COUNCIL APPROPRIATES \$35 MILLION FOR BUYOUT OF HOMES NEAR NEW RUNWAY

The Charlotte, NC, City Council on April 22 approved a \$35 million appropriation to fund the buyout of a 370 acre neighborhood of approximately 100 homes south of its newest runway, which opened in January 2010.

The neighborhood is outside the 2001 and 2010 65 dB DNL noise contours for the new third parallel runway but has been the source of noise complaints and litigation.

Eight of the 48 homeowners in the path of the new runway who filed suit in Mecklenberg County, NC, Superior Court in January 2012 against the City of Charlotte claiming that aircraft noise has decreased the value of their homes, live in the area that will be bought out, which is referred to as the “Southern Properties.”

The litigation filed over the new runway noise alleges that, since the new 9,000-foot runway opened, the plaintiffs have experienced a substantial increase in the frequency and number of airplane flights and that has impacted or completely deprived them of their ability to sell their property at fair market value (24 ANR 1).

Airport officials had told the City Council during the Environmental Impact

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ACRP ... New report documents procedures used in creation of a taxi noise database for use in the FAA’s INM/AEDT models - p. 55

Houston Bush Intercontinental ... Airport is second in U.S. to employ Honeywell’s GBAS system - p. 56

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FAA had not adequately included them in early planning for new PBN [Performance-based Navigation] routes. Consequently, the airport hired environmental consultants to analyze, among other things, the potential noise impacts of proposed PBN procedures and submitted concerns to FAA.

“In addition, although the Port of Seattle was initially involved in designing procedures for Greener Skies, airport officials told us that they were concerned that FAA had not included them during the environmental assessment process or in conducting local outreach. The project has raised some community concerns about aircraft noise from new flight paths, and some neighborhoods have expressed concerns that FAA had not clearly explained the potential noise impact on their neighborhoods.

“New aviation noise is one of the largest obstacles to NextGen implementation, according to FAA officials and others. It can be difficult to address community concerns about aviation noise, but FAA may be able to mitigate such concerns by involving airport officials more closely in procedure design and community outreach efforts.

“FAA officials involved in another OAPM team, for example, noted that local airport officials, who were not included in initial route planning for the metroplex, later provided information about potential community impacts that FAA had not anticipated. Information provided by FAA on establishing OAPM study teams, however, does not include guidance on the timely involvement of airport representatives on these teams, if such involvement is appropriate; rather the information indicates that OAPM teams should brief airport authorities as the process continues. This is in contrast to the best practices established by the Airport Cooperative Research Program (ACRP), which state that educating – in this case briefing – interested stakeholders after the fact is not sufficient for effective involvement; rather, proactive involvement is required.

“A collaborative approach for NextGen that involves key stakeholders, such as airport officials, would better position FAA to fully leverage those stakeholders’ expertise, help identify possible solutions, and facilitate implementation of NextGen improvements,” GAO told Congress.

GAO Recommendations

GAO recommended in its report that, to help ensure that NextGen operational improvements are fully implemented in the midterm (2013 to 2018), the Secretary of Transportation direct the FAA Administrator to take the following five actions:

- Work with airlines and other users to develop and implement a system to systematically track the use of existing PBN procedures;
- Develop processes to proactively identify new PBN procedures for the NAS, based on NextGen goals and targets, and evaluate external requests so that FAA can select appropriate solutions;

- Require consideration of other key operational improvements in planning for NextGen improvements, including PBN projects at metroplexes such as OAPM, as well as the identification of unused flight routes for decommissioning;
- Develop and implement guidelines for ensuring timely inclusion of appropriate stakeholders, including airport representatives, in the planning and implementation of NextGen improvement efforts; and
- Assure that NextGen planning documents provide stakeholders information on how and when operational improvements are expected to achieve NextGen goals and targets.

The GAO’s April 2013 report to Congress, “NextGen Air Transportation System: FAA Has Made Some Progress in Midterm Implementation, But Ongoing Challenges Limit Expected Benefits,” is available at <http://www.trb.org/main/blurbs/168793.aspx>

ACRP

TAXI NOISE DATABASE FOR USE IN INM/AEDT DETAILED IN REPORT

The Airport Cooperative Research Program (ACRP) released a report on April 23 documenting the procedures used in the creation of a taxi noise database for the Federal Aviation Administration’s Integrated Noise Model (INM) and FAA’s Aviation Environmental Design Tool (AEDT), which is under development and will replace the INM.

Currently, INM users who need to assess the contribution of noise from aircraft ground operations must develop a workaround approach within the model or externally.

Web-Only Document 9: “Enhanced Modeling of Aircraft Taxiway Noise, Volume 2: Aircraft Taxi Noise Database and Development Process,” is available at <http://www.trb.org/main/blurbs/168805.aspx>

The taxi noise data base for the INM and AEDT was developed “in response to a growing understanding that continuing reduction of noise levels related to aircraft flight operations means that previously ignored noise from aircraft ground operations (such as taxiing), now has potentially more of an effect on nearby communities,” TRB explained in the report.

