

**Key West International Airport**  
**Ad-hoc Committee on Airport Noise**  
**Agenda for Tuesday, August 6<sup>th</sup>, 2013**

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
  - 1. For June 4<sup>th</sup>, 2013
- B. Discussion of Part 150 Study Update -
  - 1. Role of the FAA and the Part 150 Process
  - 2. Noise Exposure Maps
  - 3. Noise Compatibility Program
  - 4. NCP Implementation Plan
- C. Other Reports:
  - 1. Noise Hotline and Contact Log
  - 2. Airport Noise Report
- D. Any Other Discussion
  - 1. By-Laws
- E. Next meeting: October 1<sup>st</sup>, 2013

2013 Schedule of Meetings

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

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

**KWIA Ad-Hoc Committee on Noise  
June 4, 2013 Meeting Minutes**

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

**ROLL CALL:**

*Committee Members in Attendance:*

Commissioner Danny Kolhage  
Kay Miller  
Robert Padron  
Sonny Knowles  
Marlene Durazo  
Dr Julie Ann Floyd  
Harvey Wolney

*Staff and Guests in Attendance:*

Peter Horton, KWIA.  
Deborah Lagos, URS Corp.  
Dan Botto, URS Corp.  
Matt Herum  
R. L. Blazevic, Resident  
Robert Gold, Resident  
Brent Robbins, Resident  
Stewart Andrews, Resident  
Brendan Cunningham, City of Key West

**A quorum was present.**

**Review and Approval of Meeting Minutes for the February 5<sup>th</sup> and April 2<sup>nd</sup>, 2013 Ad Hoc Committee Meetings**

Commissioner Kolhage asked if there were any comments on the meeting minutes for either the February or April meetings. No comments were volunteered. Kay Miller motioned for approval and Marlene Durazo seconded the motion. There were no objections and the motion carried.

# **KWIA Ad-Hoc Committee on Noise**

## **June 4, 2013 Meeting Minutes**

### **Discussion of Part 150 Study Update**

#### **Role of the FAA and the Part 150 Process**

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

Dan explained that the FAA also does not approve the NEMs, they strictly determine if the NEMs are in compliance with the Part 150 requirements, and will issue a Notice of Compliance in the Federal Register. They will make sure that URS and the Airport are following the rules and regulations that govern the Part 150 Process and that the public was included; additionally, they will provide guidance and instruction as to items that were not covered or covered improperly.

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

Dan continued that we are currently in the NCP process and will be discussing items for recommendation in today's meeting. Deborah Lagos mentioned that the handout provided at every meeting lists the criteria or filter that the FAA uses when reviewing the recommended mitigation measures. Deborah further explained that the goal is to make recommendations that will be approved by the FAA.

Robert Gold asked if there is an opportunity for public comment on this document. Peter Horton explained that the NCP has been placed on the agenda for the July Monroe County Board of County Commissioners (BOCC) monthly meeting as a Public Hearing. Dan explained further that today's meeting is also a place for public comments.

#### **Noise Compatibility Program**

Deborah Lagos explained that the NCP contains information that had previously been discussed in the Ad Hoc meetings and the NCP was attempting to document those recommendations. Furthermore, if the recommendations do not clearly

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present the ideas of this committee, please provide your comments here and any item will be revised.

### **Operational Alternatives:**

Deborah began by discussing the first section, "Consideration of Operational Alternatives." The previous meetings provided many good ideas, and we put those ideas into the proper format for the NCP. Also, there are items included that are required and if we are not recommending them, the documentation must describe why they are not being recommended.

Dan Botto began the discussion of specific items covered in the Operational Alternatives section.

Barriers and Acoustic Shielding: Dan Botto mentioned that a previous study to determine the applicability of noise barrier at Key West had determined that the distance between the noise producer and noise receptor is too great for the barrier to have any noticeable effect. The NCP is not recommending this alternative.

Ground Power Units: Dan Botto indicated that this was discussed at previous meetings. No definitive research shows the use of GPUs reduce noise, but as the noise source is positioned lower to the ground than the onboard power unit, it may result in less annoyance. Furthermore, there is a reduction in air quality emissions. The voluntary use of GPUs is recommended, when time and safety permits.

Aircraft Run-up Location: Dan Botto explained that there is currently mandatory use between 11 pm and 7 am, and voluntary for the rest of the day. The NCP recommends that this policy remain in place, with the addition of improved education of airport users, including lighted signs on the runway, handouts and Jeppeson inserts. Kay Miller asked if this is primarily for the GA pilots. Dan responded by mentioning a conversation with the Delta station chief where she said that the pilots are constantly being rotated on and off the Key West flights and may not be aware of current noise abatement procedures. Deborah Lagos mentioned that this is more applicable to GA than commercial since most commercial aircraft do not require a preflight warm-up.

Runway Utilization: Dan Botto said that with a single runway system, runway utilization is based on prevailing winds and KWIA is oriented so that prevailing winds produce the most favorable utilization regarding aircraft noise. Aircraft primarily arrive and depart from Runway 09, with quieter arrival operations occurring from the west over the island and louder departure operations occurring

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to the east over water. Furthermore, any utilization change would be minimal as wind dictates flight direction.

Robert Gold questioned the statement at the top of page 8-5 in the NCP discussing that the increased use of Runway 27 would increase the amount of noncompatible land use, therefore there is no benefit of shifting operations to Runway 27. Mr. Gold stated that this was a hasty and not quantified conclusion. Robert says he understands that there are areas that would receive greater impact but there are larger areas that would have reduced impacts. The language implies that there would be no net change. Robert continued that he does not believe this to be true, and that similar logic is used in the Alternate Approach in Section 8-4. Robert also said he would register the strongest disagreement with the logic being used. Robert's interpretation is that if anyone would receive a higher noise level due to a change, this is a rationale for ruling out the use of the alternative, but he feels there is significant opportunity to "spread the pain" in a way that would reduce noise levels for more than would receive higher noise levels.

Dr. Julia Ann Floyd believes that the use of noise levels as a reason to not recommend a change in runway use does not even need to be included in the document because runway use is so dictated by wind conditions that changing runway utilization is not a viable option. Robert Gold suggests that with no statistics to backup that information, operations should land on Runway 27 whenever wind permits. Sonny Knowles explained that the only time this would be an option would be when wind is below 5 knots, and this would result in departures from 27 creating more noise over the island because the ATCT would not be able to operate flights head to head (arrive 27 and depart 09). Dr. Floyd mentioned that calm winds occur very infrequently at KWIA, and when the winds do resume the airport would have to be reconfigured (operationally) to handle into the wind operations, which would most likely result in using Runway 09. Robert Gold stated that his objection is that the language used in the NCP implies that if any person experiences more noise as the result of an alternative, then the alternative is rejected. He objects to the logic of that statement.

Deborah Lagos explained the FAA is going to look at the DNL 65 dB (and above) contour and that is their criteria to determine if an alternative is improving the situation or not, then there is everything outside the 65. There could be changes that show no positive change within the 65 but have changes outside the 65. Unfortunately the FAA does not consider those areas in their decision making. For any type of operational measure that is recommended for approval, we have to show that there is either a reduction in the size of the 65 contour or the shape shifts so there are less people included in the 65 contour. Deborah continued that

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we can rewrite the recommendation so that it does not imply that there couldn't be a benefit, but unfortunately any modeled scenario would show an increase in size or number of impacted people if we increased departures off Runway 27. Departures are louder than arrivals and reversing the flow will immediately cause the contour to enlarge along the departure path.

Mr. Gold reiterates that it is the logic not the strategy of the Runway 27 usage that he objects to. Kay Miller asked what is the solution. Commissioner Kolhage asked what difference does it make if it doesn't change the conclusion. Sonny Knowles interjected that he feels the entire 8-3 section was intended for airports with multiple runways and was not designed for airports with a single runway. Deborah Lagos indicated that the text will be changed to indicate that for a single runway airport, this is not really a viable or appropriate option. Commissioner Kolhage asked if the change will still come to the same conclusion. Deborah Lagos said that the change will be along the lines of "because this is a single runway airport, it is not practical to implement a preferential runway use." Peter Horton continued that this is not a viable option especially when you consider KWIA has concentric airspace with NAS Key West. Dan Botto mentioned that the previous paragraph discusses the other mitigating factors such as wind conditions and interactions with NASKW. Peter Horton also indicated that the 737 and larger aircraft find it safer to arrive to 09 with the 3 mile stabilized approach instead of landing to 27 with possible conflicts with US Navy aircraft. Sonny Knowles mentioned that even if the flights come in east of the Navy there would still be airspace conflicts. Peter Horton said from an operational side, he would not want to see Runway 27 as the preferred arrival runway.

Kay Miller asked Mr. Gold if he accepts these changes. Mr. Gold agreed and said that the text as it stands does not prove the conclusion that current runway utilization "generates the least noise impact."

Intersection Departures: Dan Botto discussed that one of the items from the previous meeting was for smaller aircraft to use the taxiway C intersection for departures. The NCP recommends that smaller aircraft, when weather and safety permit, use the taxiway C intersection, instead of the Runway 09 end, for departures. This change would move single noise events caused by the smaller aircraft approximately 1,000 feet to the east, away from the residential areas off the end of Runway 09. Sonny Knowles indicated that there are currently some aircraft, including one of the island tour biplanes, that use this when possible, which does keep noise away from the residential areas. Dr. Floyd mentioned that one of the first things you learn when flying is to use all the available runway in case there is a mechanical problem. If you were to lose an engine, you would much

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rather have flat runway in front of you instead of water or a salt pond. The pilots look at what is more safe versus less safe, and the pilots would not like to operate if they had to use the taxiway C intersection departure. Dan Botto pointed out that this would strictly be a voluntary procedure. Sonny Knowles said it is definitely more safe to use the whole runway, but it is sometimes more convenient to use the taxiway C intersection.

Modification of Flight Tracks: Dan Botto explained that Section 8-4 discusses the ability to modify flight tracks and then provides figures indicating that currently aircraft do not follow any single flight track into KWIA. Commercial aircraft and jet aircraft prefer to use a 3 mile final, but other aircraft fly the most convenient route, weather, traffic, aircraft handling, and pilot skill permitting. Sonny Knowles indicates that many times the pilot wants to make a short approach to save time and/or fuel and the tower will extend your base leg due to traffic.

Robert Gold mentioned the text on page 8-7, "previously KWIA instituted an alternative voluntary approach from the north for smaller aircraft." Robert continued that the language used in the text does not quantify the level of impact caused by the implementation of the Garrison Bight Approach. Without quantification of the noise complaints then increasing from 1 to 10 complaints could be viewed as the same as increasing from 10 to 100 complaints. The way the language is, any increase in complaints results in the alternative being discounted. Mr. Gold feels that there is a false equation being presented here. Robert believes that there are far fewer homes under the Garrison Bight Approach than under the scenic straight-in approach, and while he does understand that commercial and jet traffic will use the 3 mile final, he is advocating that there are voluntary procedures for the smaller aircraft to mix up the approach paths. Mr. Gold also believes that the figures indicating flight tracks do not relay any useful information and is misleading since most aircraft still use the straight in approach. Robert believes that the information provided does not sufficiently close the issue of alternate approach paths. Dan Botto mentioned that during the analysis of the Garrison Bight Approach; there was a noticeable bulge in the contour along the GB approach path, with the corresponding increase in noncompatible land use. When the suggested use of the GB approach was rescinded, the contour was reduced thereby indicating that the random dispersion already in place resulted in fewer noncompatible land uses than the voluntary use of the GB Approach. Dan continued that due to the density of residential land uses around KWIA, there are not any viable options to direct aircraft flights that will not result in an increase in impacted noncompatible land.

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Robert Gold remarked that he believes the DNL 65 dB noise contour skews the results with respect to the number of homes affected. There certainly will be people under the GB Approach that will experience a higher noise level, but the trade-off will be an equal reduction in noise over a lot more homes on the straight in approach.

Robert Gold continued that he believes that the way in which this has been modeled obscures a more careful analysis and the language precludes voluntary guidelines for noncommercial VFR traffic to mix up their flight paths. Robert feels that the language in the NCP closes the discussion.

