Key West International Airport

Ad-Hoc Committee on Airport Noise

Agenda for Tuesday, April 7th, 2015

Call to Order 2:00 pm Harvey Government Center

Roll Call

A. Review and Approval of Meeting Minutes

1. For February 3rd, 2015

B. Discussion of Part 150 Study Update –

1. NCP Record of Approval
2. Introduction of NIP Consultant
3. Implementation Plan

C. Other Reports:

1. Noise Hotline and Contact Log
2. Airport Noise Report

D. Other Discussion

E. Next meeting: June 2nd, 2015

Meeting Schedule for 2015

February 3rd	April 7th	June 2nd
August 4th	October 6th	December 1st

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

KWIA Ad-Hoc Committee on Noise
February 3, 2015 Meeting Minutes

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

ROLL CALL:

Committee Members in Attendance:
- Mayor Danny Kolhage
- Sonny Knowles
- Marlene Durazo
- Dr. Julie Ann Floyd
- Harvey Wolney
- Amy Kehoe
- Nick Pontecorvo, via telephone

Staff and Guests in Attendance:
- Don DeGraw, Monroe County Director of Airports
- Deborah Lagos, DML & Associates
- Robert S. Gold, Old Town Homeowners

A quorum was present.

Review and Approval of Meeting Minutes for the December 2nd, 2014 Ad Hoc Committee Meetings

Commissioner Kolhage asked if there were any comments or corrections to the December 2nd, 2014 minutes. There were no comments or corrections. Sonny Knowles made a motion to approve the minutes and Marlene Durazo seconded the motion. The minutes were approved as presented.

Discussion of Part 150 Study Update

Deborah reviewed the chart that shows the Part 150 Process, and indicated that we are at the final step in the process, waiting for FAA to issue their Record of Approval. It has been a long process, over three years to get to this point, but we are almost finished. She also reviewed the Role of the FAA in the Part 150 Process. The FAA requested that we include these two documents in the agenda package of every meeting during the time that the Part 150 Study is underway. The FAA's role at this point in the process is to review and approve/disapprove the Noise Compatibility Program and issue their Record of Approval. The FAA's Record of

Approval will indicate whether they approve or disapprove each individual measure recommended by the airport.

Even though the FAA previously informed us that they had no more questions or comments on the document and it was ready for their formal review and approval, we received another set of comments on January 8, 2015. We believe most of these comments came from the Regional Office in Atlanta, as well as a few from Headquarters in Washington, D.C. The comments came with the message that if we did not make the requested changes, the FAA would be forced to disapprove several of the recommended measures, including the NIP. Therefore, we are making the changes as requested.

The FAA issued a Federal Register Notice on September 15, 2014 indicating their receipt of the Noise Compatibility Program and announcing their formal review of the proposed program. The official 180-day review began on September 15, 2014, and must be completed by March 15, 2015. That puts us under pressure to get the document revised ASAP, so the FAA can meet their deadline to issue the ROA by March 15, 2015. Our goal is to resubmit the revised document to FAA by February 9, 2015.

The FAA has questioned the public involvement process, because all the meetings were held in the middle of the afternoon. We believe we can overcome this concern by providing additional explanation and documentation of the public involvement process.

The FAA took issue with our recommendation to offer to purchase Avigation Easements from people who did not qualify for the NIP. It is their determination that if houses are not eligible for the NIP because they have an existing interior noise level of DNL 45 dB or less, they are not eligible for an Avigation Easement either. So, that is one of the changes that we must make to the recommendations in the document.

The FAA questioned whether we had obtained agreement from other jurisdictions who would be responsible for implementing certain recommendations. In response to this comment, Don DeGraw and Deborah met with the Planning Director for the City of Key West, Kevin Bond, to discuss the measures that involved the City of Key

West. We learned that the existing Land Development Regulations, which addresses noncompatible land uses in the Airport District, actually only applies to the airport itself, and therefore does not accomplish the intended purpose. Fortunately, we learned that the City is getting ready to embark on an update and revision of the Land Development Regulations, and they have invited the airport and Monroe County to participate as stakeholders to assist in revising the regulations accordingly. Mayor Kolhage expressed surprise that the City had no appropriate regulations.

Kevin Bond informed us that a Planning Board Resolution approving the construction of ten single-family dwelling units at 2800 Flagler Avenue (at the corner of Flagler Avenue and 11th Street) includes a requirement that "the applicant demonstrates that the buildings will be sound-proof per Section due to their proximity to the airport and their location within a noise-contour zone in compliance with Section 26-191(1)." This is a positive sign that the City is trying take into consideration the noise impacts from the airport. Oddly, the Section that is referred to is about noise in or emanating from a commercial district, not achieving a particular outdoor-to-indoor noise level reduction. This Section doesn't really apply to this situation. Mayor Kolhage indicated that the previous Planning Director, Donald Craig, was likely responsible for including this requirement, and he was familiar with the County's requirements and knowledgeable regarding similar requirements in other jurisdictions.

Don and Deborah also discussed the proposed construction of additional residential units at the Catholic Charities facility on Flagler Avenue, and asked if a similar (better worded) requirement could be included in that approval process. Kevin Bond was amenable to that.

Dr. Julie Ann Floyd asked if requirements for noise attenuation should also apply to substantial improvement of existing structures, not just new construction. Deborah indicated that the requirement should apply to both situations.

Deborah indicated that a lot of municipalities utilize an Airport Overlay Zoning District to define the area where these regulations would apply. Mayor Kolhage asked if we would provide the specifications for the sound proofing. Deborah indicated there were model (i.e. sample) specifications available that would indicate what needed to be done to achieve certain Noise Level Reduction (NLR), such as what

type of windows to use, what type of doors to use, etc. Mayor Kolhage asked whether these houses would be eligible for the NIP if they did not have this regulation in place. Deborah indicated that they would not, because the FAA has set a cutoff date of October 1, 1998, after which new construction within the existing noise contours is not eligible for participation. The FAA is encouraging municipalities to put preventive measures such as this zoning ordinance in place to prevent future noncompatible development.

Dr. Julie Ann Floyd asked about disclosure of aircraft noise for new sales, new purchases, remodels, etc. not just within the noise contours but in any area that is subjected to aircraft noise. Deborah indicated that Part 150 Studies often look at Real Estate Disclosures as a potential recommendation, but they are easy to recommend and difficult to implement. There is fear of causing property devaluation by acknowledging the existence of aircraft noise. Dr. Floyd mentioned that in Key West, it would include the entire island.

Harvey Wolney asked about what happens when aircraft noise falls off in the off season. Deborah indicated that the FAA requires us to produce an annual average noise contour, so sometimes it is louder, and sometimes it is quieter, than what the noise contours indicate.

Deborah indicated that the outcome of the meeting with the City Planning Director is that he is willing and interested in getting the code updated to make it work better. She indicated that she would revise the recommendation in the NCP to reflect the conversation with the Planning Director, that the City and County would work together to update the regulations appropriately. She also indicated she would leave the recommendation regarding purchase of an Avigation Easement from the owner of 2800 Flagler Avenue, since there is no requirement that we actually implement that recommendation, even if the FAA approves it. She indicated that we can now tell the FAA that we have met with the jurisdiction, and they have agreed to keep us in the loop as the process moves forward toward updating their regulations.

Deborah said she also met with the Tower Chief and the Airport's Operations Manager to review the operational recommendations, as requested by the FAA. The Tower Chief indicated that most of the recommendations were already being

implemented to some extent, and that he would remind the other controllers regarding the recommendations.

Mr. Robert Gold asked if the FAA had made any comments or expressed any concerns regarding any of the operational measures. Deborah indicated that the only comment they made was regarding the engine run-up policy, and that they questioned it being mandatory. Mayor Kolhage asked whether they were questioning the restrictions on time of day or location. Deborah indicated that in 1995 the BOCC passed a resolution stipulating that run-ups that occur between 11 pm and 7 am be conducted at a designated location near the terminal building rather than at either end of the runway.