“Taxiing and idling in runway queues, especially during peak hour operations or at night, can significantly contribute to noise contours and Day-Night Average Sound Levels (DNL). This is particularly true when taxiways are very close to the airport property lines and near neighborhoods or other noise sensitive locations.”

The taxi noise database developed in the ACRP report includes three fundamental components for the INM/AEDT fixed wing Turbofan (Jet) and Turboprop commercial transport fleet:

- Noise-Power-Distance tables for the taxi operating condition for each aircraft;
- Spectral Classes for the taxi operating condition; and

- Fleet-wide Jet and Prop Directivity Functions for the taxi operating condition.

The ACRP report describes a prioritized hierarchy of three technical processes that are used to develop a taxi noise-power-distance database for INM and AEDT.

“The hierarchical process is necessary due to the variability in data availability for each specific aircraft-engine configuration. The INM aircraft types for which the taxi NPD and spectral class data is to be generated will fall into one of three possible NPD development methods,” the report explains. Those methods are detailed in the report.

NextGen

HOUSTON IS SECOND U.S. AIRPORT TO EMPLOY HONEYWELL'S GBAS

Houston's George Bush Intercontinental Airport celebrated Earth Day, April 22, by becoming the second airport in the country to go live with Honeywell's SmartPath Ground Based Augmentation System (GBAS).

IAH is one of two airports in the country participating in a pilot program, in partnership with the Federal Aviation Administration, United Airlines, and Honeywell, to demonstrate the use of GBAS.

The GBAS system went live at Newark Liberty International Airport in September 2012.

This new system delivers a cost-effective solution to increase airport capacity, decreases air traffic noise, and reduces weather-related delays, Houston said.

“The Houston Airports are among the most innovative and progressive in the nation when it comes to safety and efficiently connecting passengers to destinations around the world,” said Mario Diaz, director of the Houston Airports. “It is imperative that we continue to invest in new technology that enhances the aviation sector.”

Honeywell's SmartPath GBAS system augments GPS signals so they can be used for precision navigation in the approach and landing phases of flight. The flexible approaches provided by GBAS may produce a significant reduction in aircraft delays and carbon emissions at airports.

GBAA is a component of FAA Next Generation Air Transportation System (NextGen). It's a migration from what is considered to be a ground-based air navigation system to a satellite-based navigation system.

“There is a great opportunity for SmartPath to modernize the flight experience for airline passengers,” said Pat Reines, senior manager, SmartPath Ground Based Augmentation Systems at Honeywell Aerospace. “We're looking forward to helping Houston passengers and visitors' experience more flights that depart and arrive on time.”

United Airlines will operate the flights with a Boeing 737 aircraft equipped with global navigation satellite system (GNSS) landing system (GLS) technology to receive the GBAS landing approach data. United was an early leader in

NextGen technology, taking delivery of GLS-equipped aircraft since 2009.

“We believe that GBAS is the air carrier precision landing system of the future,” said Captain Joe Burns, United's managing director of technology and flight test. “We continue to work closely with the FAA and our industry partners on GBAS and other NextGen initiatives.”

GBAS can provide aircraft with guidance to as low as 200 feet above the surface of the runway, referred to as a Category I approach. The FAA is currently validating the requirements for a GBAS to support Category II and Category III precision approach operations, which would guide an aircraft to the surface of the runway. GBAS represents the only currently feasible satellite-based navigation solution for Category II/III precision approach operations, Houston said.

In Brief...

Nominations for Randy Jones Award

Nominations for the 2013 Randy Jones Award for Excellence in Airport Noise Mitigation will be accepted until July 1, 2013.

The award is designed to recognize the efforts of an individual, organization, or program that has made a significant contribution to airport noise mitigation that generally entails land acquisition, sound insulation programs, and other projects related to the implementation of noise compatibility programs.

Anyone can submit a nomination for the award.

The award will be presented at the 13th Annual American Association of Airport Executives (AAAE) Noise Mitigation Symposium, which will be held in Reno, NV, on Oct. 6-8.

For further information on the symposium and the Randy Jones Award, including nomination forms, go to <http://noisemitigation-symposium.com>.

London Night Flight Regime

The Confederation of British Industry (CBI) has urged the UK Government to maintain the current night flights regime for London Heathrow, Gatwick and Stansted airports.

Responding to a UK Department for Transport consultation on the night flight regime for London airports, which closed on April 22, the CBI asserted that night flights play a key role in the aviation industry and generate millions of pounds in investment and exports.

“Night flights allow the UK to compete in a 24 hour, seven day a week, global economy,” said Rhian Kelly, CBI Director for Business Development. “When growth is so fragile, we can't risk cutting back on a key part of the aviation industry responsible for generating over a billion pounds in investment and exports.

“These are flights that can't be made during the day. Night flights oil the cogs of the express delivery industry so freight arriving overnight can be shipped first thing in the

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morning. And they allow passengers to travel easily between the UK and the emerging market economies that we rely upon for future exports growth.