Peter Horton commented that the figures of the arrival radar tracks show many aircraft still use the GB Approach, but the tracks also show many aircraft follow the VOR to Fleming Key and then make a left turn to the runway. The departure flight track figure also show many aircraft depart over Garrison Bight, usually in response to direction from the Tower.

Peter continued that, based on his history at KWIA, Mr. Gold's assumption is flawed if he thinks the citizens of Key West will be willing to share the pain. He has yet to have someone approach him and ask to have aircraft fly over their home to relieve others of some of the noise. Mr. Gold responded that the roll of government is to impose burdens on society when society is unwilling to impose those burdens themselves.

Robert continued saying he believes the straight-in approach covers the greatest number of homes of any possible flight track into KWIA. Peter Horton agreed with him. Mr. Gold also wanted to augment his comments to include the business jets and the air tour biplanes to limit the flights of both of these types over Old Town.

Commissioner Kolhage asked where are the noise complaints primarily emanating from. Dan Botto responded that recently there are very few noise complaints, but they tend to be clustered from Linda Avenue, Key West by the Sea, and the areas directly off the end of the runway. Deborah Lagos mentioned the areas between Fourth and Harris, and Stewart Andrews indicated that he has called from his home on Staples Avenue.

Mr. Gold asked if there is any discussion in the NCP of the corporate jets or the air tour biplanes, as these are both louder than the 737's. Dan Botto mentioned that in a later section there is a discussion regarding the phasing out of the older noise stage 1 and 2 corporate jets. Sonny Knowles indicated that the air tours don't fly the straight in approach. They circle the island and then try to get onto

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the ground as quickly as possible to pick up the next tour. If they are on the straight-in approach, it is at the request of the Tower.

Robert Gold then asked if there was any way to help document the noise from the biplanes because it doesn't seem like they are just passing over, but they are actually circling his neighborhood. Marlene Durazo explained that it seems like they do that around Key West by the Sea also. Peter Horton asked that in Section 11 we specifically address the biplane operators and ask them to fly in the most noise sensitive method. Sonny believes that the operators would be more than happy to comply when possible. Peter continues that monitoring their flight paths would be part of the role of the noise compliance officer recommended in Section 11. Peter explained that these are not just strategies that we want to try, but are recommendations of the NCP. Robert Gold believes that the biplane pilots don't know how much noise they produce, or they know and don't care; he believes it is that they know and don't care. He believes that without official policy they will not abide by any requests.

Marlene Durazo asked where would the biplane discussion be placed in the NCP. Deborah Lagos said will put it in as Section 8.4.4, and will be included in Section 11 as a recommended measure. Dan Botto asked what are the biplanes doing. Sonny Knowles said they do air tours, banner towing and aerobatics, but the aerobatics are performed away from the island in a designated area. Dan Botto indicated that the section will be a discussion of air tour and banner towing operations.

Peter Horton indicated that there are multiple pilots that are flying these tours, and the owner is responsible to tell his pilots about the areas to avoid. Peter continued that the airport has been getting complaints about the biplanes for years, so a simple discussion with the operators will not last and there must be an ongoing process. Dan Botto mentioned that as part of the program management measures, better education of the pilots using KWIA regarding noise sensitive areas and noise mitigation methods has been included in the recommendations. Deborah Lagos indicated the NCP will add these particular users to that discussion also.

Helicopter Operations: Dan Botto indicated that there have been complaints regarding helicopters operating to the north of the airport. Because of the ability of the helicopters to fly below areas of US navy activity, the NCP recommends that when conditions permit, helicopters should arrive and depart to the south of the airport. This would be a voluntary recommendation, and obviously would not apply to Coast Guard, Life Flight, and other official and emergency operations. Sonny Knowles felt that was certainly a reasonable request for the helicopter

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operators to avoid noise sensitive areas, but there are times when they are photographing particular areas of real estate and may not be able to avoid these areas. Mr. Blazevic mentioned that the visiting helicopters use the easiest route in and out which is from the north. Commissioner Kolhage indicated that some of the flights could be Mosquito Control and are not going to change.

Airport Use Restrictions: Dan explained that these are ways to limit the louder aircraft from using the airport, or times that the airport may be used.

**Denial of use to aircraft not meeting Federal noise standards:** All of the commercial aircraft currently meet Federal noise standards and as of December 31, 2015 all of the small business jets and privately owned jets will have to meet the Federal noise standards. There are currently no noise standards for small piston aircraft. Use restrictions based on noise levels are not recommended.

**Capacity limitation based on relative noisiness:** The louder aircraft will be fully phased out within 2 years, and to limit would require a Part 161 study which could cost upwards of a million dollars. Robert Gold asked what will be the effect of the phase out. Sonny Knowles said there are not many of the older business jets flying into Key West. Dan Botto mentioned that while some of the aircraft will be replaced, re-engined, or hush-kitted, many will just be retired as the owners will not be able to afford to meet the new standards.

Marlene Durazo asked about the effect of opening Cuba up to direct flights. Dan Botto said the aircraft will still have to meet the noise standards wherever they come in from. Sonny Knowles said that there has been a reduction in flights due to fuel costs and that can be expected to continue.

**Required use of noise abatement takeoff and/or approach procedures:** KWIA already uses the voluntary close-in departure procedures, and the NCP will recommend voluntary use of the NBAA close-in arrival procedures and the propeller and power adjustment procedure, when safety permits. This information will be provided to local and visiting pilots.

**Landing fees based on noise levels or time of arrival:** Any restrictions based on noise levels or landing fees would require a Part 161 analysis, and due to cost is not being recommended for the NCP.

**Partial or complete curfews:** Currently KWIA has a voluntary curfew between 11 pm and 7 am. The NCP will recommend that this continues and would be included in the education of local and visiting pilots. Peter Horton said that the monitoring of this would be part of the noise coordinator's job.

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Deborah Lagos mentioned an article that was provided to the committee regarding two California airports that have tried to implement mandatory curfews for years and have not been successful. Burbank Airport says they have spent millions of dollars over a decade to perform a Part 161 Study to approve a curfew. There is now a congressman trying to get this brought up again for Burbank and Van Nuys. Dr. Floyd mentions that these curfews can interfere with flights that may be family emergencies. These late night flights are not usually somebody wanting to go party in Miami Beach. How would you feel if one of these curfews would impact your family, or affected the safety of the flight?

#### **Land Use Alternatives:**

Deborah Lagos began the discussion of the Land Use Alternatives, Section 9 of the NCP. The NCP looks at measures that look at existing impacts and preventative measures. The biggest item of land use measures will be the NIP [Noise Insulation Program], but we want to draw your attention to Section 9.2 with the description of the various type of land uses that are not compatible with the noise level, and the description of why some of those particular places are not being considered for the mitigation program, and why some are included, for example, the condominiums at Ocean Walk and Las Salinas, and the Doubletree Hotel. These facilities were warned before they were constructed that they were in a noise impact area. Peter Horton explained that they receive very few complaints from these areas as they were constructed with the noise in mind. Peter asked if transient lodging [hotels] were considered compatible land use. Deborah explained that they are not compatible, but they are not typically mitigated. Deborah mentioned the specific condominiums, apartments, and hotels that are not being included in the mitigation, all along the eastern end of the airport. Deborah also mentioned that the high school is not included in the mitigation because they were part of the previous Part 150 mitigation.

Robert Padron mentioned that the data for Key West by the Sea may not be accurate; it should be 206 units, not 203, which Dan Botto explained that the information was correct in the tables, but had not been changed in the text. Robert pardon also believed the year built and acreage may be off. Deborah asked if anyone had documentation of this information to please send it along, as her only source was the Monroe County Tax Assessor's website.

Deborah Lagos also mentioned the other areas within the contour that are not compatible, such as Grace Lutheran School and parts of the Catholic Charities property. Ray Blazevic asked if this means they are eligible for some form of noise mitigation. Deborah informed him that yes they will be.

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Stewart Andrews said that the building on the back of the Catholic Charities properties are new and should not be included in the NIP. Ray Blazevic also reminded the Committee that these building had previously been a church and now were residences.

Peter Horton asked if there are 346 units to be NIP'ed and Deborah explained that the number might change based on this discussion and other eligibility determinations.

Deborah Lagos directed the Committee to look at Figure 9.1 to see the noise contour with the areas to be included in mitigation identified. Keep in mind that many properties in the mitigation areas have been mitigated previously. Deborah continued describing how the areas were chosen and how the "Block Rounding" was developed.

Stewart Andrews also believes that the townhomes in the Sun Terrace area are new, but Deborah indicates that this area was not in the previous contour so they would still be eligible.

Deborah asked the Committee if they thought there were other areas that should be included or if they thought there were any areas included that should not be included.

Peter Horton asked if all of Key West by the Sea is included in the mitigation. Dan Botto and Deborah discussed altering the mitigation map in the NCP because the areas to be included were not completely clear.

Marlene Durazo asked if the map would be revised before submittal to FAA. Deborah said that it would be revised to show more clearly the areas to be mitigated.

Deborah mentioned that Table 9-1 quantifies all the housing units in the mitigation areas.

Deborah explained that we are not going to go over the land use measures that are not being recommended. Deborah continued that the Land Use Recommendations consist of the Noise Insulation Program, which will be similar to the previous NIP, with the difference of nonparticipants, either by choice or because it is determined that their house does not meet eligibility standards, being offered the purchase of an avigation easement. It is a onetime monetary payment. Kay Miller asked how much the easement would be purchased for. Deborah said they should be in the neighborhood of \$5,000 each. Commissioner Kolhage asked what is the

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purpose of the easement and Deborah explained that the easement is for the acknowledgement of the noise and that the homeowner will not seek damages for noise. Commissioner Kolhage asked what is the homeowner supposed to do with the money or is it just compensation for the noise. Deborah explained that it is just compensation.

Dr. Floyd asked if the easement held up or did people come after the airport at a later date anyway. Kay Miller explained that the Avigation Easements stand up pretty well to legal challenges.

Commissioner Kolhage asked if the new FAA guidance will require every unit in Key West by the Sea to be tested. Deborah explained that the guidance is not completely clear on the testing procedures. Currently the methodology seems to be to group the units by construction type, age, number of stories, and any other number of parameters that can be identified. Then we will quantify the number of units in each category and select a minimum of 10 % of each category will be pretested. The mitigation will be designed based on the pretest, and the test homes will be post tested to determine if the mitigation is effective or if it needs to be adjusted to meet noise reduction standards. Deborah continued that there is a down side to this testing, if a house in any category tests as already having the desired outdoor to indoor noise levels, that house and all the others in that category could be denied mitigation. Deborah explained that the FAA has only recently come out with this guidance and the process will probably evolve as the methodology is actually put into practice.

Stewart Andrews asked if there is a certain level of noise reduction that must be met. Deborah Lagos explained that a minimum of 5 dB is required. She continued that if it is already quiet enough inside then the home could be ruled ineligible.

Deborah asked if the Committee was in favor of offering the easement option. Kay Miller felt that if the people did not want to participate in the NIP, they would most likely appreciate the easement. Dr. Floyd suggested that some homeowners would rather not have the easement because then if they sell their house the next owner has no recourse.

Deborah continued that the NCP will offer a NIP with an avigation easement or strictly the purchase of an avigation easement to the eligible home. She also reminded the Committee that we will review the eligibility of the Catholic Charities facilities.

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Deborah asked the Committee what is their feeling about including Grace Lutheran School. The consensus was that it was an old facility for the most part and should be included.

Deborah continued with the preventative land use measures. She continued that in the previous Part 150, it was recommended that a couple of parcels be rezoned to prevent noncompatible land uses. These recommendations were not completed by the City. The Airport is currently in negotiations to purchase the parcel at the east end of the runway, but the NCP will recommend the purchase of an aviation easement for the vacant lot on Flagler Avenue.

Deborah mentioned that in the previous NCP, it was recommended that the City add compatible land use zoning regulations, but this did not happen. In this NCP, we are recommending they just modify a paragraph in the existing zoning regulations that will make reference to the Airport noise contours and instead of the wording saying "avoid encroaching on the airport hazard zone" and change to "noncompatible land use proposed within the KWIA DNL 65 dB noise contour is prohibited."

Commissioner Kolhage felt that this would probably not be approved by the BOCC since it is prohibiting use of the land, it is almost a taking of the property. Peter Horton suggests it say "prohibited or must be built in a compatible manner." Deborah said she will reword this using language from the Part 150 regulations.