Robert Gold asked if the measure regarding diversity of approach paths had survived intact, and whether the Tower was OK with it. Deborah indicated that the FAA had no comments and the Tower indicated they were already implementing for smaller aircraft. Robert asked if the Tower could be encouraged to increase their suggested use of diverse approach paths. Deborah said she would pass that along to the Tower Chief.

Deborah went on to explain that the FAA questioned the need for the annual noise contour update, and questioned the use of that noise contour to validate the Avigation Easement noise limit. She indicated that in the original Part 150 Study that was completed in the late 1990s, the Ad-Hoc Committee made the decision that the Avigation Easement should not be unlimited. In other words, that validity of the Avigation Easement would be tied to a specified maximum noise contour. The FAA approved this approach at the time, but now they are questioning it.

The FAA is questioning the need for both the noise and flight track monitoring system and the annual noise contour update, and. suggesting that the noise contours do not need to be updated annually. Robert Gold asked about performance criteria that could be used to measure the success of certain procedures. Deborah went on to explain that FAA has set certain criteria that would trigger an update to the official Noise Exposure Maps, such as an increase of greater than 15% in number of operations, significant change in fleet mix, or significant change in number of nighttime operations. Mayor Kolhage felt that was a logical approach. There was

further discussion regarding the noise and flight track monitoring system vs. the annual contour update, and how they differed in the information they provided.

Dr. Julie Ann Floyd suggested that because of the unique nature of tourism areas such as the Keys, we might need to look at changes not only based on annual operations, but also seasonal operations, such as during the summer. She suggested that summer operations have changed significantly (i.e., increased) when compared to historical situations. She suggested maybe we could meet the FAA half way by agreeing that the contour update be done less frequently, possibly based on a trigger that is less than that required for a full Noise Exposure Map Update.

In conclusion, Deborah indicated that it was our goal to revise the document as required in order to get as many of the recommendations approved as possible, recognizing there would be some compromises and/or concessions that would have to be made. The Committee agreed that was the best approach.

RFQ for NIP Consultant and Implementation Plan

The County put out a Request for Qualifications (RFQ) for a consultant to be the Program Manager for the NIP. The response to the RFQ, called a Statement of Qualifications (SOQ) are due tomorrow. We are anticipating at least four (4) firms to submit SOQs. In the previous NIP, a firm called THC was the Program Manager. They will be one of the firms submitted, along with other qualified firms. Don DeGraw will be convening a Selection Committee to review the SOQs, and hopefully they will have a clear #1 candidate to recommend to the BOCC at the March BOCC meeting. Following BOCC approval for staff to begin negotiations with the top-ranked firm, the next step will be to develop a Scope of Work for the grant we are anticipating from the FAA in August, which includes development of the Implementation Plan and Initial Testing Phase Protocol that we have discussed here previously. Once the Scope has been developed, the consultant will prepare a cost proposal and the County will obtain an Independent Fee Estimate (IFE). All of these items will need to be completed in time to submit to the FAA in the grant application in May. We anticipate receiving the grant from the FAA in August, at which time it will be brought to the BOCC for acceptance, along with the contract for the NIP Consultant. The contract will not be awarded to the NIP consultant until the County receives the grant from the FAA (which will fund the contract).

Other Reports

Noise Hotline and Contact Log

There were no calls to report.

Airport Noise Report

A couple of the issues were dedicated to documenting AIP and PFC funds that have been awarded and used to fund various noise projects at airports all over the country. Key West International Airport is included.

There was another article (on page 44) about the proposed state bill to provide tax credits to reimburse sound insulation costs.

There was also an article about Donald Trump suing Palm Beach International Airport because several Navigational fixes had been named after his family.

Don DeGraw asked the Committee if they wanted to continue receiving the ANR in the agenda package. Don indicated that the airport has to buy two subscriptions in order to provide copies to the Committee. The cost is approximately $1,600 per year. The consensus was that the ANR was beneficial and the Committee would like to continue receiving it.

Any Other Discussion

The Committee discussed making fewer extra copies of the agenda package. Mayor Kolhage indicated he would be satisfied with an electronic copy, because the BOCC has gone green, and everything is provided electronically. It was agreed that we would continue to distribute the agenda package to the Committee in hard copy, as well as email (to those that have provided an email address).

Don DeGraw indicated there would be a new airport website coming online this month.

Next meeting April 7th, 2015.

Marlene Durazo moved to adjourn the meeting, and Amy Kehoe seconded the motion. The meeting adjourned at 3:17 p.m.

U.S. Department
of Transportation
**Federal Aviation
Administration**

ORLANDO AIRPORTS DISTRICT OFFICE
Phone: (407) 813-6331 Fax: (407) 812-6978

March 17, 2015

Donald P. DeGraw
Director of Airports
Monroe County Florida
3491 S. Roosevelt Blvd.
Key West, FL 33040

Dear Mr. DeGraw

RE: Key West International Airport, Key West, Florida
Noise Compatibility Program Update Record of Approval

The Federal Aviation Administration (FAA) has evaluated the Noise Compatibility Program (NCP) Update for Key West International Airport contained in the Noise Compatibility Program for the Part 150 Study and related documents submitted to this office under the provisions of 49 United States Code [U.S.C.] §47504. The recommended NCP Update proposed by the Monroe County Board of County Commissioners is identified by action element number on pages 11-1 through 11-11 in the Noise Compatibility Program for the Part 150 Study. Each airport NCP developed in accordance with 14 Code of Federal Regulations [CFR] Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport operator with respect to which measures should be recommended for action.

I am pleased to inform you that the Regional Airports Division Manager has approved thirteen (13) of the twenty-five (25) proposed action measures in the NCP Update in full with comment. The specific FAA action for each approved NCP measure is set forth in the enclosed Record of Approval (ROA). The effective date of this approval is March 12, 2015.

At the request of the Sponsor, no FAA action was taken on twelve (12) measures included in the Noise Compatibility Program Update for the Part 150 Study. These twelve measures along with the thirteen (13) approved measures are more fully explained in the enclosed ROA.

The FAA's approval or disapproval of each specific measure proposed by an airport sponsor in an NCP or NCP Update is determined by applying approval criteria prescribed in 14 CFR §150.35(b) as follows:

- The NCP was developed in accordance with the provisions and procedures of 14 CFR Part 150;

- Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

- Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

- Program measures relating to the use of flight procedures can be implemented within the period covered by the Program without derogating safety, adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Only measures that meet the approval criteria can be approved and considered for Federal funding eligibility. FAA approval or disapproval of a measure only indicates whether that measure would, if implemented, be consistent with the purposes of 14 CFR Part 150. When a measure is disapproved by the FAA, airport sponsors are encouraged to work with their communities and the FAA, outside of the Part 150 process as necessary, to implement initiatives that provide noise benefits for the surrounding community.

Specific limitations with respect to FAA's approval of an airport NCP are delineated in 14 CFR §150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute a commitment by FAA to implement specific noise compatibility measures.

FAA approval of some measures may require preparation of an environmental assessment. Further, approval of a plan does not commit FAA to financially assist in the implementation of the program nor are all measures covered by the program necessarily eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, requests for project grants should be submitted to the FAA Airports District Office. Funding eligibility is determined based on the noise exposure level at the time of the funding request.

Sincerely,

Bart Vernace, Manager
Orlando Airports District Office

1 Enclosure

cc:
ARP-612
APP-400
ASO-610
ASO-7

FEDERAL AVIATION ADMINISTRATION

RECORD OF APPROVAL
14 CFR PART 150
NOISE COMPATIBILITY PROGRAM

Key West International Airport
Key West, Florida

Randy Hyman

Regional Counsel, ASO-7

✓ CONCUR NONCONCUR

10 March 2015

Date

Airports Division Manager
Southern Region

✓ APPROVED DISAPPROVED

3-11-15

Date

RECORD OF APPROVAL
Key West International Airport
Key West, Florida

The Key West International Airport (EYW or KWIA), Key West, Florida is owned and operated by Monroe County, Florida (Sponsor). In accordance with Title 14 Code of Federal Regulations (CFR) Part 150, Airport Noise Compatibility Planning, the Sponsor developed a Noise Compatibility Program (NCP) that describes current and future noncompatible land uses around the Airport. This Part 150 study is an update and consists of the Sponsor's recommendations to implement 25 program measures. Of these 25 program measures, the Sponsor has only requested FAA approval of 13, including 7 Land Use measures and 6 Program Management measures (see NCP Section 11.2).