“Everyone understands the impact of noise and disruption on local communities near the flight path. The aviation industry has made major strides, with quieter planes coming into operation month-by-month.

“With the current system working well, it makes no sense to make major changes when the Independent Airports Commission is looking at the long-term future of industry – it cannot be expected to hit a moving target as it decides how best to boost capacity in the South East.”

Charlotte, from p. 54

Study process for the runway that a number of homes south of it would be identified for acquisition through the airport’s Part 150 Airport Noise Compatibility Program. However, the FAA did not approve the acquisition of the homes through the Part 150 program.

“In the years since the EIS was submitted, the Airport has continued to grow and it is now clear that the land on which the Southern Properties are located is needed for future development of the Airport,” Charlotte Aviation Director Jerry Orr told the Council in a memorandum supporting the buyout.

“The FAA agrees with this assessment and, on Feb. 13, 2013, approved a new Airport Layout Plan (ALP), which includes the Southern Properties as land to be acquired.

“FAA approval of the ALP means that the cost of acquiring the Southern Properties is now eligible for FAA funding through the Airport Improvement Program (AIP) grant process and with Passenger Facility Charge revenues,” Orr explained.

“The Airport therefore intends to proceed with negotiating voluntary acquisitions of the Southern Properties which, if successful, could contemporaneously settle the lawsuits of the eight plaintiffs.

“The Airport will pay for those properties that can be voluntarily acquired using Airport Discretionary Funds to be repaid by future issuances of General Airport Revenue Bonds, AIP grants, or Passenger Facility Charge revenues,” Orr told the City Council.

Meanwhile, last August, Charlotte Douglas International announced plans to build a new 12,000-foot runway that will allow non-stop flights to Europe and the Pacific rim and lessen noise for some residents under current flight paths.

The \$160 million project will be the airport’s fifth and longest runway, and its fourth parallel runway. Environmental studies are expected to begin this year. Construction may begin in 2014.

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Seattle-Tacoma Int'l

JUDGE DISMISSES 237 OF 291 PLAINTIFFS SUING PORT OVER NOISE FROM NEW RUNWAY

Granting motions for summary judgment filed by the Port of Seattle, a King County, WA, Superior Court judge has dismissed 237 of the 291 homeowners who filed suit over noise from the new third runway at Seattle-Tacoma International Airport, which opened in 2008.

Some 126 plaintiffs were dismissed last December on the ground the aviation easements they signed in exchange for sound insulation bar them from suing the Port of Seattle over aircraft noise.

An additional 111 plaintiffs were dismissed in April on the ground that federal law limits liability for noise damages for airport operators who publish notice of noise exposure maps pursuant to Part 150 Program procedures.

Another 29 plaintiffs in the case, which was denied status as a class action, were voluntarily dismissed, leaving just 25 plaintiffs remaining in the litigation.

A trial is set for October but whether it happens will depend on the outcome of additional motions the Port plans to file, Tim J. Filer of the Seattle law firm Foster

(Continued on p. 59)

Santa Monica Airport

SHARP LANDING FEE INCREASE HITS TARGET OF NOISE COMPLAINTS: SIX FLIGHT SCHOOLS

On April 30, the Santa Monica City Council voted unanimously to more than double the landing fees at general aviation Santa Monica Airport.

The increase will apply to touch-and-go operations by students of the six flight training schools based at the airport, which are a major source of noise complaints.

Landing fees will rise from \$2.07/1,000 to \$5.48/1,000, based on landing weight when the increase takes effect on Aug. 1.

The city claims the increase in landing fees is needed because it is subsidizing the airport from its general fund. However, the National Business Aviation Association (NBAA) and the Aircraft Owners and Pilots Association (AOPA) question that.

"The financial data provided to the aviation community is unclear and does not appear to validate the need to increase revenue," said Bill Dunn, AOPA's vice president of airports.

Another problem with the proposal, he said, is that it removes the exemption in place for aircraft and businesses based at the airport, including flight schools.

"It appears to AOPA that the city is undertaking a very specific plan to create an economic disincentive for operators at the airport," Dunn said.

(Continued on p. 60)

In This Issue...

Sea-Tac ... Judge dismisses most of plaintiffs suing Port of Seattle over noise from the new third runway; agrees with Port that aviation easements are valid and publication of noise maps limits airport's liability - p. 58

Santa Monica Airport ... City Council more than doubles landing fees for all aircraft, including touch-and-go ops by six flight training schools that cause majority of noise complaints - p. 58

Noise Standards ... DOT's Volpe Center says its analysis contributed to new tighter ICAO aircraft noise standards - p. 60

News Briefs ... FAA is still determining the impact of transfer of up to \$253 million from AIP Discretionary account to eliminate furloughs of air traffic controllers; some fear it will hit noise projects ... L.A. City Council approves runway shift toward Westchester ... Oakland County Airport NEMs approved by FAA - p. 61

Sea-Tac, from p. 58

Pepper PLLC, which represents the Port of Seattle in the case, told ANR. If the trial happens, the first phase will focus on a group of test cases, he explained.