Deborah explained that the other approved recommendations from the previous NCP that were not implemented are being requested to be rescinded so they are no long on the books.

### **Program Management Measures:**

Deborah mentioned that the NCP will recommend that the Airport hire an airport noise coordinator, who would be responsible for overseeing the NIP, monitor compliance with noise abatement procedures, and the education and notification of the pilot community. Peter Horton said that this does not have to be an airport staff person, since there will be a NIP program, and the Ad Hoc committee will continue, and the annual contour update will continue, this could be an outside consultant, as the FAA may pay for it either way. Deborah explained that this will be reworded to be an either airport staff or outside consultant for this position.

Deborah explained that the NCP recommend that the Ad Hoc Committee be continued through the NIP

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She continued that the NCP will recommend that the Airport develop a brochure, Jeppeson insert and other material to assist in the pilot education program regarding noise abatement procedures at KWIA. Stewart Andrews asked if this included the App for electronic access to this information. Deborah explained that this is the Whispertrack® system that the Airport will subscribe to and goes out to all the flight planning services so pilots can get this on their tablets.

The NCP is also recommending informational boards be put into all the accessible pilot's lounges.

Deborah continues that the Airport will install lighted airfield signs to remind the pilots about the noise abatement procedures.

The NCP will also recommend the purchase of a flight tracking and noise monitoring system, which is eligible for FAA funding.

The NCP will recommend the continuation of the annual contour update to keep tabs on the validity of the avigation easement and the boundaries of the noise mitigation program.

Deborah explained that Section 11 is a summary of only the recommendations of the NCP. She asked that the Committee open to page 11-19 showing that the entire NCP mitigation will cost approximately \$25 million; the implementation plan on page 11-20 provides the timeline for the entire mitigation program.

Sonny Knowles asked if current government spending issues are a problem. Peter Horton explained that this comes from a special pot of money from Airport Improvement Program set aside.

Deborah explained that Appendix J lists every single parcel that is in the program area, and Appendix M shows the proposed implementation plan by address. Included in Phase 1 are the 4 homes that did not choose to participate the first time around but now have new owners. If they chose not to participate and still own the property, they are in Phase 8.

The Committee voted to submit the NCP with the changes discussed to the BOCC, Sonny Knowles made the motion and Kay Miller seconded the motion. The "ayes" were unanimous.

The Commissioner adjourned the meeting at 4:00 p.m.

# **PART 150 PROCESS**

## **NOISE EXPOSURE MAPS**

**Existing Noise Exposure Map**



**Future Noise Exposure Map**



*Public Review*

**Noise Exposure Maps Report**



*FAA Review / Comments*

**FAA Notice of Noise Exposure Map Conformance**

## **NOISE COMPATIBILITY PROGRAM**

**Operational Noise Abatement Alternatives**



**Land Use Noise Mitigation Alternatives**



*Public Review*

**Program Management Alternatives**



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



**Preliminary Noise Compatibility Program Report**



*FAA Review*

**Final Noise Compatibility Program Report**



**Public Hearing**



*FAA Review - 180 Days*

**FAA Record of Approval**



## The Role of the FAA in the Part 150 Process:

### Noise Exposure Maps

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

### Noise Compatibility Program

The FAA conducts an evaluation of each 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.

**Key West International Airport  
Noise Hotline Log**

<b>Date of call</b>	<b>Time of call</b>	<b>Caller</b>	<b>Contact information</b>	<b>Date rec'd</b>	<b>Message</b>
5/24/2013		Hal Howland	KWBTS, 305-304-1444	5/31/2012	Just moved in the an apartment/condo. This is my first time at home during the day. Several take-offs/departures by commercial jets were quite loud. Didn't get "colors or tail numbers. Calling at the request of the management.
5/30/2013		Carol Lorick	KWBTS, 305-949-9693	5/31/2012	Ever since USAir left for the season the planes are getting louder, especially Southwest. Tell them
6/11/2013	2:37 PM	Carol Lorick	KWBTS, 305-949-9693	6/12/2013	An airline just took off and I felt like a train was going through my house. We have to keep the windows open now, it's really hot so please tell them to lower the noise.
6/15/2013	8:05 AM	Marlene Durazo	KWBTS, 296-2094	6/21/2013	A commercial jet came screaming in, very loud noise, rattling the door, in too close to KWBTS

**Key West International Airport  
Contact Log**

Date of call	Caller	Contact information	Subject	Response
6/26/2013	Carly Lyons	Grace Lutheran School 616-437-1668	We had a couple of inspectors come and check out our windows because they vibrate really bad from the airplanes continually flying over. So I didn't know what was the result of that, whether we are going to get different windows placed in. If you could, please give me a call back.	DTB - Spoke to Ms. Lyons on 7/2/2013 to inform her of progress of Part 150 Study.

# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 25, Number 17

May 17, 2013

## *Minneapolis-St. Paul Int'l*

### **MAC, CITIES SEEK TO AMEND SETTLEMENT TO EXTEND 2007 MITIGATION TO 2020 NOISE**

To mitigate the increase in noise impact in 2020 from forecast growth in operations at Minneapolis-St. Paul International Airport, the Metropolitan Airports Commission (MAC) wants to carry into the future the mitigation provisions in a 2007 consent decree that extended sound insulation out to homes in the 60-64 dB DNL contour of MSP.

The MAC has spent \$95 million in airport funds to provide various packages of sound insulation measures to the homes in the 60-64 dB DNL contour covered in the 2007 consent decree, which settled litigation filed by the cities of Minneapolis, Richfield, and Eagan MN.

The three cities have already approved a proposed amendment to the 2007 consent decree that would extend it to include homes that would be newly-captured in the 60-64 dB DNL contours out to 2020.

The MAC estimates that the 60-64 dB DNL contour in 2020 will increase in only one area at the approach end of Runway 12R at MSP. It will grow to encom-

*(Continued on p. 67)*

## *AIP*

### **NO AIP NOISE GRANTS AWARDED IN FIRST EIGHT MONTHS OF FY 2013, FAA DATA SHOW**

Eight months into fiscal 2013 the Federal Aviation Administration has awarded no Airport Improvement Program (AIP) grants to fund airport noise or emissions mitigation projects, grant data released by the agency on May 15 show.

That is likely to concern those who fear the agency is in the process of defunding airport sound insulation programs, which constitute the bulk of AIP noise grants.

For instance, in fiscal 2012, the FAA awarded a total of \$189.2 million in noise mitigation project grants, of which \$140.6 million went to fund airport residential and school sound insulation programs.

In fiscal 2011, FAA awarded a total of \$139.1 million in noise grants, of which \$108.2 million funded residential and school sound insulation projects.

There are still four and a half months until the fiscal year ends on Sept. 30, so FAA may still issue AIP noise grants during that time period.

But the agency is not saying at this point whether AIP noise and emissions grants will get shorted by legislation approved by Congress that allows the transfer of up to \$253 million from the AIP Discretionary account to fund the salaries of air

*(Continued on p. 68)*

## *In This Issue...*

***MSP Int'l ...*** The MAC and cities who signed a 2007 consent decree extending sound insulation to 60 DNL contour want decree extended to mitigate noise impact out to 2020 - p. 66

***AIP ...*** No AIP grants have been awarded for airport noise mitigation in first eight months of fy 2013 - p. 66

***Tweed-New Haven ...*** FAA approves most of airport's Part 150 program - p. 67

***Teterboro ...*** At urging of NY lawmakers, FAA agrees to form committee to review the process it used to approve an RNAV departure causing noise problems in Queens - p. 68

***News Briefs ...*** ACI-NA issues document providing guidance on how to integrate planning and NEPA processes for airport development projects ... Task Group will make recommendation on how to comply with CatEx2 at upcoming NAC June 4 meeting - p. 64

**MSP, from p. 66**

pass an additional 1,131 homes that would become eligible for some type of insulation under the proposed amendment.

On Monday, May 20, the MAC is expected to approve the proposed amendment to the consent decree, which also is supported by airlines who sit on the MAC's airport noise advisory committee.

Under the proposed amendment, the MAC will continue to use flight data to annually produce contours showing which blocks are receiving noise above the agreed upon threshold of 60 DNL.

For a home to be considered eligible for mitigation it must be located in the actual 60+ DNL noise contour, within a higher noise impact mitigation area when compared to its status relative to the Consent Decree noise mitigation program, for a total of three consecutive years, with the first of the three years beginning no later than 2020.

**FAA Approval Needed**

To be put into effect, the proposed amendment must still receive the approval of the Hennepin County, MN, Court, which approved the 2007 decree, and the Federal Aviation Administration.

The MAC will send the proposed amendment to the consent decree to the FAA before approaching the Court to make sure that FAA agrees that the proposed mitigation is an appropriate use of airport funds. The MAC did not use Airport Improvement Program grants or Passenger Facility Charge revenue to fund the noise mitigation provided in the 2007 consent decree; it used funds generated on the airport.

The MAC had included extension of the 2007 consent decree as a mitigation measure in its final environmental assessment for 2020 airport improvement projects (terminal expansion and landside development).

However, in a May 15 letter to MAC CEO Jeffrey Hamiel, the FAA said the noise impact from the forecast growth in operations by 2020 was unrelated to the terminal and other projects. Therefore, FAA did not condition its approval of the 2020 projects on implementation of the proposed noise mitigation.

But, wrote Susan Mowery-Schalk, manager, Airports Division, FAA Great Lakes Region, "As a matter of general principle," mitigation measures imposed by a state court as part of a consent decree are an eligible use of airport revenue.

She said, "Conceptually MAC could use airport revenues if it were to amend the 2007 consent decree to include the proposed mitigation."

But the MAC wants to make sure the FAA actually agrees that the proposed mitigation is an appropriate use of airport funds before it seeks court approval of the amendment to the consent decree.

**Various SIP Packages**

Under the 2007 consent decree, some 432 homes in the 63-64 DNL contour were eligible for the full sound insulation

package provided to homes in the 65 DNL and greater contours.

Another 5,344 homes in the 60-62 DNL contour were eligible for one of two lesser mitigation packages:

(1) The estimated 3,421 homes that did not have central air conditioning could receive it and get up to \$4,000 in other noise mitigation services and products, including installation costs; and

(2) Owners of homes that already had AC or who did not want it would be eligible for up to \$14,000 in noise mitigation products and services on a menu they could choose from.

In addition, multi-family units in the 60-62 DNL contour that did not have through-the-wall or equivalent permanently installed air conditioners would receive them.

The settlement also applied to 1,835 single-family homes in the 2005 mitigated 60-64 DNL contours who have until July 31, 2014, to apply for reimbursement of installation of sound insulation products included on a menu provided by the MAC.

All the other insulation provided under the 2007 consent decree has been completed.

**Part 150 Program****MOST OF TWEED-NEW HAVEN NOISE PROGRAM APPROVED**

On May 8, the Federal Aviation Administration issued its Record of Approval on the Part 150 Noise Compatibility Program for Tweed-New Haven (CT) Regional Airport.

FAA approved all but one of the 15 land use and program management measures proposed in the Part 150 program. But the agency rejected three of the six noise mitigation measures proposed.

FAA disapproved for purposes of the Part 150 program three noise mitigation measures: (1) voluntary noise abatement flight procedures for increased altitudes over communities; (2) encourage the use of GPS, RNAV, WAAS, and FMS enabled procedures to enhance noise abatement navigation; and (3) establish a voluntary curfew for night flights and run-up operations.

The agency said that, based on the information provided, it was not clear if these measures would result in a change in DNL noise exposure, which is required for the measures to be approved under the Part 150 program. But the FAA said its disapproval of the measures does not preclude the airport from working to impose them on a voluntary basis.

FAA approved two other noise mitigation measures for further study: (1) a feasibility study for potential relocation of helipad operations and (2) a site/selection/feasibility study for noise barriers.

FAA approved a proposal to relocate GA maintenance run-up operations or to buyout the 10 homes they affect if relocation is not feasible. But the agency rejected a proposal to enclose the GA maintenance operations saying "it does not

appear to be cost effective at this time.”