This NCP update was submitted subsequent to a determination by FAA that the associated Noise Exposure Maps (NEMs) submitted for EYW were in compliance with applicable requirements of 14 CFR Part 150 on December 19, 2013, as published in the Federal Register on December 27, 2013. The NCP update was prepared by the Sponsor due to changes in operational activity levels and aircraft fleet mix operating at the airport affecting the NEMs. The update was prepared to review the existing NCP measures in the context of the updated NEMs to determine if existing measures are still applicable and effective as previously written to best accomplish the goals of the EYW Part 150 program and to consider new measures to improve the effectiveness of the Sponsor's program.

The measures listed herein are those on which the Sponsor requests FAA action. The FAA approves or disapproves each specific Sponsor proposed measure in an ROA for which FAA action is requested by applying approval criteria prescribed in 14 CFR §150.35(b). Only measures meeting the approval criteria can be approved and considered for Federal funding eligibility. FAA approval indicates only that the actions would, if implemented, be consistent with the purposes of 14 CFR Part 150.

The FAA has provided technical advice and assistance to the Sponsor to ensure approved operational elements are feasible (see 14 CFR §150.23(c)) as of the date of submittal. Nevertheless, approval of a measure does not constitute a FAA funding commitment or decision to implement the measure. While the NCP measure itself may not be time specific, the location of the NEM noise contour can change over time. The FAA will make funding eligibility determinations in accordance with FAA Order 5100-38, AIP Handbook, when the Sponsor requests funds supported by NEMs accepted by the FAA as accurately reflecting the noise environment at that time. Later decisions concerning possible implementation of measures approved in this ROA are subject to

all applicable environmental compliance and other procedures and requirements including, but not limited to, the National Environmental Policy Act and Section 106 of the National Historic Preservation Act.

When a measure is disapproved by the FAA, airport sponsors are encouraged to work with their communities and the FAA, outside of the Part 150 process as necessary, to implement initiatives that provide noise benefits for the surrounding community.

Because this ROA was prepared to support an NCP update, it includes Attachment A which lists measures for which the Sponsor did not request FAA action during this update. This is done to provide a comprehensive depiction of the EYW NCP program since the program's inception in 1999.

There follows a summary of the Land Use and Program Management measures proposed by the Sponsor in the NCP for which FAA action is requested. The land use control and program management measures below summarize as closely as possible the Sponsor's recommendations in the NCP and are cross-referenced to the program. The statements contained within the summarized measures and before the indicated FAA approval, disapproval, or other determinations are derived from the Sponsor's NCP and do not represent the opinions or decisions of the FAA.

LAND USE MEASURES

LU-1. Provide noise insulation for noncompatible structures in exchange for avigation easements

It is recommended that owners of noncompatible dwelling units and certain other noise sensitive structures located within the DNL 65+ dB noise contour of the 2013 Existing Condition NEM be offered the opportunity to participate in a Noise Insulation Program (NIP), as described in Section 9.3.3. The NIP shall include noncompatible single- and multi-family dwelling units located within the DNL 65+ dB noise contour of the 2013 Existing Condition NEM, which includes Key West by the Sea Condominiums, the Flagler Court Townhomes, as well as the noise sensitive Grace Lutheran Church and School and the Catholic Charities Facility that are determined to be noncompatible in accordance with FAA Order 5100.38d, Appendix R. See Figures 11-1, 11-2 and 11-3 for the location of these noise sensitive receptors.

Appendix L provides the dwelling and noise sensitive sites that are within the DNL 65+ dB noise contour of the 2013 Existing Condition NEM as well as those that EYW would like to include due to block rounding. Appendix L also contains a graphical representation of these locations.

The actual Program Area eligible for FAA funding is determined by the FAA at the time each grant application is submitted for Federal funding consideration. FAA funding can only be used for structures that meet FAA funding eligibility criteria. This does not preclude the Airport Sponsor from using local funds to mitigate structures that FAA determines are ineligible for FAA funding.

Property owners will be required to grant avigation easements to Monroe County in exchange for noise insulation. The avigation easement will remain valid until noise levels exceed those shown on the Year 2013 Existing Condition Noise Exposure Map, at which point the easement is no longer binding. Appendix M contains a draft of this avigation easement. (NCP, pages 7-3, 7-5, 9-5, 9-14 – 9-19, 9-28 – 9-30, 11-1 – 11-7, Appendix L, Appendix M).

2015 FAA Action: Approved. While the FAA does not require that an easement be given in exchange for sound insulation, the Sponsor has the discretion to impose such a requirement. The measure itself need not be tied specifically to the 2013 NEM. If NEMs are updated in the future, without an NCP update, this measure would be applicable to eligible structures within the 65+ dB contour of any future FAA accepted NEMs determined to accurately reflect the airport's operations at the time of the request for FAA funding. The Sponsor shall seek FAA approval of the final language of any avigation easement(s) acquired under this measure prior to execution of such

easement(s). Additionally, the Sponsor's above measure description incorrectly indicates that land use compatibility is defined in FAA Order 5100.38, Airport Improvement Program (AIP) Handbook, Appendix R. To clarify, the applicable version of the AIP Handbook in its entirety (i.e., not limited to version D nor to Appendix R), sets forth guidance on the administration of Airport Improvement Program. Its applicability or use by the FAA, in the context of a Part 150 study, is for making funding eligibility determinations when evaluating Sponsor project funding applications. The actual project or program area eligible for FAA funding is determined by the FAA at the time the Sponsor submits each grant application. FAA funding can only be used for structures that meet FAA funding eligibility criteria at the time of the grant application. This does not preclude the Airport Sponsor from using local funds to mitigate structures that FAA determines are ineligible for FAA funding.

Measure History:
In the Original NCP the Sponsor submitted this measure for FAA approval:

> *Provide Noise Insulation in Exchange for Avigation Easements:*
> *A program for noise insulation of existing noncompatible structures is recommended for noncompatible single-family dwellings (and multi-family dwellings of four units or less) within the DNL 65+dB contour of the Year 2003 Future Condition Noise Exposure Map, With Program Implementation, in exchange for an avigation easement. Priority should be given first to homeowners located within the DNL 75 dB contour, then to homeowners located within the DNL 70 dB contour, and finally to homeowners located within the DNL 65 dB contour. The avigation easement will remain valid until noise levels exceed those projected for the year 2003 Future Condition Noise Exposure Map, Without Program Implementation. Eligible homeowners will be given the option of participating in either this program or the purchase program in Measure 4 below. If funding is not adequate to implement both programs simultaneously, this program will be offered first.*
>
> *A program for noise insulation of noncompatible structures is also recommended for Key West High School. At the time when the high school is being renovated, measures to achieve a Noise Level Reduction (NRL) of 30 dB should be incorporated into the design and construction of all classrooms, libraries, offices, and other rooms for which noise insulation is specifically justified because of the substantial and disruptive effect of aircraft noise. (pgs 7-10 to 7-13, 8-2, 8-3 and 8-6; Tables 7-2 and 8-1; Figures 5.2, 6.3 and 8.1; Appendices A and B; and supplemental information dated 02/09/99).*

In its 1999 Record of Approval, the FAA approved this measure with no additional verbiage

Since approval in 1999, the Sponsor has successfully implemented the measure from 2000 to 2012. Key West High School was rebuilt with noise attenuation measures incorporated in the design and construction of the buildings. A total of 296 out of 338 eligible participants participated in the residential noise insulation program, which represents a participation rate of 88 percent (Section 9.3.3 of the NCP).