ANR contacted the Tacoma, WA, law firm Pfau Cochran Vertetis Amala, which represents the plaintiffs, regarding whether the judge's orders dismissing the plaintiffs will be appealed. The firm has not yet responded.

Avigation Easements Ruled Valid

In a Dec. 12, 2012, ruling, Judge Bruce E. Heller held that the Port of Seattle's avigation easements are valid and enforceable and bar the property owners' claims for inverse condemnation, nuisance, and trespass.

The judge rejected arguments by the plaintiffs that the easements were the result of duress and misrepresentations and that the easements were "substantively and procedurally unconscionable."

He said the plaintiffs presented no evidence to support their allegation that the Port had misrepresented the terms of the easements or subjected the plaintiffs to duress in order to obtain the easements.

The plaintiffs voluntarily chose to participate in the noise abatement program, the judge stressed. "They had the right to withdraw before signing the final agreement. They were under no time constraints to sign. And they had alternatives to entering the agreements, such as refusing to participate and instigating a lawsuit, as they have now done."

The attorney for the plaintiffs argued that the Port "never explained to the plaintiffs that signing the avigation easement meant that they were forfeiting their right to recover diminished property values or forfeiting their right to ask a jury what constitutes just compensation. ... At best, all of the Port-generated documents are ambiguous with regard to a relinquishment of constitutional rights. Instead, the Port encouraged the plaintiffs to sign the avigation easements before the Third Runway operations began [in 2008], and consequently, before the plaintiffs could have realized the rights which they purportedly waived."

But, ruled Judge Heller, "a party is not required to advise the other party about the legal effects of a contract." Aviation easements "constitute a valid abridgment of a person's right to sue for inverse condemnation as long as the Port is within the restrictions set in the easement." And the judge held that the Port was within those restrictions.

Noise Limit in Easements Not Exceeded

Two kinds of avigation easements were used by the Port of Seattle. Prior to 1993, the easement grants the airport the right to use the airspace with "unlimited frequency."

After 1993, due to a change in state law, the avigation easements were revised to add an "Easement Level" of noise that would be exceeded if the yearly average noise exposure increased by more than 1.5 DNL above the base level.

The base noise level for each property was determined by

where the property was located on the Port's 1991 noise maps accepted by FAA in 1993. The base level would be the higher of the noise contours, in 1 dB DNL increments, the property fell between.

The plaintiffs and Port of Seattle agreed to a binding process by which the Port's noise expert, Steve Alverson, senior vice president of Environmental Science Associates (ESA), would determine whether the current aircraft noise levels at the affected properties was at least 1.5 dB DNL higher today than the noise levels shown in the 1991 noise map that defined the base noise levels for each property.

Alverson's noise level calculations would be final and binding on both sides in the case.

He analyzed 2010 noise modeling data and determined that current DNL noise levels are between 6 to 15 dB DNL below the Easement Levels on the 1991 noise exposure map.

"These significant reductions in noise levels at the plaintiffs' properties over the past 15 years are the result of decreased aircraft operations over the last decade and the introduction of newer, more technically advanced aircraft into the fleet using Sea-Tac Airport that generate significantly less noise than the aircraft they replaced," Alverson explained in his declaration to the Court.

Noise Maps Limit Liability

On April 5, Judge Heller granted another motion for summary judgment filed by the Port dismissing 111 plaintiffs on the basis that federal law limits liability for airport operators that notify property purchasers of airport noise levels.

"Once notice of an FAA-approved NEM is published, federal law precludes recovery against the airport operator on claims relating to airport operations unless the *plaintiff* proves: (1) a significant change in operations (2) that results in an increase in noise of at least 1.5 dB DNL at (3) a property that was either (a) already experiencing an aircraft noise level of 65 dB DNL or more or (b) was previously below 65 dB DNL, but goes above 65 dB DNL as a result of the increase. This showing is required in addition to any other elements of recovery of damages," the Port argued.

The judge agreed. "Mr. Alverson's analysis shows that the noise level at each property in which the NEM Plaintiffs claim an interest is below the aircraft noise exposure level for the property as shown on the Noise Exposure Map [published by the Port in 1993] that was in effect at the time each NEM Plaintiff acquired his or her respective property interest. Plaintiffs have therefore failed to make the threshold showing required by federal law that there has been a significant noise increase at their properties above the level disclosed in the applicable NEM," Judge Heller wrote.

The case is *Kebede Admasu, et al., v. The Port of Seattle* (No. 09-2-22569-9 KNT) filed in Superior Court of the State of Washington for King County.

In related news, the public has until May 30 to comment on a proposed update to the Part 150 Program for Sea-Tac (<http://www.airportsites.net/SEA-Part150/>)

Santa Monica, from p. 58

AOPA is currently reviewing additional financial data and may elect to file a Freedom of Information Act request for more information from the city.