### Land Use Measures

FAA approved nine of the 10 land use measures proposed in the Part 150 program, including voluntary acquisition of 14 parcels in the future (2017) DNL 70 dB contour; voluntary sound insulation of 189 residences in the DNL 65 dB contour and contiguous areas; acquisition of aviation easements and undeveloped land, modification of local zoning in the DNL 65 dB contour, imposition of an airport noise overlay district, real estate disclosure, and modifications of building codes.

FAA rejected one proposed land use measure: sound insulation of an educational facility. The agency said it could not fund sound insulation of the educational facility, which operated in leased space located in an industrially-zoned area and appeared to be temporary.

### Program Management Measures

FAA approved all five program management measures in the proposed Part 150 program for Tweed-New Haven including establishing a noise mitigation advisory committee and community awareness program, instituting a fly quiet program, periodic evaluation of noise exposure, and acquisition and operation of a flight tracking system.

The FAA's Record of Approval on the Tweed-New Haven Part 150 Program is available at [http://www.faa.gov/airports/environmental/airport\\_noise/part\\_150/states/?state=Connecticut](http://www.faa.gov/airports/environmental/airport_noise/part_150/states/?state=Connecticut)

## Queens

### FAA TO FORM COMMITTEE TO REVIEW ITS DECISION ON RNAV

The Federal Aviation Administration has agreed to form a committee “to do a good faith, step-by-step review” of the decision-making process it used in approving a new RNAV departure procedure at LaGuardia Airport that has caused noise problems in Queens, NY, according to NY lawmakers.

Reps. Steve Israel (D-NY) and Grace Meng (D-NY), NY State Sen. Tony Avella (D-Bayside) and NY State Assemblyman Ed Braunstein (D-Bayside) said they persuaded the FAA to agree to the review at a May 15 meeting with FAA officials in Washington, DC.

“Residents of Queens deserve to live without the constant barrage of airplane noise that they’ve experienced since the FAA approved new flight patterns without taking into account community feedback,” said Rep. Israel.

“I’m pleased that the FAA has agreed to form a committee to review this issue as result of our meeting today. I hope it results in a more balanced plan that will alleviate the noise pollution for our constituents.”

Added Rep. Meng, “I thank the FAA for meeting with us and for taking action on our concerns. Agreeing to work with the community to review the new flight patterns, and taking

another look at the environmental assessment process in the step-by-step process we urged, is a move in the right direction. Although more still needs to be done, this is a positive move that can hopefully have an effect on the increased airplane noise that Queens residents have been forced to endure.”

Said State Sen. Avella, “This is another step in the process of resolving this issue and bringing relief to the communities that have been inundated with excessive airplane noise. I appreciate Reps. Israel and Meng’s assistance in reaching this point in the process.”

Assemblyman Braunstein thanked Congressman Israel and Congresswoman Meng “for using their influence to push the FAA to fully explain the rationale used to determine that the new flight pattern was legal. I am confident that an exhaustive review of the FAA’s process will reveal that the agency cut corners in its effort to justify implementing the new departure procedure.”

The new RNAV departure procedure implemented in February 2012 on a six-month trial basis. This past December, the FAA announced that it would make the new routes permanent.

Reps. Israel and Meng sent a letter to the head of the FAA in February asking him to reevaluate the decision to make the procedure permanent (25 ANR 23). They said the new procedure was implemented without the consultation of local elected officials and constituents and was put into effect to reduce air traffic congestion and allow more operations at JFK International Airport.

### AIP Grants, from p. 66

traffic controllers and eliminate the need to furlough them.

Transportation Secretary Ray LaHood announced May 10 that the Department of Transportation has determined that the recently enacted Reducing Flight Delays Act of 2013 will allow the FAA “to transfer sufficient funds to end air traffic controller furloughs and keep the 149 low activity contract towers originally slated for closure in June open for the remainder of fiscal year 2013.”

“The FAA will also put \$10 million [of the AIP grant funds that can be transferred] towards reducing cuts and delays in core NextGen programs and will allocate approximately \$11 million to partially restore the support of infrastructure in the national airspace system,” LaHood said in his short DOT statement.

In light of LaHood’s statements, ANR asked the FAA whether it has determined yet whether AIP grants that fund airport noise and emissions mitigation projects will be cut by the transfer of AIP funds to support air traffic controllers’ pay and NextGen programs.

A spokeswoman for the agency said FAA is still studying the legislation.

At a May 16 hearing before the House Aviation Subcommittee, FAA Administrator Michael Huerta was asked what impact taking \$253 million out of the AIP Discretionary fund

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would have on the grant program. He said that is not yet known. The cuts will come when FAA issues the final round of AIP Discretionary grants at the end of the year. He likely meant the end of the fiscal year.

The AIP grants awarded by FAA is fiscal 2013 as of May 13 are available at [http://www.faa.gov/airports/aip/grantapportion\\_data/](http://www.faa.gov/airports/aip/grantapportion_data/)

***In Brief...***

### **Guidance on Integrating NEPA, Planning**

ACI-NA recently published guidance on integrating planning and National Environmental Policy Act (NEPA) processes for airport development projects.

The report was prepared “in response to issues that airport operators, their consultants, and the FAA were experiencing as they took airport development projects from the early stages of planning, through environmental reviews, and ultimately to implementation,” ACI-NA explained.

“The issues experienced by stakeholders all centered on the lack of integration of airport planning processes and subsequent environmental review processes required under the National Environmental Policy Act (NEPA). In several cases, this lack of integration had resulted in more lengthy and costly NEPA processes, adversely affected airport, FAA, and community relationships, and delayed project implementation.”

ACI-NA said that, in response to these concerns, it formed a task force comprised of stakeholders (airport operators, consultants, FAA representatives) to investigate how planning and NEPA processes could be better integrated to minimize delays to project implementation, as well as the benefits that can be attributed to better integration.

The report, “Integrating Planning and NEPA Processes for Airport Development Projects,” is the outcome of that effort. It is available at <http://www.aci-na.org/committee/environmental-affairs>

### **Catex2 Recommendation on NAC Agenda**

The agenda for the upcoming June 4 meeting of the RTCA NextGen Advisory Committee (NAC) includes a presentation by a special task group on its recommendation for compliance with the so-called “CatEx2 provision in Section 213(c)(2) of the FAA Modernization and Reform Act of 2012, which seeks to accelerate the introduction of PBN procedures by giving them a categorical exclusion from environmental review.

In February, the task group told the NAC that it had identified a potential way to comply with CatEx2 but needed to conduct additional research and analysis (25 ANR 22).

## **AIRPORT NOISE REPORT**

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 25, Number 18

May 31, 2013

## Part 161

### FAA DEEMS LAWA'S PART 161 APPLICATION INCOMPLETE; SEEKS MORE INFORMATION

If anyone thought Los Angeles World Airports might have an easy time getting the Federal Aviation Administration to approve its Part 161 application supporting a mandatory nighttime departure restriction at Los Angeles International Airport because it is only expected to affect 65 operations a year, think again.

On March 1, Benito De Leon, director of FAA's Office of Planning and Development, informed LAWA that its Part 161 application had been deemed "incomplete" by the agency in the following areas: noise exposure maps, noise study area, technical data supporting noise impact analysis, and cost/benefit analysis.

The deficiencies in these areas of the Part 161 application were discussed in a five-page, single-spaced, follow-up letter sent to LAWA on March 15.

In a March 28 letter, Scott Tatro, LAWA's Airport Environmental Manager, told De Leon that LAWA intends to revise the Part 161 application to address FAA's concerns.

Tatro told ANR he expects LAWA's revised Part 161 application to be submit-

*(Continued on p. 71)*

## LAX

### COUNTY, CITIES, UNION, CITIZENS GROUP SUE LAWA OVER PLAN TO MODERNIZE LAX

On May 30, four Southern California governments, a union, and a citizens group filed lawsuits in Los Angeles County Superior Court challenging a \$4.5 billion plan to modernize Los Angeles International Airport, which includes the relocation of the northernmost runway 260 feet to the north and closer to homes in order to improve runway safety and efficiency.

One lawsuit challenging the plan was filed by San Bernardino County and the cities of Ontario, Culver City, and Inglewood. Separate lawsuits also were filed by the Alliance for a Regional Solution to Airport Congestion and the Service Employees Union United, which represents airport workers at LAX.

The modernization plan also includes terminal additions, a consolidated car rental facility, a transportation center, a people mover, and light-rail operations.

The lawsuits assert that Los Angeles World Airport violated state environmental laws by failing to do a thorough environmental review of the modernization plan, ignoring efforts to redistribute air traffic to other airports, and not thoroughly evaluating the environmental impacts of the project, including noise, air, and traffic.

*(Continued on p. 72)*

## In This Issue...

**LAX ...** FAA tells LAWA its Part 161 application supporting a nighttime runway use restriction at LAX is incomplete; LAWA addressing criticisms and hopes to submit additional information to FAA in June - p. 70

... Lawsuits challenge environmental report on LAX modernization plan - p. 70

**Legislation ...** NY Senate passes bill requiring PA-NYNJ to conduct Part 150 study, hold biennial public hearings on noise - p. 70

... CA congressmen reintroduce bill allowing Bob Hope, Van Nuys Airports to impose mandatory curfews - p. 71

**News Briefs ...** Port of Seattle seeks RSIP design services ... FAA publication focuses on ways general aviation aircraft can go green ... ACI-NA accepting applications for its 2013 Environmental Achievement Awards ... FAA gauging interest in CLEEN II program through market survey - p. 72

**Part 161, from p. 70**

ted to FAA in June.

FAA's letters are posted at <http://www.lawa.org/LAX-Part161.aspx?id=7203> (scroll to the bottom of the page).

LAWA's Part 161 application proposes to restrict easterly departures of all aircraft at LAX, with certain limited exemptions, between midnight and 6:30 a.m. when the airport is in over-ocean and westerly operations during those hours.

The restriction would not be in effect when LAX is in easterly operations, which occurs when winds reach 10 knots or greater from the east.

Pilots of heavily loaded aircraft occasionally request easterly departures when winds are slightly below the 10-knot threshold because the departure runway has a slight downward slope in the easterly direction and pilots want to take advantage of that and take off into the wind.

The proposed Part 161 restriction is intended to stop pilots of heavily loaded aircraft from making easterly departures over neighborhoods near LAX where they disturb sleep and provoke complaints.

So, the cost/benefit analysis must weigh the cost to the aviation industry, shippers, and passengers of barring an estimated 65 takeoffs a year against the benefits to a estimated 8,627 residents east of LAX who potentially would not have their sleep disrupted if the flights were barred.

That might have been an easier equation to consider before recent European research linked exposure to nighttime transportation noise to cardiovascular disease.

**Criticism of Cost/Benefit Analysis**

FAA said the cost/benefit analysis submitted by LAWA does not include evidence required under Part 161 "that the estimated potential benefits of the restriction have a reasonable chance to exceed the estimated potential cost of the adverse effects on interstate and foreign commerce."

The agency told LAWA that its Part 161 application "must include more detail on the sleep awakening calculations. Specifically, the calculation of the probability of awakening at least once, the CNEL level, the population, outdoor SEL values, and the outdoor to indoor sound reduction assumed should be provided in electronic format at each sleep awakening grid point (census centroid)."

The cost/benefit analysis also must include the benefits of ongoing and future residential sound insulation programs when analyzing sleep awakenings, FAA said.

The agency said in a footnote to its March 15 letter that, at this stage of review, it has "made no determination whether a problem defined solely or predominantly in terms of awakenings can constitute an essential element needed to provide substantial evidence in support of an airport noise and access restriction."

LAWA also asked by FAA to provide much more detailed information on the cost the proposed restriction would impose on the airlines and passengers.

**Legislation****BOB HOPE, VAN NUYS CURFEW BILL REINTRODUCED IN HOUSE**

On May 22, California Reps. Adam Schiff (D) and Brad Sherman (D) reintroduced the Valley-Wide Noise Relief Act (H.R. 2120), which would allow Bob Hope and Van Nuys Airports to adopt mandatory nighttime curfews from 10 p.m. to 7 a.m. to reduce noise impact.

After the Federal Aviation Administration in 2009 rejected the Burbank-Glendale-Pasadena Airport Authority's Part 161 application to impose a mandatory nighttime curfew on operations at Bob Hope Airport (21 ANR 143), several Southern California legislators representing noise-weary residents of the San Fernando Valley, decided to try to impose the curfew through the legislative process.