LU-2. Purchase avigation easements

It is recommended that owners of noncompatible dwelling units and other noise sensitive structures located within the DNL 65+ dB noise contour of the 2013 Existing Condition NEM that do not participate in the NIP be offered the opportunity to participate in the Avigation Easement Acquisition Program, as described in NCP Section 9.3.2.3. The Avigation Easement Acquisition Program shall include noncompatible single- and multi-family dwelling units located within the DNL 65+ dB noise contour of the 2013 Existing Condition NEM as well as Grace Lutheran Church and School, and the Catholic Charities Facility that are determined to be noncompatible in accordance with FAA Order 5100.38D Appendix R. See Figures 11-1, 11-2, and 11-3 for the location of these noise sensitive receptors.

Appendix L provides the dwelling and noise sensitive sites that are within the DNL 65+ noise contour of the NEM as well as those that KWIA would like to include due to block rounding. Appendix L also contains a graphical representation of these locations.

The actual Program Area eligible for FAA funding is determined by the FAA at the time each grant application is submitted for Federal funding consideration. FAA funding can only be used for structures that meet FAA funding eligibility criteria. This does not preclude the Airport Sponsor from using local funds to mitigate structures that FAA determines are ineligible for FAA funding.
(NCP, pages 7-3, 7-5, 9-5, 9-8, 9-10 – 9-13, 9-28 – 9-30, 11-2 – 11-7, Appendix L, Appendix M)

2015 FAA Action: Approved. This measure need not be tied specifically to the 2013 NEM. If NEMs are updated in the future, without an NCP update, this measure would be applicable to eligible structures within the 65+ dB contour of any future FAA accepted NEMs determined to accurately reflect the airport's operations at the time of the request for FAA funding. The Sponsor shall seek FAA approval of the final language of any avigation easement(s) acquired under this measure prior to execution of such easement(s). Additionally, the Sponsor's above measure description incorrectly indicates that land use compatibility is defined in FAA Order 5100.38, Airport Improvement Program (AIP) Handbook, Appendix R. To clarify, the applicable version of the AIP Handbook in its entirety (i.e., not limited to version D nor to Appendix R), sets forth guidance on the administration of Airport Improvement Program. Its applicability or use by the FAA, in the context of a Part 150 study, is for making funding eligibility determinations when evaluating Sponsor project funding applications. The actual project or program area eligible for FAA funding is determined by the FAA at the time the Sponsor submits each grant application. FAA funding can only be used for structures that meet FAA funding eligibility criteria at the time of the grant application. This does not preclude the Airport Sponsor from using local funds to mitigate structures that FAA determines are ineligible for FAA funding.

Measure History:
None. This is a new measure introduced in 2015.

LU-3. Rescind approval of the 1999 ROA measure to purchase homes, provide noise insulation, and then resell the homes with avigation easements.

In its May 7, 1999 Record of Approval of the Key West Noise Compatibility Program, the FAA approved a measure to purchase homes, provide noise insulation, and resell the homes with an avigation easement. It is recommended that approval of this measure be rescinded due to the successful implementation of the NIP, and the high cost of implementing such a measure, as described in Section 9.3.2.4.
(NCP, pages 9-13 – 9-14, 9-28 – 9-30, 11-2)

2015 FAA Action: Approved. At the Sponsor's request and in accordance with 14 CFR Part 150.35(d)(5), the FAA withdraws its 1999 approval for the following measure originally published in the 1999 ROA:

> ***Purchase Homes, Provide Noise Insulation, then Resell with Easements.*** *A program to purchase existing homes, provide noise insulation, then resell the homes with avigation easements is recommended for noncompatible single-family dwellings (and multi-family dwellings of four units or less) within the DNL 65+dB contour of the Year 2003 Future Condition Noise Exposure Map, With Program Implementation. Priority should be given first to homeowners located within the DNL 75 dB contour, then to homeowners located within the DNL 70 dB contour, and finally to homeowners located within the DNL 65 dB contour. The avigation easement will remain valid until noise levels exceed those projected for the year 2003 Future Condition Noise Exposure Map, Without Program Implementation. Eligible homeowners will be given the option of participating in either this program or the noise insulation program in Measure 3 above. If funding is not adequate to implement both programs simultaneously, Measure 3 will be offered first. (pgs 7-8 to 7-10, 8-3, 8-4 and 8-6; Tables 7.2 and 8.1; Figures 5.2, 6.3 and 8.1; Appendices A and B; and supplemental information dated 02/09/99).*

Measure History:
In its May 7, 1999 Record of Approval of the Key West Noise Compatibility Program, the FAA approved the above measure with no further verbiage.

Since approval in 1999, the Sponsor has not implemented the measure.

LU-4. Rescind approval of the 1999 ROA measure to rezone two vacant parcels

In its May 7, 1999 Record of Approval of the Key West NCP, the FAA approved a measure to rezone two vacant parcels to prevent noncompatible development. These

properties are located at the corner of Flagler Avenue and 11th Street, and on South Roosevelt Boulevard adjacent to airport property. It is recommended that approval of this measure be rescinded. It will be replaced with a new local measure, LU-6, that is under the jurisdiction of Monroe County, rather than the City of Key West, as described in Section 9.4.1.

(NCP, pages 7-3, 7-5, 9-5, 9-20 – 9-30, 11-2)

2015 FAA Action: Approved. Because the City of Key West has not agreed to rezone the two subject parcels, at the Sponsor's request and in accordance with 14 CFR Part 150.35(d)(5), the FAA withdraws its 1999 approval for the following measure originally published in the 1999 ROA:

> ***Rezone Vacant Parcels.***
> *It is recommended that the County of Monroe direct a written request to the City of Key West to rezone two vacant parcels to prevent noncompatible development. One parcel on the southwest corner of Flagler Avenue and 11th Street (Parcel ID # 65100.000000) would be rezoned from single family residential development (SF) to an airport noise compatible land use zoning such as limited commercial (LC). Another parcel on South Roosevelt Boulevard (Parcel ID # 65090.000100) would be rezoned from coastal low density residential (LDR-C) to an airport noise and public safety compatible land use zoning such as limited commercial (LC). (pgs 7-15, 7-16 and 8-4; Tables 7.2 and 8.1; and Figure 8.2).*

Measure History:
In its May 7, 1999 Record of Approval of the Key West Noise Compatibility Program, the FAA approved the above measure with no further verbiage.

Since approval in 1999, this measure was not implemented by the Airport Sponsor because the City of Key West did not agree to rezone the two parcels. Monroe County has acquired the vacant parcel on South Roosevelt Boulevard to prevent noncompatible development.

LU-5. Rescind approval of the 1999 ROA measure to acquire the vacant parcel at the corner of Flagler Avenue and 11th Street

In its May 7, 1999 Record of Approval of the Key West Noise Compatibility Program, the FAA approved a measure to acquire the vacant parcel, located at the corner of Flagler Avenue and 11th Street, as shown on Figure 9-2, to prevent noncompatible development. It is recommended that approval of this measure be rescinded. It will be replaced with new local measure LU-6 that is under the jurisdiction of Monroe County, rather than the City of Key West, as described in Section 9.4.2.
(NCP, pages 7-3, 7-5, 9-5, 9-20 – 9-30, 11-7, 11-9)

2015 FAA Action: Approved. At the Sponsor's request and in accordance with 14 CFR Part 150.35(d)(5), the FAA withdraws its 1999 approval for the following measure originally published in the 1999 ROA:

> ***Acquire Vacant Parcel.***
> *It is recommended that the vacant parcel on the southwest corner of Flagler Avenue and 11th Street (Parcel ID # 65100.000000) be acquired to prevent noncompatible development if the City of Key West does not rezone the parcel to an airport noise compatible land use zoning. (pgs 715, 7-16, 8-5 and 8-6; Tables 7.2 and 8.1; and Figure 8.2).*

Measure History:
In its May 7, 1999 Record of Approval of the Key West NCP, the FAA approved the above measure stating:

> *Approved under 14 CFR Part 150 with respect to the described vacant land within the DNL 65 dB contour where it can be demonstrated that the property is in imminent danger of being developed noncompatibly and local controls are insufficient to prevent that development. Mitigation with respect to new noncompatible development that is allowed to occur on this property is outside the parameters of this Part 150 approval. However, the FAA would encourage local government to exercise its prerogative to change the zoning to a compatible use prior to development.*

Since approval in 1999, this measure was not implemented by the Airport Sponsor because the City of Key West did not agree to rezone the two parcels. As previously indicated a new measure, LU-6, is proposed in this ROA under the jurisdiction of Monroe County rather than the City of Key West.