“We have also provided all data from the city to the FAA for their review,” Dunn said. “An audit of Santa Monica Airport financial data may be in order to ensure the city is not diverting airport revenue for non-aviation purposes in violation of federal laws.”

NBAA said it is considering administrative measures to halt the proposal, which is scheduled to become effective on Aug. 1.

Said NBAA Chief Operating Officer Steve Brown, “We’re clearly disappointed the Council rushed ahead with this plan, with very limited transparency into the financial assumptions used to justify it. NBAA is considering filing a formal complaint with the FAA, for a review of whether the proposal complies with federal guidelines.”

At its April 30 meeting the Santa Monica City Council also approved the development of a pilot program for retrofitting aircraft used in flight training with mufflers or other sound mitigation equipment and directed staff to include \$200,000 for the pilot program in the proposed FY 2013-15 City budget.

City Considering Whether to Close Airport

The City Council also directed city staff to return to Council by March 2014 with an assessment of both the potential risks and benefits of closing or attempting to close the airport in 2015 or a portion of it.

In 2015, a 20-year agreement struck with the FAA in 1984 over operation of the airport expires as do airport leases and airport grant agreements (although FAA contends the grant agreements do not expire until 2023).

Santa Monica currently is engaged in an “Airport Visioning Process” to determine its options in 2015. They range from closing the airport, which would certainly result in a long and expensive legal battle with the FAA and aviation groups, to partially closing the airport to limit its environmental impact, to trying to find ways to keep the airport open but significantly reduce its noise and emissions impact on the community.

The staff noted in its report that the city could not afford to turn the airport into a public park, as some in the community want, and warned that flights to nearby Los Angeles International Airport may be directed over Santa Monica if Santa Monica Airport is closed.

“Although the City-wide resident satisfaction survey shows that Airport impacts are not a major concern to most residents, the Visioning Process made one thing very clear: many Airport neighbors will not accept maintenance of the Airport status quo after the expiration of the 1984 Agreement and the grant conditions. And, the work done to date shows that adverse impacts can be reduced and improvements can be made. Thus, the questions for Council consideration be-

come: can the City envision and create an improved Airport that is a good neighbor and that benefits the community? Or, should the City fight to close the Airport?” City staff told the Council.

DOT

VOLPE ANALYSIS CONTRIBUTED TO NEW ICAO NOISE STANDARDS

[DOT’s Volpe National Transportation Systems Center recently issued the following news release.]

Over several decades, to the delight of people who live or work on flight paths and near airports, aircraft have gotten quieter. The reduction in noise from aircraft, which comes from improved design and technologies, has been hastened by the application of stringent international noise standards developed by the International Civil Aviation Organization (ICAO). In February, ICAO’s Committee on Aviation Environmental Protection agreed to a new noise standard for new-design aircraft entering into service in 2017 (and for lower-weight aircraft entering into service in 2020). The standard will be presented for further consideration by the ICAO Council after formal state consultation.

In Montreal – home to poutine, Cirque du Soleil, and ICAO – Volpe’s Gregg Fleming, along with a colleague from Transport Canada, presented the findings of the environmental and economic assessments to inform the process of setting new noise standards. Fleming is director of Volpe’s Center for Environmental and Energy Systems and co-rapporteur of ICAO’s Modeling and Databases Group. The U.S.-led environmental analysis considered a range of noise stringency levels, and measured the environmental benefit in terms of the geographic area over which noise would be reduced and the population that would benefit from the noise reduction. The economic analysis, also led by the U.S., examined the costs associated with new noise standards.

“This new noise standard is an important step for aviation and will provide a much quieter environment for the many communities living in proximity to the world’s airports,” commented ICAO Secretary General Raymond Benjamin in an ICAO press release. Benjamin noted that this new noise standard was developed in less than half the time of the previous noise standard.

The new noise standard will be 7 effective perceived noise level in decibels (EPNdB) below ICAO’s current standard. The EPNdB metric is the internationally accepted noise measure for certifying aircraft. The new noise standard is more aggressive than the previous standard in terms of the number of aircraft impacted.

“This was a data-driven decision,” said Fleming. ICAO’s Modeling and Databases Group, along with ICAO’s Forecasting and Economics Support Group (on which Volpe economist David Pace serves), conducted the environmental and

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economic assessment of the noise stringency scenarios that were the basis for the final policy decision. “In general, the assessment showed increasing environmental benefit with increasing noise stringency. The environmental benefit balanced with cost considerations led to the ultimate policy agreement by ICAO/CAEP’s member states,” said Fleming.

ICAO, created in 1944 to promote the safe and orderly development of international civil aviation throughout the world, is a specialized agency of the United Nations.

In Brief...

Impact of Furlough Bill Unclear

On May 1, President Obama signed into law legislation passed by Congress last week that gives FAA authority to transfer as much as \$253 million from the Airport Improvement Program Discretionary account – which funds airport noise and emissions mitigation grants, among other things – to eliminate furloughs of air traffic controllers.