In 2011, Reps. Brad Sherman (D), Howard Berman (D), and Adam Schiff (D), attempted to attach their Valley-Wide Noise Relief Act to legislation reauthorizing funding for the Federal Aviation Administration. The measure attracted bipartisan support but failed to get the necessary votes for passage.

Now the bill has been reintroduced.

"I am pleased to join with Congressman Schiff in reintroducing the Valley-Wide Noise Relief Act," said Rep. Sherman. "Valley residents living under the flight paths near Bob Hope and Van Nuys Airports should be able to enjoy a restful night without the roar of jet engines waking them up in the middle of the night. We are committed to achieving a solution that ultimately reduces or eliminates nighttime noise within the communities that have fought for relief for decades."

The legislation would clarify that Bob Hope and Van Nuys airports should be exempted from the Airport Noise and Capacity Act, like other similarly situated airports were at the time of its passage. Bob Hope Airport was one of the first airports in the country to impose a curfew and had a voluntary curfew in effect at the time of ANCA's passage in 1990. Van Nuys had a partial curfew in effect that applied to some, but not all, operators.

Schiff and Sherman said their legislation is designed to address the omission in ANCA of not allowing curfews at these two airports but is not intended to open the door to any further exemptions from ANCA.

"On behalf of the City of Burbank and the Council, I wish to express the City's continuing support of a legislative solution to allow a nighttime curfew at Bob Hope Airport for the protection of not just Burbank citizens, but the entire valley," said Burbank Mayor Emily Gabel-Luddy.

"Support of this legislation is another piece of the City's ongoing 40-year effort to protect the nighttime noise environment. We appreciate Congressmen Schiff's and Sherman's leadership in seeking nighttime noise protection. I will remain available, as I am sure the whole Council will, to securing a permanent solution."

Dan Feger, the Executive Director of Bob Hope Airport

added, “The Authority remains committed to supporting the City of Burbank in its effort, through Congressmen Schiff and Sherman, to pursue a legislative approach to nighttime noise protection for the community.”

## Legislation

### NY SENATE PASSES BILL REQUIRING PANYNJ TO DO PART 150 STUDY

On May 20, the New York state Senate passed legislation requiring the Port Authority of New York and New Jersey (PANYNJ) to conduct a Part 150 airport noise and land use compatibility study at all five airports it operates: JFK International, Newark Liberty International, LaGuardia, Stewart International, and Teterboro.

The legislation also would require that a report detailing the findings of the Part 150 study be submitted to the governors and Legislatures of New York and New Jersey and that biennial public hearings regarding aircraft noise be held in specified counties in each state (Kings, Queens, and Nassau Counties in NY and Union and Essex Counties in NJ).

Because the PANYNJ is a bi-state agency, the Legislatures of both New York and New Jersey have to approve the legislation before it can become law.

After the NY Senate passed the bill (S 3841), it sent it to the state Assembly for consideration, where it currently is before the Assembly Corporations, Authorities and Commission Committee.

ANR is not aware of any similar legislation that has been introduced in the New Jersey Legislature.

“JFK, LaGuardia and Newark Liberty airports offer convenient departure points for our residents when they wish to fly,” said State Senator Kemp Hannon (R), author of the legislation. He represents parts of Nassau County, NY, near JFK International.

“Unfortunately, that comes at a price – aircraft noise for those on the ground. Over the years, this has steadily increased as more and more overflights have been squeezed into our airspace. Although this is primarily an issue under federal jurisdiction, I am calling upon the Port Authority to immediately undertake a noise study and to report those findings to New York and New Jersey, so that we can safely and sensibly address airplane noise over our area.”

“With summer coming, we all like to open our windows to let the fresh air in,” said Hannon. “But this is becoming increasingly more difficult with the number of aircraft flying over our area. While safety is obviously paramount, the PA and Federal Aviation Administration must also consider the impact that this is having to residents who are constantly being subjected to the noise.”

## LAX, from p. 70

San Bernardino County and the three cities allege in their litigation that the plan to modernize LAX would result in increased numbers of aircraft operations that would impact residents, schools, and churches near the airport.

The litigants asked the Court to delay the modernization project until LAWA conducts additional analysis of the environmental impacts of the modernization plan, which was recently approved by the Los Angeles City Council.

LAWA defended its environmental analysis of the modernization plan. “The process used to perform the necessary analysis required to assess environmental impacts is extremely thorough and we trust that, as it is reviewed, it will hold up under scrutiny,” said LAWA Executive Director Gina Marie Lindsey.

Said Ontario City Councilman Alan Wapner, “We support modernization of LAX but only in an environmentally responsible way that is consistent with LAX ground access limitations and the regionalization of air travel in Southern California. We believe the recently approved Final Environmental Impact Report by Los Angeles City Council will concentrate air service and vehicle traffic around LAX to the detriment of airport regionalization.”

## In Brief...

### Port of Seattle Seeks RSIP Design Services

The Port of Seattle (Port) invites the submittal of written proposals from qualified firms, or teams of firms, interested in providing residential sound insulation design services to support the Airport Noise Program for the Port.

Firms interested in submitting a proposal should obtain a copy of the RFQ Prospectus any time beginning June 3, 2013 from the Port of Seattle website at: <https://hosting.portseattle.org/prms/>. Should you need help accessing the website please contact David Maxwell at [maxwell.d@portseattle.org](mailto:maxwell.d@portseattle.org).

Submittals are due June 26, 2013 at 2:00 PM PST. Please see Prospectus for delivery instructions.

The Port of Seattle is an equal opportunity employer and encourages women, minority-owned and small businesses to participate in the RFQ process.

### FAA Publication Focuses on GA Going Green

The May/June 2013 issue of FAA Safety Briefing focuses on environmental advances in general aviation. Articles explore ways we can “fly green” through new technology and by following environmentally sound practices.

Among the featured articles in this issue are:

- How to be a noise-friendly neighbor;
- A look at FAA’s avgas initiative; and
- Whether electric aircraft are in our future.

The issue’s Checklist and Vertically Speaking departments outline some simple ways pilots can fly more environ-

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mentally friendly, while Nuts, Bolts, and Electrons looks at workplace safety practices in the hangar.

The link to the online edition is:  
[http://www.faa.gov/news/safety\\_briefing/](http://www.faa.gov/news/safety_briefing/).

### ACI-NA Environmental Achievement Awards

The Airports Council International - North America is accepting submissions for its 2013 ACI-NA Environmental Achievement Awards.

The deadline for submission is July 2. For submission instructions and entry form, go to <http://www.aci-na.org/content/2013-environmental-achievement-awards-now-open>

This year, the award winners will be invited to present their projects to the Environmental Affairs Committee in a special session during the Pre-conference Seminar (September 21-22), prior to the 2013 Annual Conference and Exhibition in San Jose, California.

ACI-NA said its Environmental Achievement Awards honor “the hard work and achievements of ACI-NA members by promoting awareness more broadly within the airport community, the general public and regulators of the many notable and innovative efforts undertaken by environmental professionals at airports.”

### FAA Gauging Interest in CLEEN II Program

On May 9, the Federal Aviation Administration issued a “Market Survey” seeking interested sources that are capable of commercializing technologies demonstrated under a potential follow-on program to the existing Continuous Lower Energy, Emissions and Noise (CLEEN) Program.

If FAA moves forward with the follow-on program, it will be dubbed CLEEN II.

Under NextGen, the FAA initiated the CLEEN Program to accelerate development and commercialization of aircraft technology and sustainable alternative jet fuels to mitigation aviation’s impact on the environment.

CLEEN is a public-private partnership in which FAA and industry cost-share maturation and demonstration of promising aircraft technologies. The CLEEN II program would be run the same way.

The FAA envisions a future CLEEN II would begin in 2015 and end in 2020, with product entry into service of demonstrated technologies by 2025.

FAA’s Market Survey is not a solicitation but rather will assist in planning for a possible future CLEEN II solicitation.

June 17 is the closing date for responding to the Market Survey, which is available at <https://faaco.faa.gov/index.cfm/announcement/view/14145>

## AIRPORT NOISE REPORT

Anne H. Kohut, Publisher

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 25, Number 19

June 7, 2013

## *Environmental Review*

### **NAC ACCEPTS TASK GROUP PROPOSAL FOR COMPLYING WITH CATEX2 PROVISION**

The NextGen Advisory Committee (NAC) on June 4 accepted a recommendation for complying with the “CatEx2” provision of the FAA Modernization and Reform Act of 2012, which seeks to accelerate the introduction of RNAV/RNP procedures by legislating a new categorical exclusion under the National Environmental Policy Act requirements.

The recommendation – developed over the past nine months by a special Task Group established at FAA’s request – will now be formally presented to the agency for consideration.

The 24-page Task Group report on its recommendation for compliance with CatEx2 will be posted on the RTCA website ([www.rtca.org](http://www.rtca.org)) next week.

The need to reach out to stakeholders when designing and implementing NextGen Performance-based Navigation (PBN) procedures was discussed at length by the NAC in its consideration of the Task Group recommendation. And the Task Group stressed in its report that “stakeholder coordination is critical to the introduc-

*(Continued on p. 75)*

## *Environmental Review*

### **FAA ISSUES GUIDANCE ON IMPLEMENTING CATEX1 PROVISION OF MODERNIZATION ACT**

Last December, the Federal Aviation Administration issued a memorandum providing guidance to implement Section 213(c)(1) of the FAA Modernization and Reform Act of 2012, which provides a new categorical exclusion from environmental review for proposed RNAV/RNP procedures and airspace changes at mainly large and medium hub airports.

Section 213(c)(1) is intended to accelerate the implementation of NextGen Performance-based Navigation (PBN) procedures at these airports but does not apply when the FAA Administrator determines that “extraordinary circumstances” exist with respect to the NextGen procedures being proposed.

“The 213(c)(1) CATEX is subject to the same requirements as other CATEXes in Order 1050.1E [Policies and Procedures for Considering Environmental Impacts], Julie Marks, manager of FAA’s Environmental Policy and Operations explained in her memorandum.

“The statutory language specifically states that the Administrator must determine if extraordinary circumstances [specified in paragraph 304 of Order 1050.1E]

*(Continued on p. 76)*

## *In This Issue...*

**CatEx2 ...** The NextGen Advisory Committee (NAC) accepts a Task Group’s recommendation on how to comply with the so-called CatEx2 provision in the FAA Modernization and Reform Act, which seeks to accelerate implementation of RNAV/RNP procedures by giving them a CatEx if they reduce noise, CO2, and fuel. The recommendation will now be presented to the FAA for consideration - p. 74

**CatEx1 ...** FAA guidance on compliance with the so-called CatEx1 provision in the FAA Modernization and Reform Act says that Environmental Assessments will no longer be needed on proposed RNAV/RNP procedures and new or revised air traffic control procedures below 3,000 feet AGL over noise-sensitive areas if no extraordinary circumstances exist with respect to them. CatEx1 applies to 30 “Core” airports and 35 “non-Core” airports, FAA says in its memorandum - p. 74

## CatEx2, from p. 74

tion of any new procedure.”

However, it will be up to the FAA to determine whether and how such stakeholder outreach will take place.

### CatEx 2 Provision

Section 213(c)(2) of the FAA Modernization and Reform Act provides that:

*Any navigation performance or other performance based navigation procedure developed, certified, published, or implemented that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace, shall be presumed to have no significant affect on the quality of the human environment and the Administrator shall issue and file a categorical exclusion for the new procedure.*

FAA told the NAC last September that it has not been able to identify a “technically sound approach” to measuring reductions in noise *on a per flight basis*, as required in the CatEx2 provision, using DNL, the agency’s noise metric for determining compliance with the National Environmental Policy Act (24 ANR 128).

The FAA asked the NAC to form a Task Group, comprised of representatives of airlines, airports, and community stakeholders to determine if it could find a way to comply with the CatEx2 provision and, if not, to recommend ways to streamline the environmental review process for PBN procedures.

In its report to the NAC, the Task Group concluded that DNL could be used to comply with the CatEx2 provision because the Conference Report on the FAA Modernization and Reform Act states the intent of CatEx2 is to “require the FAA to provide a categorical exclusion for RNP/RNAV procedures that would lead to a reduction in aircraft fuel consumption, emissions and noise on an average per flight basis.”