LU-6. Purchase an avigation easement from the owner of the vacant parcel at the corner of Flagler Avenue and 11th Street

It is recommended that the owner of the vacant parcel located at the corner of Flagler Avenue and 11th Street, shown on Figure 9-2, (Parcel ID: 00065090-000100) be offered the opportunity to sell an avigation easement to Monroe County, as described in Section 9.4.2. In addition to permitting aircraft overflight and associated noise, this avigation easement will specifically prohibit noncompatible development on this parcel. Appendix N contains a draft of this avigation easement.

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.

(NCP, pages 7-3, 7-5, 9-5, 9-23 – 9-27, 9-30, 11-7, 11-9, Appendix N)

2015 FAA Action: Approved. Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:
None. This is a new measure introduced in 2015.

LU-7. Rescind approval of the measure to establish airport noise and public safety compatible land use zoning

In its May 7, 1999 Record of Approval of the Key West Noise Compatibility Program, the FAA approved a measure directing Monroe County and the City of Key West to develop airport noise and public safety compatible land use zoning to prevent noncompatible development in the vicinity of the airport. It is recommended that approval of this measure be rescinded. It will be replaced with a new local measure, AM-10, as described in Section 9.4.2.(NCP pages 7-3, 7-5, 9-5, 9-20 – 9-27, 11-9)

2015 FAA Action: Approved. As a matter of clarification, in its 1999 ROA, the FAA did not "direct" Monroe County and the City of Key West to do anything. The FAA simply approved the measure as written by Monroe County. At the Sponsor's request and in accordance with 14 CFR Part 150.35(d)(5), the FAA withdraws its 1999 approval for the following measure originally published in the 1999 ROA:

> ***Establish Compatible Land Use Zoning.***
> *Establishment of airport noise compatible land use zoning and public safety compatible land use zoning is recommended, as required by Florida Statutes Chapters 163 and 333. The County of Monroe will seek the cooperation of the City of Key West to establish airport noise compatible land use zoning and public safety compliance land use zoning. (pgs 7-16 to 7-18 and 8-5; Tables 7.2 and 8.1; and Figure 8.3).*

Measure History:
In its May 7, 1999 Record of Approval of the Key West Noise Compatibility Program, the FAA approved the above measure with no further verbiage.

Since approval in 1999, this measure was not implemented by the Airport Sponsor because the City of Key West did not agree to rezone the two parcels.

PROGRAM MANAGEMENT MEASURES

PM-1. Continue to utilize a consultant to fulfill the role of Airport Noise Program Coordinator

It is recommended that Monroe County continue to utilize a contractor to fulfill the role of Airport Noise Program Coordinator, as described in Section 10.2.

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.
(NCP, pages 10-1 – 10-2, 10-7 – 10-9)

2015 FAA Action: Approved. Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:
None. This is a new measure introduced in 2015.

PM-3. Prepare, print, and distribute full color informational inserts in a format that is compatible with the Jeppesen Sanderson manual, which describe all voluntary noise abatement procedures

It is recommended that KWIA prepare, print, and distribute a full color informational insert in a format that is compatible with the Jeppesen Sanderson manual that provides a description of all components of KWIA's voluntary operational noise abatement program. This would be useful for educating both citizens and pilots. It is recommended that KWIA provide color copies of the pilot handout to the FBO and airline station managers, and ask that they be placed in accessible locations at the FBO and distributed to pilots. This measure is described in Section 10.4. Prior to release, language in the pilot handout should be reviewed for wording and content by the appropriate FAA office. The content of the pilot handout is subject to specific approval by appropriate FAA officials.

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.
(NCP pages 10-3 – 10-4, 10-7 – 10-9)

2015 FAA Action: Approved. Prior to release, language in the pilot handout must be reviewed and approved for wording and content by the appropriate FAA office. The content of the pilot handout is subject to specific approval by appropriate FAA officials.

Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:
None. This is a new measure introduced in 2015.

PM-4. Post framed, weatherproof, large scale versions of pilot handout on the airside at the FBO and airline terminal

It is recommended that KWIA provide a framed, weatherproof, large scale version of the pilot handout to the FBO to be posted on the airside where it can be seen by pilots as they enter and exit the FBO, as described in Section 10.4. It is also recommended that KWIA post a framed, weatherproof, large scale version of the pilot handout on the airside at the airline terminal where it can be seen by commercial service pilots as they enter and exit the terminal, as described in Section 10.4.

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.
(NCP pages 10-3 – 10-4, 10-7 – 10-9)

2015 FAA Action: Approved. Prior to publication and release, the language in the large scale pilot handout must be reviewed and approved for wording and content by the appropriate FAA office. The content of the pilot handout is subject to specific approval by appropriate FAA officials.

Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:
None. This is a new measure introduced in 2015.

PM-6. Purchase and install lighted airfield information signs to promote use of voluntary noise abatement procedures

It is recommended that that KWIA purchase lighted information signs to be installed on the airfield to promote the use of noise abatement procedures, as described in Section 10.4. These signs will replace the existing signs. Prior to purchase and installation, the proposed language on signage must be reviewed and approved by the FAA. The signs must be designed and installed in accordance with FAA Advisory Circular 150/5340-18E, *Standards for Airport Sign Systems.*

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.
(NCP pages 10-3 – 10-4, 10-7 – 10-9)

2015 FAA Action: Approved. Prior to purchase and installation, the proposed language on signage, which must clearly indicate that the noise abatement procedures are voluntary, must be reviewed and approved by the appropriate FAA office and the signs must be designed and installed in accordance with current version of FAA Advisory Circular 150/5340-18, *Standards for Airport Sign Systems*, at the time of the request regardless of the funds source.

Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:
None. This is a new measure introduced in 2015.

PM-7. Establish a noise and flight track monitoring program by acquiring two portable noise monitors and an FAA-approved flight track monitoring system:

It is recommended that KWIA establish a noise and flight track monitoring program, and acquire two portable noise monitors and an FAA-approved flight track monitoring system, as described in Section 10.5. The noise and flight track monitoring system will not be used for enforcement purposes either by in-situ measurement of any preset noise thresholds or for mandatory enforcement of any voluntary noise abatement measure.

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.
(NCP pages 10-4 – 10-5, 10-7 – 10-9)

2015 FAA Action: Approved. However, for purposes of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes by in-situ measurement of any pre-set noise thresholds and shall not be used for mandatory enforcement of any voluntary measure.

Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:

None. This is a new measure introduced in 2015.

PM-8. Update noise contours as needed:

In order to identify and disclose any significant changes in the size or shape of the noise contours it is recommended that the County of Monroe update the KWIA noise contours for comparison to the *Year 2013 Existing Condition Noise Exposure Map*, if certain criteria are met as described in Section 10.6. These criteria can be monitored and documented using the noise and flight track monitoring system.

Eligibility for FAA funding will be determined by the FAA at the time the grant application is submitted for Federal funding consideration.
(NCP pages 10-5 – 10-9)

2015 FAA Action: Approved. Eligibility for FAA funding will be determined by the FAA in accordance with the current FAA Order 5100.38, *Airport Improvement Program (AIP) Handbook* when the grant application is submitted for consideration. The FAA requires sponsors update their NEMs in accordance with 14 CFR Part 150.21(d)(1) – (4). The Sponsor is not precluded from using local funds for projects determined to be ineligible for FAA funding.