Some fear that grants for environmental mitigation projects at airports will bear the brunt of the AIP funding loss. An FAA spokeswoman told ANR that the agency is reviewing the legislation.

L.A. City Council Approves Runway Move

On April 30, the Los Angeles City Council voted 10-3 to go forward with plans to shift the northernmost parallel runway at Los Angeles International Airport to the north 260 feet closer to the community of Westchester.

Airport officials say the move is needed for safety and to improve operational efficiency.

FAA Administrator Michael Huerta sent a letter to the City Council advocating the increased separation of the north parallel runways, which he said is needed to accommodate large, modern aircraft such as the A-380.

A Westchester community group, the Alliance for a Regional Solution to Airport Congestion, and the SEIU United Service Workers West (a union representing many low-wage workers at LAX) have called the environmental review of the runway project inadequate and hinted they may challenge it.

Oakland County, MI, Maps Accepted

On May 1, the FAA announced its acceptance of noise exposure maps submitted for Oakland County International Airport in Pontiac, MI.

For further information, contact Katherine S. Delaney in FAA’s Detroit Airports District Office; tel: (734) 229-2900; e-mail: Katherine.S.Delaney@faa.gov.

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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UK

UK AVIATION INDUSTRY SAYS IT CAN DOUBLE FLIGHTS, CUT NOISE 65 PERCENT BY 2050

Sustainable Aviation (SA) – which represents over 90 percent of UK airlines, airports, and air navigation service providers, as well as all major UK aerospace manufacturers – released a Noise Road-Map on April 23 defining how the industry can double operations over the next 40 years without increasing noise.

The Road-Map asserts that aircraft innovations and engine technology, operational advancements, and better land-use planning offer the potential to reduce UK aviation noise output 65 percent by 2050 compared to 2010, despite a forecast growth in flights.

The Road-Map was issued just a month after the UK Government on March 22 announced its final Aviation Policy Framework, which rejected or delayed consideration of the stringent and novel noise mitigation measures it asked the public to comment on in a draft Framework issued last July (25 ANR 44). The UK Government also is considering whether new airport capacity is needed in the UK.

In its Road-Map, SA said its prediction of reduced aviation noise impact in the future “builds on the huge progress that the industry has already made to reduce its
(Continued on p. 63)

O’Hare Int’l

OPENING OF NEW RUNWAY IN OCTOBER WILL ALTER NOISE IMPACT AROUND O’HARE

Communities on the northwest side of the City of Chicago are reportedly up in arms about the noise impact they will be subjected to when a new east-west parallel runway opens at O’Hare International Airport on Oct. 17.

Some also are angry that they will not become eligible for residential sound insulation until the O’Hare Modernization Program is completed, which is expected to occur in 2020 or possibly later. That means they will have to wait seven years or more to find out if they are eligible for sound insulation and longer for their residences to be treated.

Currently the 65 dB DNL noise contour estimated for 2013 on the airport’s 2005 noise exposure map serves as the official contour for determining eligibility for O’Hare’s residential sound insulation program. Some 8,936 homes around O’Hare have already been sound insulated based on eligibility under the estimated 2013 contour and 3,000 homes remain to be insulated.

But when the O’Hare Modernization Program ends, a new noise exposure map (estimating impact five years in the future) will be prepared and go into effect and its 65 dB DNL contour line will determine sound insulation program eligibility.

(Continued on p. 64)

In This Issue...

UK ... Sustainable Aviation, a group representing the British aviation industry, releases a Noise Road-Map asserting that flights can be doubled at UK airports, noise cut 65% by 2050 - p. 62

Chicago O’Hare Int’l ... Communities in Chicago that will get hit with noise from new runway set to open in October express anger, frustration they won’t qualify for sound insulation until 2020 or later - p. 62

PBN ... Jeppesen to design RNAV/RNP procedures for NAV CANADA - p. 64

Winglets ... UPS adding wingtip devices to its fleet of 54 Boeing 767s - p. 64

Los Angeles Int’l ... San Bernardino County, cities of Ontario, Culver City, and Inglewood, and community group ask City of Los Angeles to enter mediation over environmental report supporting decision to move LAX runway closer to communities - p. 64

UK, from p. 62

noise impact.”

“A review of noise data at Heathrow, Gatwick, Manchester, Stansted, Birmingham and Luton airports between 1998 and 2010 found that the number of people inside the UK Government’s standard measure of noise impact reduced by nearly 40 percent despite an increase in flights of over 5 percent at those airports. This analysis echoes the Government’s own finding that the number of people within the same contour around Heathrow has shrunk since the 1970s from two million to 245,000,” SA said.

The Noise Road-Map it issued presents a tool kit to assist the industry in further developing measures to reduce noise from aircraft and to help spread best practice models and develop noise strategies for the future.

The document also examines the complex and subjective nature of aircraft noise, while acknowledging that it remains a real source of tension for some people living close to airports.