“It is the view of the CatEx2 task Group, which was confirmed with relevant Congressional staff, that this language allows for averaging the noise impact on a representative basis over flights undertaking a particular procedure ... this observation and finding fundamentally informed the Task Group’s work on a method to implement Section 213(c)(2),” the Group’s report notes.

The Task Group told the NAC, “Understandably, FAA’s analysis of implementation options appeared to focus on a fairly literal interpretation of the ‘per flight’ element of the requirements in Section 213(c)(2). The Task Group found that further focus on the averaging concept suggested by the language in the legislative history was important to finding means to implement CatEx2.”

### Proposed Compliance Method

Once the Task Group concluded that DNL could be used to comply with CatEx2, it was able to develop a procedure for complying with the CatEx2 provision dubbed the “Net Noise Reduction Method.” It is described in the Task Group report in the following way:

“This recommendation provides for the computation of net reduction in noise as measured by the number of people who would experience a reduction in noise compared to the number of people who would experience an increase in noise, at noise levels greater than DNL 45 dB, with a proposed PBN procedure implemented, as compared with the existing instrument procedure in place.

“This method also includes a recommended step to assess whether, despite a projected reduction in the net number of people exposed to noise under a PBN procedure, there might be an increase in the DNL 65 dB population that would pose a significant impact (DNL 1.5 dB or greater) that could call into question the use of CatEx 2, to enhance the acceptance of this method by the community.”

The Net Noise Reduction Method consists of three steps:

- Determine noise-sensitive “area of concern” with threshold down to DNL 45 dB.
- Determine the change in number of people exposed to noise in DNL bands (greater than 65 dB, between 60-65 dB, and 45-60 dB) on an average per-flight basis, comparing the existing procedure to proposed procedures.
- Apply a two-part test to determine whether the PBN procedure results in noise reduction deemed to meet the terms of CatEx2.

Under the Net Noise Reduction Method, if the overall number of people exposed is reduced, the CatEx 2 Task Group said it believes “this reasonably demonstrates noise reduction as intended in CatEx 2.” However, if the overall number of people exposed is reduced, but the net number of people exposed within the DNL 65 dB noise exposure band increases, the Task Group said “this may call into question whether it is reasonable to conclude that noise has been reduced.”

“Arguably, the fact that there is a net reduction in the number of people exposed to noise should satisfy the terms of CatEx 2,” the Task Group report notes. “However, the CatEx 2 Task Group observes that in such a case FAA might also consider whether the noise exposure in the DNL 65 dB noise exposure band for the proposed PBN procedure has a significant impact [1.5 dB DNL].

“If the noise increase in that noise exposure band does not exceed 1.5 dB and overall there is a net reduction in the number of people exposed to noise across the noise exposure bands, this would appear to further confirm that use of CatEx 2 is reasonable.

“The CatEx 2 Task Group observes that if noise analysis completed by FAA in the course of determining eligibility for CatEx 2 indicates an increase in noise within the newly exposed DNL 65 dB noise exposure band that would be described as significant under current NEPA criteria, the

community opposition could delay implementation and negate Congressional intent of expedited PBN procedures.

“The CatEx 2 Task Group further observes that this potential check – to be applied if the overall number of people exposed is reduced under the PBN procedure, but the net number of people exposed within the DNL 65 dB noise exposure band increases – appears consistent with the legislative intent of Section 213(c)(2) to have demonstrated noise reduction and to make CatEx 2 available as means to speed the approval and implementation of PBN procedures.”

The Task Group analyzed a number of theoretical and proposed PBN procedures to test the applicability of its proposed Net Noise Reduction Method.

### CatEx1 v. CatEx2

The FAA Modernization and Reform Act contains two provisions that provide categorical exclusions from environmental review for NextGen RNAV/RNP procedures. In addition to CatEx 2, Section 213(c)(1) of the Act established CatEx1, which reads as follows:

*Navigation performance and area navigation procedures developed, certified, published, or implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.*

FAA’s Environmental Order (1050.1E) paragraph 304 defines the extraordinary circumstances that would trigger additional review before a categorical exclusion could be issued. They include actions “likely to be highly controversial on environmental grounds,” or to have an impact on noise levels in noise-sensitive areas.

CatEx1 applies to 30 “core” airports (the largest and busiest airports in the U.S.) and airports in the same Metroplex, as well as to the 35 “non-core” airports (smaller airports or hubs).

The Task Group said in its report to the NAC that CatEx2 – which does not require FAA to consider extraordinary circumstances – “would have particular use at airports not covered by CatEx1 and/or in situations when questions about ‘extraordinary circumstances’ might otherwise preclude the use of a Categorical Exclusion currently listed in FAA Order 1050.1E.”

If Catex2 can be used instead of Catex1 at the core airports and other airports that are subject to Catex1, then does Catex 2 not nullify FAA’s consideration of extraordinary circumstances in environmental reviews? ANR asked the co-chairs of the Task Group Nancy Young, vice president, Environmental Affairs, Airlines for America, and Katherine Preston, director, Environmental Affairs, Airports Council International, North America.

In a joint reply, they wrote:

“As CatEx 2 requires a demonstration that noise, fuel

burn and CO2 emissions all will be reduced with a new procedure, whereas CatEx1 or any other CatEx would only require that there not be increases in noise or other environmental impacts that would be significant, the Task Group observed that CatEx 2 might only be used in rare circumstances.

“The Task Group did confirm that the legislative language that created CatEx 2 does not require consideration of “extraordinary circumstances” in a typical sense. However, the showing of net noise, fuel burn and emissions reductions, the time and work it takes to demonstrate those reductions, plus the possibility of triggering a check for potential significant noise impact in the DNL 65 dB contour under the Net Noise Reduction Method recommended by the CatEx 2 Task Group do provide additional layers of environmental review in lieu of the more typical “extraordinary circumstances” review.

### Answers to Other Questions

Following are several other questions ANR posed to the CatEx2 Task Group Co-Chairs and their replies:

*Q: Can you describe how the “procedure specific DNL” for RNAV/RNP procedures will be calculated? Are there a certain number of RNAV/RNP operations you are recommending that FAA model to get that DNL or will FAA have to determine what number of operations to model?*

A: The procedure-specific DNL is a means of reflecting the noise exposure of people on the ground for flights from a procedure (or combination of procedures) over an annual average day. Under the Net Noise Reduction Method recommended by the CatEx 2 Task Group, the noise exposure from an existing procedure (or procedures) would be compared to noise exposure from the proposed procedure (or procedures). Population data is needed to compute the DNL at census block centroids.

*Q: How do you avoid segmenting the environmental analysis of airspace changes when you apply Catex 2 to just one procedure?*

A: The Task Group was encouraged by the NextGen Advisory Committee to develop a method that could apply to multiple procedures as might be proposed in an airspace change. Thus, although the Task Group first focused on analysis involving a single procedure to test its ideas, a key part of the Task Group’s work was to ensure that the method it developed could be applied to the broad range of procedures that might be proposed for a particular project so as to avoid inappropriate segmentation. Accordingly, the Net Noise Reduction Method can be applied to a single procedure or to multiple procedures in combination. As with any NEPA review, it would be up to the federal agency (in this case FAA) to define the action subject to review and the scope of that review. Thus, if the “project” in question is a combination of new procedures, FAA would scope it that way and, if CatEx 2

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were to be considered, the Net Noise Reduction Method would be applied to those procedures collectively.

*Q. Will it be up to FAA to determine how to present the Net Noise Reduction Method to the public?*

A: The NextGen Advisory Committee approved the CatEx 2 Task Group recommendation and report and voted to formally present it to FAA for FAA consideration. It will be up to FAA to consider whether to accept the recommendation and, if so, the steps for implementing it.

### ***CatEx1, from p. 74***

exist before applying the legislative CATEX ... If extraordinary circumstances do not exist, FAA's environmental review will be completed with a documented CATEX that includes the results of screening and any other reviews that were performed (i.e. an EA [Environmental Assessment] will not be prepared).

If extraordinary circumstances are found to exist with proposed RNAV/RNP procedures, then FAA will prepare an EA or Environmental Impact Statement (EIS) in accordance with Order 1050.1E, Marks said in the memo.

Two categories of procedures listed in paragraphs 401m and 401n of FAA's environmental order that previously required an EA prior to enactment of CatEx1 on Feb. 14, 2012, no longer do if they do not entail extraordinary circumstances, the memo noted.

These procedures are:

- New instrument approach procedures, departure procedures, en route procedures, and modifications to currently approved instrument procedures which routinely route aircraft over noise sensitive areas at less than 3,000 feet above ground level (AGL); and
- New or revised air traffic control procedures which routinely route air traffic over noise sensitive areas at less than 3,000 feet AGL.

The memo stated that CatEx1 applies only to the 30 "Core" airports (29 large hubs and Memphis International Airport) and to 35 "non-Core" airports. Links to the lists of these airports are provided in the memo.

CatEx1 does not apply to any other airports, Marks said in the memo, which can be found by googling: FAA Order 1050.1E, Change 1, Guidance Memo #5.

Marks said in her memo that CatEx2 will be addressed in further guidance from FAA. However, she did not indicate when FAA's guidance on implementing CatEx2 would be issued.

## AIRPORT NOISE REPORT

Anne H. Kohut, Publisher

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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June 14, 2013

## Los Angeles

### OFFICIALS TELL FAA VOLUNTARY GUIDELINES TO REDUCE COPTER NOISE WILL NOT WORK

Asserting that the voluntary guidelines recently proposed by the Federal Aviation Administration to control helicopter noise over Los Angeles County will not work, residents and officials demanded at a June 10 field hearing that the agency regulate helicopter operations.

They were critical of long-awaited FAA report released May 31, which concluded that, given the complexity of the L.A. airspace and enormous volume of air traffic, it would be extremely difficult, if not impossible, to develop regulations governing helicopter operations.

Instead of a regulatory approach, the report recommended a cooperative approach to addressing helicopter noise that would involve community groups, elected officials, and helicopter operators developing voluntary measures suited to local conditions.

The report drew fire from Rep. Adam Schiff (D-CA), who said that voluntary measures in the past “have provided little relief for residents, and I am skeptical

*(Continued on p. 79)*

## ACRP

### REPORT PROVIDES PROTOCOL TO OPTIMIZE DEPARTURES FOR NOISE, EMISSIONS, FUEL

On June 11, the Transportation Research Board issued a report providing a protocol and spread-sheet tool for optimizing aircraft departures to minimize noise, emissions, and fuel.

ACRP Report 86: “Environmental Optimization of Aircraft Departures: Fuel Burn, Emissions, and Noise,” can be downloaded at <http://www.trb.org/Main/Blurbs/169059.aspx>

“Airport operators use noise abatement departure procedures (NADP) to minimize the impact of noise on surrounding communities; however, while decreasing noise impacts, these procedures may result in other adverse environmental and operational effects,” TRB Staff Office Lawrence Goldstein explained in a Forward to the report.

It continues: “Possible effects include increased fuel burn, increased air emissions, and reduced airport capacity. In turn, reduced capacity can result in travel delays, especially during adverse conditions. With the advent of quieter aircraft and improved modeling capabilities, there is an opportunity to re-evaluate NADPs to take into account potential environmental effects and fuel consumption while con-

*(Continued on p. 81)*

## In This Issue...

**Helicopters ...** Voluntary guidelines for helicopter operations over Los Angeles County, recently proposed by FAA in a long-awaited report, will not work; mandatory regulations are needed, a county supervisor, several congressmen tell the agency at a field hearing - p. 78

... FAA does have the legal authority to regulate helicopter operations and routes, agency asserts in brief countering lawsuit filed by the Helicopter Association International challenging mandatory helicopter route off North Shore of L.I. - p. 80

... Informal agreement between towns, pilots will spread helicopter departure routes out of East Hampton Airport in effort to reduce noise complaints - p. 81

**ACRP ...** New Airport Cooperative Research Program report provides protocol, spread-sheet tool for optimizing aircraft departures to minimize noise impact, emissions, and fuel use - p. 78

**ACRP, from p. 78**

that, without a determined effort to oversee them by the FAA, that they will do so now.”