Measure History:

In the Original NCP the Sponsor submitted this measure for FAA approval:

> ***Update Noise Contours Annually.***
> *In order to monitor compliance with the avigation easement noise level limit in measures 3 and 4 above, it is recommended that the County of Monroe update the Key West International Airport noise contours annually for comparison with the Year 2003 Future Condition Noise Exposure Map, Without Program Implementation. (pgs 7-9, 7-10, 7-13, 8-4 and 8-6; Tables 7.2 and 8.1; and Figure 5.2).*

In its 1999 Record of Approval, the FAA approved this measure with no additional verbiage.

ATTACHMENT A

Attachment to 2015 ROA, 2014 NCP Update, Key West International Airport, Key West Florida (EYW):

Previously Existing and New NCP Measures for which the Sponsor Requests no 2015 FAA Action

PREVIOUSLY ADDRESSED OPERATIONAL MEASURES

(1999 NCP) Conduct a Part 161 analysis of an access restriction prohibiting the operation of non-Stage 3 jet aircraft weighing less than 75,000 pounds at the airport.
An FAR Part 161 analysis is recommended to further study an access restriction prohibiting the operation of non-Stage 3 private/corporate jet aircraft weighing less than 75,000 pounds maximum gross weight at Key West International Airport to reduce existing noncompatible land uses and impacted populations. The access restriction to be studied includes a transition program that would initially prohibit such aircraft operations between the hours of 9:00 p.m. and 7:00 a.m. Two years later, all such operations would be prohibited from operating at the airport. This access restriction is not being recommended as an operational noise abatement measure at this time. The access restriction is recommended for further study, a Part 161 analysis, and integration into a Part 150 update. (pgs. 6-5 to 6-7, 8-1 and 8-6; Tables 6.2 and 8.1; and supplemental information dated 02/09/99).

1999 FAA Action: Disapproved for purposes of Part 150. With full implementation of the land use measures in this NCP, the airport operator can accomplish 100 percent compatible land uses within the DNL 65dB contour. The proposal to perform a FAR Part 161 study is not considered to be an eligible noise project under Part 150 because it does not meet criteria described in FAA's policy statement issued in the Federal Register on September 16, 1996. More specifically, the Part 161 proposed study does not meet Part 150 approval criteria of reducing noncompatible land uses beyond achievements gained by the nonrestrictive measures that are approved in this NCP. This disapproval for purposes of Part 150 does not preclude the airport operator from pursuing a Part 161 analysis outside the scope of the Part 150 process.

(1999 NCP) Conduct an FAR Part 161 analysis to further study an access restriction prohibiting aircraft from operating at the airport between the hours of midnight and 6:00 a.m.
An FAR Part 161 analysis is recommended to further study an access restriction prohibiting aircraft from operating at Key West International Airport between the hours of midnight and 6:00 a.m. to reduce neighborhood disturbance during these hours. This access restriction is not being recommended as an operational noise abatement measure at this time. The access restriction is recommended for further study, a Part 161 analysis, and integration into a Part 150 update. (pgs. 6-10 to 6-12, 8-2 and 8-6; Tables 6.2 and 8.1; and supplemental information dated 02/09/99).

1999 FAA Action: Disapproved for purposes of Part 150. With full implementation of the land use measures in this NCP, the airport operator can accomplish 100 percent compatible land uses within the DNL 65dB contour. The proposal to perform a FAR Part 161 study is not considered to be an eligible noise project under Part 150 because it does not meet criteria described in FAA's policy statement issued in the Federal Register on September 16, 1996. More specifically, the Part 161 proposed study does not meet Part 150 approval criteria of reducing noncompatible land uses beyond achievements gained by the nonrestrictive measures that are approved in this NCP. This disapproval for purposes of Part 150 does not preclude the airport operator from pursuing a Part 161 analysis outside the scope of the Part 150 process.

NEW OPERATIONAL MEASURES FOR WHICH FAA ACTION IS NOT REQUESTED

(2015 NCP) OM-1. Voluntary use of Ground Power Units when time and safety Permit.
It is recommended that aircraft make voluntary use of available Ground Power Units (GPUs) in place of the on-board aircraft Auxiliary Power Units (APUs) when time and safety permit, as described in Section 8.2.1. The use of GPUs may reduce ground noise associated with the operation of the airport, and will reduce air emissions and fuel usage by aircraft.

(2015 NCP) OM-2. Continue use of designated aircraft run-up locations.
It is recommended that Key West International Airport continue use of the designated run-up locations as described in Section 8.2.2.

(2015 NCP) OM-3. Voluntary use of intersection departures on Runway 09.
It is recommended that aircraft departing from Runway 09 use an intersection departure at Taxiway C, safety, weather and aircraft performance permitting, as described in Section 8.3.1. The use of the Taxiway C intersection departure will reduce departure noise at noise sensitive locations west of Runway 09.

(2015 NCP) OM-4. Continue use of a wide variety of flight paths on approach to Runway 09.
It is recommended that smaller aircraft continue to use a variety of flight paths during daytime hours as they approach to land on Runway 09, as described in Section 8.4.2.

(2015 NCP) OM-5. Voluntary southerly helicopter arrival and departure tracks.
It is recommended that rotary wing aircraft (helicopters) depart and arrive to the south to avoid low overflights of noise sensitive land uses directly north of the airport, as described in Section 8.4.3. The helicopters have the ability to safely operate at altitudes below those at which the NASKW aircraft are transitioning through the airspace, and as a voluntary measure, would not apply to the "first responder" helicopter operations that occur at KWIA.

(2015 NCP) OM-6. Adherence to voluntary practices for air tour and aerial advertising flights.
It is recommended that pilots of all air tour and/or aerial advertising flights adhere to the voluntary practices set forth in FAA AC 91-36D and/or the Community Operational Sensitivity standards included in the "Aerial Media Code of Conduct," as described in Section 8.4.4.

(2015 NCP) OM-7. Continue voluntary avoidance of direct flight over Key West by the Sea Condominiums by pilots of air tours and aerial advertising flights.
It is recommended that KWIA continue to discourage pilots of air tours and aerial advertising flights from flying directly over Key West by the Sea Condominiums, as described in Section 8.4.4.

(2015 NCP) OM-8. Continue voluntary use of noise abatement arrival and departure procedures.
It is recommended that KWIA continue to encourage pilots to use the voluntary NBAA close-in noise abatement departure procedure. Further, it is recommended that VFR aircraft continue the voluntary use of specific departure procedures requiring maintaining runway heading until reaching the airport boundary. In addition, it is recommended that the appropriate arriving and departing aircraft use voluntary propeller and power adjustments, as safety allows. These measures are described in Section 8.5.3.

(2015 NCP) OM-9. Continue voluntary curfew of aircraft activity between 11:00 p.m. and 7:00 a.m.
It is recommended that KWIA continue to encourage pilots to observe the voluntary curfew on aircraft activity between 11:00 p.m. and 7:00 a.m. as described in Section 8.5.5.

NEW LAND USE MEASURES FOR WHICH FAA ACTION IS NOT REQUESTED

(2015 NCP) LU-8. Work with the City of Key West to adopt policies to encourage compatible development.
As described in Section 9.4.1, the Airport Sponsor and the City of Key West agreed to work together to adopt policies to encourage compatible development around the Key West International Airport. The proposed policies would require new (or substantial improvement to existing) noise-sensitive structures located within the DNL 65+ dB noise contour to incorporate noise attenuation measures to achieve appropriate outdoor-to-indoor Noise Level Reduction (NLR). These measures can be incorporated into the design and construction of certain types of buildings, such as homes, schools, hospitals, and churches. For sites that fall between the DNL 65 and 70 dB contours, the recommended NLR is a minimum of 25 dB. For sites that fall between the DNL 70 and 75 dB contours, the recommended NLR is a minimum of 30 dB.