SA Makes Commitments in Road-Map

In its Road-Map, Sustainable Aviation committed to:

- Work to achieve a 65 percent reduction in perceived noise from aircraft by 2050 compared to 2000;
- Continue to invest in new and quieter aircraft and engine technologies;
- Increase the use of operational techniques and collaborate to develop new techniques that reduce noise;
- Work constructively with Government, local authorities and local communities to achieve land-use planning improvements; and
- Promote open and transparent engagement with communities affected by noise, to better understand their concerns and priorities and to establish greater trust.

Sustainable Aviation members have issued a call to action to the Government to support this work by:

- Continuing to support research and development in aerospace technology;
- Working with the industry to ensure the right balance is struck in future design priorities between reducing noise and CO2 emissions;
- Strengthening and supporting local authorities’ ability to enforce land use planning controls around airports;
- Implementing improved airspace structures and operational procedures through the CAA; and
- Supporting independent research to improve understanding of the noise challenge and working with the industry, local authorities, and communities to optimize noise communication, monitoring, and reporting processes.

Growth Can Be Accommodated

“This Road-Map shows that UK aviation can accommodate significant growth over the next 40 years while reducing its noise output, thanks to new, quieter aircraft,” said Matt Gorman, Chair of Sustainable Aviation.

“There are opportunities to further reduce noise through

operational procedures and controls on how land around airports is developed. Sustainable Aviation signatories are committed to develop the tools set out in this Road-Map to limit and where possible reduce the number of people affected by aircraft noise.”

Added Keith Williams, Chief Executive of British Airways, “This report shows that the UK aviation industry has consistently and successfully improved its noise performance over the years and there is great scope for even further improvement. British Airways has pioneered operational procedures to reduce noise in all phases of flight and we are looking forward to the arrival of our new aircraft which will serve to significantly lower our noise profile.”

Said Neil Scott, Head of Engineering for Airbus in the UK, “Over the past 50 years, the aviation industry has cut noise by 75 percent and aircraft continue to get quieter with aircraft such as the A380 winning awards for its reduced noise emissions but we are determined to improve the environmental performance of aircraft even further. Airbus is already investing significant amounts in cutting edge research and development programs to further develop the new designs and technologies that will see a further 65 percent reduction in noise by the middle of the century.”

But, John Stewart of HACAN (Heathrow Association for the Control of Aircraft Noise), a leading campaigner against the expansion of Heathrow, told the British media: “There is no doubt that aircraft have become quieter and will continue to do so. The reality, though, has been that complaints have gone up over the period when the aircraft have become quieter because of the huge increase in the number of planes. The danger is that more planes will continue to cancel the benefits of quieter ones.”

The Sustainable Aviation Noise Road-map can be found at www.sustainableaviation.co.uk

Domes of Silence

Meanwhile, aircraft noise levels at London airports in 2013 are still bothersome.

The UP reports that a school near London Heathrow Airport “has found a novel way to protect its young students from the relentless roar of planes taking off and landing nearby.

“The school has installed a series of sound-cancelling adobe domes outdoors so that its students, ages 3 to 7, can enjoy playtime and lessons outside without fearing damage to their ears,” UP reported.

“The domes, constructed from coiled bags of earth, were originally designed for earthquake and emergency zones, but they’ve proved popular among the schoolchildren.

“Hounslow Heath Infant and Nursery School head teacher Kathryn Harper-Quinn said that installing the domes has encouraged more outdoor activities at the school, which sees a plane flying just a few hundred feet above it every few minutes.”

For photos of the domes, go to <http://bigstory.ap.org/article/uk-school-uses-domes-silence-airport-noise>

PBN**JEPPESEN TO DESIGN RNAV/RNP PROCEDURES FOR NAV CANADA**

Jeppesen, a part of Boeing Digital Aviation, announced on May 8 a new agreement with NAV CANADA to design and deliver RNAV RNP (area navigation with required navigation performance) instrument flight procedures that are based in Performance Based Navigation (PBN) principles.

RNAV and RNP specifications facilitate more precise lateral and horizontal aircraft routing and enable aircraft to descend from altitude without intermediate level offs, which greatly reduces fuel consumption and aircraft noise emissions.

“This agreement marks an exciting milestone for Canadian airspace modernization and has been eagerly anticipated by NAV CANADA and its customers,” said Mark Van Tine, vice president, Boeing Digital Aviation and Jeppesen CEO.

“Working together, we will deliver optimized design and airspace procedures that will allow for more optimized operations through reduced fuel consumption and less airline miles flown.”

Said Larry Lachance, vice president, Operations, NAV CANADA, “We are pleased to be working together with Jeppesen to expedite the continued modernization of the Canadian air navigation system. With Jeppesen’s world leading expertise, combined with the innovative and customer focused approach of NAV CANADA operations staff, I am confident that this partnership will allow NAV CANADA to continue to implement PBN-based procedures that set the bar even higher for safe and efficient air navigation services.”

Chicago O’Hare, from p. 62

When the new east-west parallel runway opens this fall, the traffic flow at O’Hare will become predominately east-west, causing a major shift in noise impact on all of the communities that surround O’Hare.