Schiff is a co-sponsored of the Los Angeles Residential Helicopter Noise Relief Act (H.R. 456), which would require the FAA to regulate the altitudes and flight paths of helicopters operating in Los Angeles County.

Schiff and other elected officials hosted the June 10 field hearing on the FAA report. The hearing was attended by 150 to 200 people, including Los Angeles County Supervisor Zev Yaroslavsky, Rep. Tony Cardenas (D), and representatives of Sen. Dianne Feinstein (D), Rep. Henry Waxman (D), and Rep. Brad Sherman (D).

Sherman reportedly called the voluntary approach “absurd.” Yaroslavsky said the FAA “needs regulations that have some teeth.”

FAA officials at the hearing defended their report and said voluntary measures to reduce helicopter noise could be implemented much faster than regulatory ones. But they did not say when voluntary measures could be implemented.

“A collaborative approach will most likely have the best chance of success and give us a good understanding of the issues. It should be given a chance,” Acting Director of FAA’s Western-Pacific Region David Suomi told the hearing.

Suomi said he supports asking helicopter pilots to fly at higher altitudes and working with homeowners to identify problem areas.

While some attendees at the hearing were skeptical of FAA’s approach, Rep. Schiff said it was important to let FAA try to address the issue.

“While L.A. airspace is very complex, one of the things that we established tonight is that you don’t have to have a one-size-fits-all solution. The next steps would involve identifying those areas where helicopters can fly higher and where we can put restrictions on hovering, and where we can establish flight paths that are more considerate of homeowners,” Schiff said.

In a statement issued the day before the field hearing, Rep. Henry Waxman (D-CA) said, “In the next few months, the FAA needs to set firm milestones for additional action. It must take concrete steps that lead to substantial and measurable noise reduction. And, if these steps fail to produce results, or the FAA fails to act, Congress must act.”

**FAA Report**

The FAA’s report was prompted by a letter sent on May 23, 2012, from the two Senators from California plus five House of Representative members to the Secretary of Transportation requesting that FAA begin a process to solicit local stakeholder views on helicopter noise and undertake an examination of potential remedies.

In response to this request, the FAA undertook the Los Angeles Helicopter Noise Initiative, a collaborative effort, led by the FAA Western-Pacific Regional Administrator, to solicit input from local communities and other stakeholders on heli-

copter noise and safety issues in Los Angeles County.

The FAA solicited public input through two public workshops. These workshops generated over 500 comments with suggestions from private citizens, elected officials, civic group representatives, and the helicopter industry.

“There is no single remedy that can be implemented on a large-scale basis throughout the Los Angeles Basin,” the report on the Los Angeles Helicopter Noise Initiative states.

“The airspace over Southern California is among the most congested and complex in the world. For safety reasons, helicopter traffic must be separated by altitude from higher-performing and faster-moving fixed-wing aircraft. The density of land use in the area, as well as the complexity and diversity of airspace users present challenges to identifying optimal helicopter routes that are safe, efficient, and serve noise abatement purposes.”

But FAA said it “does not regard these broad-based constraints as precluding actions to respond to community helicopter noise concerns, particularly since many of the comments received on helicopter noise issues are tied to landmarks or specific locations (e.g., the Hollywood Bowl, Griffith Park, the Getty Center, area airports and freeways) that may be addressed with situation specific measures.

“It is the FAA’s intent to follow through on the Los Angeles Helicopter Noise Initiative with a series of actions in cooperation with local stakeholders to improve the helicopter noise situation within Los Angeles County. In addition to being effective for noise abatement, such measures must be safe, operationally manageable in the complex Los Angeles airspace, and responsive to community economic interests and public safety needs.”

**Action FAA Will Take**

The FAA committed to undertake and support the following actions:

- Evaluate existing helicopter routes to identify feasible modifications that could lessen impacts on residential areas and noise-sensitive landmarks. Any new routes intended to provide noise relief will be evaluated to avoid simply shifting noise from one residential neighborhood to another. Safety Risk Management studies would be required to ensure that helicopters can transition airspace safely and efficiently.
- Analyze whether helicopters could safely fly at higher altitudes in certain areas along helicopter routes and at specific identified areas of concern. Any proposed altitude changes would be required to go through an FAA Safety Risk Management Panel prior to adoption.
- Develop and promote best practices for helicopter hovering and electronic news gathering. Hover times are site-specific and event-specific. The FAA will continue to issue Advisory Notices to Airmen (NOTAMs) for large events and encourage helicopter operators and news organizations to employ practices that reduce noise.
- Conduct outreach to helicopter pilots to increase awareness of noise-sensitive areas and events. A collaborative effort among the FAA, pilot groups, and communities has

identified noise “hot spots” within the Los Angeles Basin. The FAA seeks to increase pilots’ situational awareness of noise problems on the ground and of community issues with noise.

- Explore a more comprehensive noise complaint system. A centralized system that provides a single repository for helicopter noise complaints in Los Angeles County may be more advantageous than current individual systems, with differing geographic and jurisdictional coverage. The FAA will support the assessment of the prospects for developing such a system with homeowners’ associations and operator groups.

- Continue the collaborative engagement between community representatives and helicopter operators, with interaction with the FAA. A significant positive result of the Los Angeles Helicopter Noise Initiative is that community representatives and helicopter operators plan to meet regularly, with input from the FAA, to identify specific noise sensitive locations and helicopter operating practices that contribute to noise concerns. The group is committed to identifying measures that will provide noise relief without degrading safety or eroding business opportunities.

## Litigation

### FAA ASSERTS IT HAS AUTHORITY TO REGULATE HELICOPTER PATHS

Although the Federal Aviation Administration has concluded that regulating helicopter altitudes and paths is not feasible over Los Angeles County, the agency told a federal appeals court that it does have authority under federal law to regulate helicopter operations if it so chooses.

And FAA chose to do just that for helicopters flying along the North Shore of Long Island, many ferrying wealthy travelers from Manhattan to vacation homes on Long Island. For years, such operations prompted noise complaints from Long Island residents, especially during the summer season.

In July 2012, under pressure from Sen. Charles Schumer (D-NY), a member of the Senate’s Democratic leadership team, the FAA made mandatory a voluntary North Shore Helicopter Route for helicopter operations using visual flight rules along the North Shore of Long Island that had been instituted in 2008.

The Helicopter Association International, Inc. filed suit in the U.S. Court of Appeals for the District of Columbia Circuit challenging the agency’s action.

HAI told the Court, “By requiring helicopter pilots to utilize the Route in the absence of any safety justification, in the face of concerns that the Rule would compromise safety, and solely on the basis of unsubstantiated noise complaints from a handful of local residents, the FAA exceeded its statutory authority. The FAA’s reliance on its authority to regulate the operation of aircraft and use of navigable airspace was overstated and misapplied in the Rule.”

While 49 U.S.C. § 40103 authorizes the FAA to prescribe

air traffic regulations on the flight of aircraft for the purpose of “protecting individuals and property on the ground,” there is no indication in the statutory language, regulations, Federal court decisions or otherwise, that Section 40103 contemplates noise abatement, HAI argued in a brief to the Court.

Section 44715, the other statutory provision the FAA cites in its rule, authorizes the FAA to promulgate regulations to address aircraft noise in the context of aircraft certification standards – not airspace matters, HAI argued. “Nor does that provision confer authority – implicitly or otherwise – for the FAA to promulgate new air traffic procedures to abate noise,” HAI asserted.

But FAA told the Court, “Nothing in either statute limits the FAA’s authority in modifying airspace routes because of noise.”

The agency also contended that it has provided sufficient justification for its final rule.

“While voluntary compliance appeared to be fairly high, residents of the area continued to complain about the noise to both public officials and the FAA itself,” the agency told the Court in its brief.

“These complaints indicated to the FAA that noise from helicopter overflights continued to be a problem for the residents, even though a modeling study assessing the noise levels found them to be low.

“The FAA decided to make the voluntary route mandatory, reasoning that maximizing the use of the route would secure and improve upon the decreased levels of noise that had been achieved voluntarily. But the FAA also wanted to evaluate the effect of the rule, and it decided to add a sunset provision that would terminate the rule after two years. This approach was reasonable.”

FAA also asserted that it was not required to use the Integrated Noise Model, as HAI argues. “That model is used in determining noise in and around an airport. FAA policies and procedures call for use of a different model when an area outside of the immediate airport area is being evaluated,” the agency explained.

“Although the helicopter noise levels shown in the FAA’s noise modeling study were below levels identified as incompatible under federal land use compatibility guidelines, the FAA’s statutory authority to abate noise is not limited to noise that exceeds specified levels.”

Oral argument has not yet been set in the case, *Helicopter Association International, Inc. v. FAA* (No. 12-1335).

### Departure Routes of of East Hampton Spread

In related news, an informal agreement reached between helicopter pilots and officials of the Town of East Hampton, NY, and several nearby Long Island towns, calls for fanning departures on two helicopter routes out of East Hampton Airport.

The goal is to give pilots enough space to reach higher altitudes on departure routes and thus reduce noise impact.

The informal agreement calls for helicopter pilots to fly at 3,500 feet as they approach and leave the airport when fea-

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sible. However, pilots can deviate from this for safety reasons and due to weather conditions.

Prior to the informal agreement, airport standards called for a 3,000 foot approach height. However, residents complained that helicopters were operating under this altitude.

During July 2012, almost 1,500 noise complaints were filed about helicopter traffic from East Hampton Airport, although one-third of them reportedly came from one person.

Whether spreading helicopter departures will be effective in reducing noise complaints from residents of East Hampton and surrounding towns will become evident in July and August when most helicopter traffic occurs at East Hampton Airport.

### *ACRP, from p. 78*

tinuing to minimize noise impacts on surrounding communities.

“ACRP Report 86 was conceived in response to this opportunity, with the objective of creating a protocol for evaluating and optimizing aircraft departure procedures in terms of noise exposure, emissions, and fuel burn. This research concludes that, although noise, emissions, and fuel burn are often thought to increase or decrease in opposite directions, this is not always the case. In fact, depending on a variety of factors that include ground tracks, flight profiles, aircraft type, and nearby population, simultaneous reductions in noise, emissions, and fuel burn can be achieved.

“In addition to the report, the product of the research includes a spreadsheet-based electronic tool, the Departure Optimization Investigation Tool (DOIT), which allows users to understand and test tradeoffs among various impact measures, including noise levels, rate of fuel consumption, and emissions. The overall approach is based on changes in aircraft departure tracks, manipulating airport fleet mix, and varying other operational parameters.

“The audience for this research and the spreadsheet tool consists of airport operators, their supporting consultants, the Federal Aviation Administration, and other research institutions. The topic is timely and especially important as the FAA’s “Next Generation Air Transportation System” (NextGen) technologies come on line and as more and more airports invest in developing sustainability programs while they push to improve capacity and maintain, if not decrease, environmental impacts.”

The report was prepared by Brian Kim, Ben Manning, and Ben Sharp of Wyle Laboratories, Inc.; John-Paul Clarke, Isaac Robeson, and Jim Brooks of the Georgia Institute of Technology; and David Senzig of the U.S. Department of Transportation’s Volpe Center.

## AIRPORT NOISE REPORT

Anne H. Kohut, Publisher

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# Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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## *Litigation*

### **APPEALS COURT RULES COMPLAINTS ARE VALID BASIS FOR FAA NOISE RESTRICTIONS**

Noise complaints – if substantiated by names and dates – can be used by the Federal Aviation Administration instead of noise levels as the basis for enacting aircraft noise restrictions, the U.S. Court of Appeals for the District of Columbia Circuit held July 12.

The ruling is thought to be the first ever by a court affirming the use of complaint data as the basis for an FAA noise regulation, Denver attorney Peter Kirsch, an expert in aviation noise law, told ANR.

“The use of complaint data instead of DNL 65 as the basis for action is the most important component” of the Appeals Court ruling, stressed Kirsch, a partner in the law firm Kaplan Kirsch and Rockwell. He believes it will be cited by those pressing FAA to consider noise impact in designing RNAV/RNP routes into and out of airports as well as those seeking mandatory helicopter routes.