NEW PROGRAM MANAGEMENT MEASURES FOR WHICH FAA ACTION IS NOT REQUESTED

(2015 NCP) PM-2. Continue holding meetings of Monroe County's Ad-Hoc Committee on Noise.

It is recommended that Monroe County and KWIA continue holding meetings of the Ad-Hoc Committee on Noise, as described in Section 10.3. The Ad-Hoc Committee on Noise has been a valuable forum for interacting with the public and disseminating information about KWIA's noise program. Ad-Hoc Committee meetings provide the public with an opportunity to express their viewpoints, ideas and concerns about aircraft noise resulting from aircraft operations to and from Key West International Airport.

(2015 NCP) PM-5. Subscribe to Whispertrack™ to facilitate distribution of voluntary noise abatement procedures.

It is recommended that KWIA purchase a subscription to Whispertrack™ to facilitate distribution of voluntary noise abatement procedures, as described in Section 10.4.

T • H • C
Improving Your Community

February 2, 2015

Selection Committee
Monroe County Purchasing Department
1100 Simonton Street, Suite 2-213
Key West, FL 33040

RE: Statement of Qualifications to Provide Professional Services for the Implementation of Multiple Phases of the Noise Insulation Program at Key West International Airport
RFQ-5-0-2015/ec

Dear Selection Committee Members,

THC, Inc. (THC) is pleased to submit our Statement of Qualifications to Monroe County to provide professional services for the implementation of multiple phases of the Noise Insulation Program at Key West International Airport. With a proven track record of successfully implementing noise mitigation programs for airports around the nation, ***including Phase 3 through Phase 7 of the Key West International Airport Noise Insulation Program (NIP)***, the THC team is dedicated to continuing the successful implementation of all subsequent phases of the Noise Insulation Program for Key West International Airport, Monroe County and program participants.

THC has recruited the same core team of highly qualified firms who have offered the very best program management services over the past eight years at Key West International Airport. Each THC core team member previously worked together to successfully manage Phase 3 through Phase 7 of the NIP and the treatment of 316 homes. Throughout the eight year period, the THC team achieved a high degree of overall success, earning a **98%** Noise Insulation Program and **97%** THC team satisfaction rating from property owners who answered THC's *Post-Modification Homeowner Questionnaire* distributed after the completion of each NIP phase.

Leading the THC team is ***Steve Vecchi, Director of Sound Insulation Services for THC*** who will provide executive leadership as Project Manager for the Noise Insulation Program at Key West International Airport. With 36 years of experience as both an airport noise manager and consultant on acoustical treatment programs, Mr. Vecchi is nationally recognized as an industry expert and will continue to provide Key West International Airport with the best processes and methods for ensuring program success. As Project Manager, he will oversee the THC team and serve as a liaison to Monroe County, Key West International Airport and the local noise-impacted community. ***Ed Rogers, Assistant Project Manager/Construction Manager for THC***, has 26 years of construction management experience that includes sound insulation and he will serve as Assistant Project Manager to Mr. Vecchi.

Assisting THC once again are personnel from ***The Sun Group, Inc., Landrum & Brown, Inc., Jones & Conde, LLC, EE&G Environmental Services, LLC*** and ***First American Title Insurance Company.*** Nearly all members of the THC team have worked together since Phase 3 of the NIP at Key West International Airport and this joint experience offers Monroe County staff and Key West International Airport the following THC team advantages:

1. Unmatched Key West NIP management experience, accumulated over an eight year period with NIP Phases 3, 4, 5, 6 & 7, and all THC core team members returning to serve on the subsequent NIP Phases.

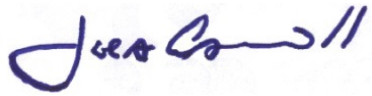
1755 North Brown Road, Suite 125, Lawrenceville, GA 30043
Phone *678.735.5190* Fax *770.495.2384* *www.thcinc.net*

2. Previously developed effective NIP methods and procedures that contributed to the success of NIP Phases 3-7.
3. THC and Landrum & Brown are currently leading the nation in the new FAA Eligibility Determination and Noise Testing process, utilizing eligibility noise testing methodologies developed for the Hartsfield-Jackson Atlanta and Fort Lauderdale-Hollywood airport sound insulation programs over the last 2.5 years. In addition, THC and L&B have developed eligibility determination master plans for San Antonio International Airport's Acoustical Treatment Program and the Port of Seattle Sound Insulation Program. This unmatched experience will be a crucial component to the success of the NIP at Key West International Airport.
4. Excellent knowledge of FAA Part 150 noise regulations, Florida Building Codes, 'hurricane rated' acoustic products and construction techniques for Florida dwellings.
5. Customized database developed by THC for the previous NIP Phases will be employed to manage future phases; no development costs necessary.
6. Well-established partnerships with Key West and Monroe County officials, community leaders and airport management.
7. Familiarity of Key West neighborhoods that positions the THC team to provide exceptional customer service to participating property owners.
8. Experience with multiple Noise Insulation Programs around the country that will bring new ideas to the upcoming phases of the NIP.
9. Streamlined Design team with only one local Architect to enhance efficiency and provide cost savings.

The upcoming Phases will include a wide array of building types, requiring a consultant team with an expert level of program management, design and acoustical testing experience. To meet this demand, the THC team will provide Monroe County with an unmatched level of NIP historical knowledge, established Key West partnerships, past NIP design excellence, two+ years of experience performing eligibility noise testing per newly released AIP Handbook 5100.38D, Appendix R guidelines, and innovative NIP program processes and documents. This unique team experience will provide Monroe County with the most qualified firms to lead the implementation of the upcoming NIP Phases at Key West International Airport.

We invite the selection committee to review our team qualifications, key personnel, relevant experience and project approach. The THC team looks forward to continuing to provide Monroe County staff, Key West International Airport and program participants with outstanding customer service and efficient business practices that define our mission to always "*do the right thing*".

Sincerely,



Joe A. Carroll
President
THC, Inc.

Airport Noise Report

A weekly update on litigation, regulations, and technological developments

Volume 27, Number 4 January 30, 2015

East Hampton Airport

HELICOPTER COALITION GOES TO COURT TO BLOCK LOOMING NOISE RESTRICTIONS

With the Town of East Hampton, NY, poised to announce noise restrictions for its airport next week, a coalition of helicopter pilots and firms took legal action on two fronts yesterday seeking to block it.

The coalition – under the banner Friends of the East Hampton Airport, Inc. – sued the Federal Aviation Administration in U.S. District Court asserting that the agency cannot abdicate its responsibility to ensure that East Hampton Airport complies with federal grant assurances requiring the airport to be operated "on reasonable conditions and without unjust discrimination."

The coalition also filed a Part 16 complaint with the FAA asserting that the Town of East Hampton "has neglected its duty to maintain the Airport in a safe and efficient manner, has reduced the safety and utility of the Airport by abandoning one runway, and has misused Airport funds and imposed illegal rates and charges, all in violation of the applicable grant assurances."

The lawsuit against FAA focuses of the agency's interpretation of a 2005 Settlement Agreement with a group seeking to block expansion of East Hampton Airport

(Continued on p. 14)

Phoenix Sky Harbor Int'l

FAA WILL NOT ROLL BACK RNAV DEPARTURE BUT WILL ADD CITY TO PBN WORKING GROUP

The Federal Aviation Administration will not roll back an RNAV departure procedure at Phoenix Sky Harbor International Airport that is causing widespread noise complaints, FAA Administrator Michael Huerta told Phoenix City Manager Ed Zuercher in a Jan. 22 letter.

But Huerta said he will reconvene the Performance Based Navigation Working Group that developed the RNAV to see if the procedure can be revised to mitigate the noise problem and will add a representative from the City of Phoenix Mayor's Office to the working group.

However, the FAA Administrator told Phoenix officials that making changes to the RNAV procedure "is not as simple as turning one procedure off and turning another one on, and designing and developing possible adjustments will not be a simple or quick process."