Suburban communities located on the east, west, and southwest sides of O’Hare are expected to experience a significant increase in noise impact (as high as 75 DNL), according to the environmental impact statement FAA prepared on the project.

Runway 10 Center/28 Center, which will open in October, was built to accommodate new aircraft, such as the Boeing 747-8 and Airbus A-380. It will be the fourth east-west parallel runway at O’Hare and the second new runway to be added since 2008 under the modernization program. A fifth east-west parallel runway is planned to open in 2015.

When the Modernization Program is complete, O’Hare will have eight runways: six east-west parallel runways and two crosswind runways.

Winglets**UPS ADDING WINGLETS TO 767 FLEET TO SAVE FUEL, CUT NOISE**

UPS said May 7 that it has unveiled a new look for its flagship Boeing 767 fleet by adding winglets as a part of its sustainability efforts to save fuel and reduce emissions.

These wingtip devices, which are arrow-shaped surfaces attached to the tip of each wing, enhance the overall efficiency of the aircraft, saving fuel by reducing drag while also lowering noise emissions by improving take-off performance.

UPS said the modifications will save the company more than six million gallons of fuel each year and reduce carbon dioxide emissions by more than 62,000 metric tons. UPS estimates approximately a four percent fuel savings on each 767 flight.

“UPS continues to lead the industry in sustainable business practices,” said David Abney, UPS chief operating officer. “With the widest portfolio of services in the industry, we are constantly looking for ways to reduce emissions, and drive down operating costs so our customers have the solutions they need to compete in a global economy. These winglets are a perfect example of sustainability in action. They are good business and good stewardship.”

UPS currently operates 54 of the 767 aircraft with five on order. The company plans to have winglets on all 767 aircraft by the end of 2014. Winglets are already installed on UPS’s 747, and MD-11 fleets, and the A300-600 has a similar device called a wingtip fence.

“We believe there is always some way you can improve, and we’re applying that spirit to our environmental efforts,” said UPS Airlines President Mitch Nichols. “This is a great example of how we can use existing technology to save money, lessen our impact on the environment and serve our customers more efficiently.”

Los Angeles Int’l**COUNTY, CITIES MOVING TOWARD LAWSUIT OVER RUNWAY MOVE**

San Bernardino County, CA, the southern California cities of Ontario, Culver City, and Inglewood, and a community group appear to be heading toward litigation with the City of Los Angeles over its decision to move the northernmost parallel runway at Los Angeles International Airport 260 feet to the north and closer to the community of Westchester.

San Bernardino County and the City of Ontario fear that increasing the separation of the two north parallel runways at LAX to increase safety and operational efficiency will result in a further loss of passengers at nearby Ontario International Airport. Ontario International has lost 40 percent of its passengers since 2007.

Both LAX and Ontario International Airport are managed

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by Los Angeles World Airports (LAWA).

San Bernardo County Board of Supervisors Chairwoman Janice Rutherford accused LAWA of mismanaging Ontario International. “Part of that mismanagement is directing traffic to LAX instead of Ontario,” she told the Riverside, CA, *Press-Enterprise*. “That’s a big problem for our region, for our economy, and for the neighbors of LAX who don’t want any more traffic.”

Culver City, Inglewood, and the community group Alliance for a Regional Solution to Airport Congestion assert that moving the LAX runway to the north will increase aircraft noise and emissions pollution in communities close to the airport.

On May 3, the Alliance for a Regional Solution to Airport Congestion formally requested that the City of Los Angeles enter into mediation over the environmental report prepared on the runway move. Similar requests were filed on May 7 by San Bernardino County, Culver City, and Inglewood.

The City of Los Angeles has five business days to respond to the requests. Its response to the mediation request filed by Alliance for a Regional Solution to Airport Congestion is due today, May 10.

The mediation request is the first step that must be taken before a lawsuit can be filed over the runway move. If Los Angeles decides not to enter into mediation with the parties that have requested it, they have 30 days after Los Angeles issues a notice of determination to file a lawsuit. It is expected that any litigation would focus on the environmental report on the runway move.

Politicians Taking Sides

Meanwhile, politicians are taking sides on the runway move.

On May 4, Rep. Maxine Waters (D-CA), whose district includes communities near LAX, urged her constituents attending a community meeting to consider suing Los Angeles for its approval of the runway move.

Of the L.A. City Council’s April 30 vote approving the runway move, the congresswoman said, “The fight’s not over ... the fight’s not over because I think we know our way into the courtroom.”

The runway move has the strong support of the Los Angeles Chamber of Commerce and of Rep. Henry Waxman (D-CA), who also represents communities near LAX.

But L.A. City Councilman Eric Garcetti, who is in a tight mayoral race, voted against the runway move. Garcetti is running against L.A. City Controller Wendy Greuel to replace Antonio Villaraigosa, who is ending his second and final term as mayor of Los Angeles.

Recent polls show that Garcetti and Gueuel are neck and neck in the polls. The election is May 21.

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