The ruling rejected the Helicopter Association International’s contention that public complaints about noise are not evidence of a noise problem absent objective,

*(Continued on p. 87)*

## *FAA*

### **FINAL RULE ADOPTS BAN ON STAGE 2 JETS UNDER 75,000 LB. MANDATED IN FAA BILL**

The operation of jets weighing less than 75,000 lb. that do not meet Stage 3 aircraft noise standards will be banned after Dec. 31, 2015, under a final rule issued by the Federal Aviation Administration on July 2.

FAA’s final rule codifies the statutory prohibition barring operations of Stage 2 jets under 75,000 lb. stipulated in Section 506 of the FAA Modernization and Reform Act of 2012 with some exceptions for temporary operations related to moving aircraft for modification or sale.

Of the 599 Stage 2 aircraft affected by the rule, some 413 are corporate jets that will have to be grounded or hushkitted to meet more stringent Stage 3 noise standards. That could be a difficult decision for some aircraft owners because the planes subject to the ban are between 25 and 50 years old, according to FAA.

“The final ruling, published on July 2, locks in the phase-out date established by Congress in the FAA Modernization and Reform Act of 2012, and it comes following extensive discussions between regulators and industry representatives to find a suitable timeframe in consideration of the time and costs necessary for operators to modify or replace their aircraft,” said the National Business Aviation Asso-

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corroborating noise data that indicates noise levels exceed FAA's 65 dB DNL threshold of compatible residential use near airports.

Helicopter noise levels along the North Shore of Long Island were estimated to be less than 45 dB DNL, thus showing that a noise problem did not exist and invalidating FAA's rule imposing a mandatory helicopter route off the North Shore of Long Island, HAI argued.

But the Court rejected that assertion, ruling that "HAI has not identified any statutory or regulatory provision that sets 65 dB as the minimum noise level that must be reached before the FAA can regulate the impact of aircraft noise on residential populations."

FAA's 65 dB DNL threshold of compatible residential use near airports "was established for use in mapping noise exposure within the vicinity of airports, not residential areas far removed from an airport environment . . . It serves as a reference point from which the FAA can reasonably deviate when determining whether a particular noise reduction intervention is in the public interest," the Court wrote.

The three-judge panel denied HAI's petition for review of a final rule issued by FAA in July 2012 making mandatory an existing voluntary helicopter noise abatement route one mile off the North Shore of Long Island. The rule will sunset in two years if the FAA finds there is no "meaningful improvement in the effects of helicopter noise on quality of life or that the rule is otherwise unjustified."

The appellate ruling is a major loss for the helicopter association.

"HAI is deeply disappointed with the Court's ruling and respectfully disagrees with the decision. We are currently reviewing the Court's rulings as well as all options available to us with our Counsel," Matt Zuccaro, president and chief operating officer of HAI, told ANR.

But the ruling will be hailed by community groups and local governments pressing the FAA to impose similar mandatory routes elsewhere on helicopters, whose noise has become a major focus of noise complaints, especially in metropolitan areas where helicopters are increasingly being used for tours, to cover the news, view real estate, and ferry wealthy passengers over the heads of homeowners.

However, FAA has already said that it does not believe that mandatory helicopter routes would be feasible over Los Angeles County (25 ANR 78).

### **Broad Authority to Regulate Noise**

The D.C. Court of Appeals panel rejected all four arguments HAI made in its challenge of the FAA mandatory helicopter route off Long Island's North Shore.

In addition to stipulating that documented noise complaints are an acceptable basis for FAA noise regulation, the panel also held that FAA has the legal authority to impose regulations on aircraft operations for the sole purpose of reducing noise impact in residential areas.

HAI argued that Congress had established a relatively narrow legal framework under which FAA can regulate noise and that FAA lacks authority to alter air traffic patterns for the sole purpose of reducing the impact of aircraft noise on residential communities.

But the Court disagreed saying that "Under the plain text of Section 40103 [of the Code of Federal Regulations] the FAA has authority to "prescribe air traffic regulations . . . [to] protect individuals and property on the ground."

"That is exactly what the FAA did here," the Court wrote. It said the dictionary definition of "protect" is broad enough "to encompass protection from noise caused by aircraft, and Congress would, absent indication to the contrary, have intended that the word be read in accordance with its natural meaning."

The panel said that nothing in federal law requires that safety be the primary goal of all FAA regulation. "So long as the FAA balances safety concerns appropriately, as it did here, its rulemaking decisions will not conflict with other statutory safety requirements."

The Appeals Court also rejected arguments by HAI that FAA had reversed longstanding policy of not altering flight patterns for the sole purpose of noise abatement.

"Rather than reversing past policy the FAA has acted in accordance with a longstanding, if infrequently used, interpretation of its authority under Section 40103," the Court wrote.

The Court also held that errors FAA made in estimating the additional fuel costs of flying the mandatory helicopter route off the North Shore of Long Island were not significant enough to invalidate its rule.

The case is *Helicopter Association International, Inc. v. Federal Aviation Administration* (No. 12-1335).

### ***Helicopters***

## **BAN ON TOUR TRAFFIC ON NJ SIDE OF HUDSON RIVER BEING SOUGHT**

At a July 9 press conference, NJ Rep. Albio Sires (D) – joined by NJ Sen. Robert Menendez (D) and mayors and elected officials of municipalities along the Hudson River Waterfront – called on the Federal Aviation Administration to ban helicopter tour flights along the New Jersey side of the Hudson River.

The press conference addressed the growing concern of communities throughout New Jersey's 8th Congressional District regarding increased helicopter traffic and the safety and quality of life impact it brings.

"The practice of having helicopters fly at lower altitudes creates a constant noise nuisance and safety issues for those in NJ living along the Hudson River," said Congressman Sires. "I am pleased to have the widespread support of all the elected officials here today or their representatives, calling on the Federal Aviation Administration for a ban of tourist heli-

copter traffic along the New Jersey side of the Hudson River.

“As a member of the United States House of Representatives Transportation and Infrastructure Committee, I will work with my colleagues to propose legislation on the need to restrict tourist helicopter traffic and work with the FAA to restrict these tourist aircraft.”

“The number-one priority must be safety, for those on the ground as well as for pilots and anyone who boards a tourist helicopter to see the sights along the Hudson River,” said Sen. Menendez. “Given the amount of tourist helicopter traffic over the Hudson, an FAA restriction of those flights over the river’s New Jersey side makes sense. I commend Congressman Sires and the local government officials he is working with for proactively taking this initiative before a tourist helicopter tragedy occurs in New Jersey.”

“I strongly support the efforts of my good friend, Congressman Albio Sires, to reduce the quantity and improve the safety of helicopter traffic within the Hudson River air corridor,” said Hudson County Executive Tom DeGise. “The tourism industry’s desire to buzz by landmarks shouldn’t trump the rights of our waterfront residents to enjoy their homes in peace. And surely safety must take precedence over profit when it comes to regulating local airspace. I urge Congressman Sires’ colleagues on the House Transportation Committee, the FAA, and the Department of Homeland Security to heed his call for new, smarter regulations.”

Other local NJ officials calling for a ban on helicopter tour flights on the New Jersey Side of the Hudson River include the mayors of Hoboken, North Bergen, Union City, Guttenberg, West New York (NJ), and Bayonne as well as a Weehawken councilwoman and member of the Hudson County Board of Freeholders. The mayors of Union City and North Bergen also serve in the NJ State Senate.

### ***T.F. Green Airport***

## **505 MORE HOMES IN WARWICK ELIGIBLE FOR SOUND INSULATION**

The number of homes in Warwick, RI, eligible for sound insulation in conjunction with a runway extension project and other safety and efficiency improvements at T.F. Green Airport increased from 157 to 662, under a Written Re-Evaluation and Record of Decision on the project announced by the Federal Aviation Administration on June 28.

The estimated cost to provide sound insulation for the additional 505 housing units is in the range of \$10 to 15 million.

FAA’s original Record of Decision on the project was issued in September 2011.

The additional homes eligible for sound insulation were identified through assessors records, correction of earlier misidentification of structures, and updated information on the number of homes insulated under a previous Part 150 noise compatibility program that was suspended over a decade ago.

Between 1989 and 2003, the Rhode Island Airport Commission (RIAC) completed the sound insulation of 1,510 parcels under T.F. Green’s suspended Part 150 Program. The total federal cost of the residential program was \$32.1 million in Airport Improvement Program (AIP) grant funding. In 2002, RIAC also sound insulated five schools with \$5.6 million in AIP funding.

In 2003, RIAC made a decision to transition from sound insulation to land acquisition of more severely impacted homes. In 2002, RIAC accepted another grant from the FAA, which began the Voluntary Land Acquisition Program (VLAP), another approved element of the Part 150 Program. As of this date, 397 homes have been purchased under this program. With the completion of the EIS/ROD, and the air-side improvement program about to be underway, the sound insulation program is slated to resume in 2013.

For further information on FAA’s announcement, contact Richard Doucette, Environmental Program Manager in FAA’s New England Region Office; tel: (781) 238-7613; e-mail: Richard.doucette@faa.gov.

### ***Stage 2, from p. 86***

ciation (NBAA).

“Dialogue has been underway for many years to determine a date for a Stage 2 phase-out for NBAA members and to make the timeline and procedure for that phase-out as workable for those companies as possible,” said NBAA Chief Operating Officer Steve Brown.

“As those discussions have taken place, NBAA has continuously reminded agency officials and congressional lawmakers about the need for companies to have sufficient accommodation for significantly modifying or replacing a major asset like a business airplane to meet Stage 2 phase-out requirements,” Brown added.

“Government leaders have taken our concerns into account and have therefore refrained from finalizing a Stage 2 restriction on business aircraft for more than two decades after enacting legislation calling for such restrictions on airliners and other large aircraft.”

The Airport Noise and Capacity Act (ANCA), enacted in 1990, directed the FAA to phase out the operation of Stage 2 aircraft over 75,000 lb. by Dec. 31, 1999. NBAA was instrumental in getting an exemption from that phase out for jets weighing less than 75,000 lb.

### **‘Victory at Last’**

The effort to eliminate the exemption for Stage 2 business jets in ANCA was championed by a coalition of 20 airport managers and neighbors at some of the nation’s busiest corporate airports where the older aircraft accounted for an inordinate number of noise complaints.

They formed a group called ‘Sound Initiative: A Coalition for Quieter Skies,’ which has worked since 2004 to get Congress to bar operations of Stage 1 and 2 jets under 75,000 lbs.

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“Victory at last!” the coalition declared after Congress passed the FAA Modernization Act.

In its *Federal Register* notice announcing the final rule, FAA said that, of the 599 Stage 2 planes under 75,000 lb. affected by the ban, some 382 cannot be made Stage 3 compliant because there are no Stage 3 hushkits for them.

Of the 17 aircraft models affected by the ban, Stage 3 hushkits are currently only available for Stage 2 Gulfstream II and II aircraft, FAA said.

However, GA Aviation submitted a letter to the docket on the final rule noting that modification kits are now available for two other types of aircraft affected by the ban.

A company called Noise Reduction Engineering in Ypsanti, MI, has developed a hushkit for Dassault’s Falcon DA20 fitted with GE CF700 engines.

And FAA is expected by September to approve a new Supplemental Type Certificate being developed by Butler National Corp. out of Kansas for Learjet series 23/24/25 aircraft fitted with GE CJ610 engines.

FAA will accept public comments on the final rule until Sept. 3. Comment can be submitted at [www.regulations.gov](http://www.regulations.gov) by referencing Docket No. FAA-2013-0503.

### *In Brief...*

#### **Midway, Hilo Noise Maps Approved**

On May 20, the FAA announced its determination that noise exposure maps submitted by the City of Chicago Department of Aviation for Chicago Midway International Airport meet federal requirements.

The agency also said it will complete its review of a proposed Part 150 airport noise compatibility for the airport by Nov. 18.

On July 9, FAA announced its determination that noise exposure maps submitted by the Hawaii State Department of Transportation for Hilo International Airport meet federal requirements.

#### **First AIP Noise Grant in FY 2013 Announced**

Almost 10 months into fiscal year 2013, the FAA finally announced an Airport Improvement Program (AIP) grant for airport noise mitigation. However, it is the only AIP noise mitigation grant announced to date in fiscal 2013.

Westover Air Reserve Base/Metropolitan Airport in the communities of Chicopee and Ludlow, MA, received a grant of \$153,614 to conduct a noise compatibility plan study.

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