"We recognize communities around the airport have concerns about the noise generated by some of the new procedures," Huerta wrote. "After becoming aware of this issue, FAA quickly took steps to ensure aircraft remained for a greater distance on the charted departure routes, which are designed to fly over an industrial

(Continued on p. 16)

In This Issue…

East Hampton ... A coalition of helicopter pilots and companies takes legal action on two fronts in an effort to block the East Hampton Town Board from imposing noise restrictions at East Hampton Airport - p. 13

Phoenix Sky Harbor Int'l ... FAA reconvening PBN working group and adding city officials in effort to mitigation noise caused by RNAV departure - p. 13

Annoyance Survey ... FAA announces that it plans to award HMMH a contract for annoyance research - p. 14

Heathrow ... Airport 'Blueprint for Noise Reduction' includes 10 measures sought for Heathrow, including encouraging airlines to phase out Stage 3 aircraft earlier than planned - p. 15

Chicago O'Hare Int'l ... ONCC nominates new chairwoman to replace Arlene Mulder but FAiR coalition questions whether Mulder ally represents change - p. 17

E. Hampton, from p. 13

under which the FAA agreed to stop enforcement of federal grant assurances requiring the airport to be operated without unjust discrimination on Dec. 31, 2014. The normal term of the 20-year grant assurances would have expired on Sept. 25, 2021.

"… the FAA has stated in writing to Congressman [Timothy] Bishop that the Town of East Hampton need not comply with the Airport Noise and Capacity Act's procedural requirements unless it wishes to remain eligible for the receipt of future federal funding," the coalition told the Court.

FAA's refusal to enforce the mandatory requirements of the Airport and Airway Improvement Act of 1982, which imposed grant assurances, and ANCA with regard to East Hampton Airport "constitute not only unlawful abdication by Defendants of their statutory duties, but also an arbitrary and capricious policy adopted by Defendants with regard to East Hampton Airport that contravenes the FAA's policies and practices of applying those same laws to other U.S. Airport," the coalition's complaint asserts.

"In reliance upon the FAA's stated position, which has created a law enforcement void, the Town of East Hampton has made clear in public statements that it intends to move forward with noise and access restriction for East Hampton Airport that the FAA – were it enforcing the AAIA – would in all likelihood prohibit, in whole or in part, as unjustly discriminatory and unreasonable.

"The Town of East Hampton has further made clear that it intends to accept the FAA's invitation to ignore ANCA by imposing noise and access restriction without the notice and comment period mandated by that statute," the coalition told the Court.

However, the coalition told the Court, "At least twice since the FAA executed the 2005 Settlement Agreement, it has affirmatively acknowledged that it lacks authority to waive or bargain away AAIA-mandated grant assurances in order to resolve pending litigation."

The coalition asked the Court to confirm that:

• FAA is required to ensure that the Town of East Hampton complies with the grant assurances at issue until Sept. 25, 2021;

• Neither the 2005 settlement agreement nor FAA's interpretation of it in the agency's correspondence with Rep. Bishop can be a lawful basis, in whole or part, for enforcing grant assurances; and

• FAA's stated position that the Town of East Hampton need not comply with ANCA is contrary to law.

In a prepared statement, the coalition said, it "is eager to work with the town, the FAA and our fellow residents to help resolve complaints related to noise, but we won't do it in a way that compromises safety or violates federal law. Unfortunately, the town has refused to change course and we are forced to take these and future actions to ensure that the airport remains safe, secure, and operational."

The legal action comes just prior to an East Hampton Town Board meeting next week on Feb. 3 at which the Board is expected to announce noise restrictions focusing on helicopter operations, which are the chief source of noise complaints.

East Hampton Airport is the terminal for helicopter ferry operations between Manhattan and vacation homes in the Hamptons on Long Island. These operations, and noise complaints about them, have spiked in the last year due to a new business model that allows cost sharing among passengers.

The case is *Friends of the East Hampton Airport, Inc. Analar Corporation, Helicopter Association International, Inc., Heliflite Shares LLC. Liberty Helicopters, Inc., and Shorline Aviation, Inc., v. FAA and Michael P. Huerta, FAA Administrator.*

It was filed in U.S. District Court for the Eastern District of New York on Jan. 29. No case number is available yet.

Contract Awards

HMMH TO GET SOLE CONTRACT FOR FAA ANNOYANCE RESEARCH

The Federal Aviation Administration intends to award a single contract to HMMH, Inc. to support the agency's aircraft noise and annoyance research, including a major survey of community annoyance to aircraft noise the agency plans to conduct this year to determine if DNL should remain its primary noise metric.

The FAA did not state the amount of the contract award.

In a Jan 27 Presolicitation Notice, FAA said that the William J. Hughes Technical Center "needs continual research to update the scientific evidence of the relationship between aircraft noise exposure and its effects on communities around airports."

HMMH "will conduct social surveys and collect noise data to measure subjective reactions to aircraft noise and characterize community noise exposure across a broad spectrum of airports with a wide range of aircraft noise exposure and responses."

FAA said the purpose of its announcement "is to inform industry of the basis of the FAA's decision to contract with a selected source via single source procedures."

HMMH is the developer of methodology for conducting social surveys and data analysis for the FAA, which is currently under review by the Office of Management and Budget (OMB), FAA said.

The methodology will be used to collect 12,140 annoyance survey responses at 20 U.S. airports "and is needed to successfully conduct the continual research and therefore cannot be obtained through any other known source."

HMMH brings the following essential data, experience, and capabilities to the program, the notice stated:

• Proprietary methodology already approved by the Federal Interagency Committee on Aviation Noise (FICAN);

• HMMH unique experience with the Airport Cooperative

Research Program (ACRP) baseline necessary to complete any future phases for aircraft noise exposure research projects for the FAA;

"Consequently," the announcement said, "HMMH has the knowledge and capabilities to efficiently support as required by this proposed procurement."

FAA said the contract will not be awarded on a competitive basis.

"If your firm does not agree with this single source determination, please provide evidence of you firm's capabilities and experience in providing the above services. The FAA will evaluate this accordingly."

All responses to the Presoliciation must be directed to Kenneth W. Hitchens not later than 5 p.m. Eastern Standard Time on Jan. 30.

Hitchens' e-mail address is Ken.Hitchens@faa.gov; fax number is (609) 485-4088.

Heathrow Airport

HEATHROW ISSUES BLUEPRINT FOR REDUCING NOISE IMPACT

Heathrow Airport officials recently announced a "Blueprint for Noise Reduction" that accelerates a broad range of noise reduction measures included in Heathrow's current five-year Noise Action Plan.

On Feb. 3, the UK Airports Commission will end its final consultation on the question of where to add a new runway in the London area: at Heathrow Airport or at nearby Gatwick Airport.

With the Airports Commission set to announce its decision this summer, Heathrow officials are adding as much to the record as they can to show that the new runway should be added at their airport. The Airports Commission is concerned about the noise impact of a new runway on nearby communtiies.

Heathrow's Blueprint for Noise Reduction includes the following 10 measures developed in response to input from local communities:

• **Early phase-out of Chapter 3 (Stage 3) aircraft –** In an effort to become the first large European airport to be completely free of Chapter 3 aircraft, Heathrow will encourage airlines to phase out their Chapter 3 aircraft sooner than planned.

Early this year, the airport plans to begin a round of consultations on incentives to meet that goal, such as further increases in Chapter 3 aircraft landing charges;

• **Fitting quiet technology to A320s –** Heathrow will investigate financial and other incentives it can offer operators of Airbus A320s to encourage them to adopt new technology to reduce the distinctive high-pitched whistling sound A320s make when they are about 10 to 25 miles from touchdown.

It is now possible to retrofit a component of A320s to reduce the noise from each aircraft by around 6 dB, Heathrow said;

• **Campaign for quiet approaches –** Heathrow will work with NATS, the UK air navigation services provider, and other Sustainable Aviation partners to target the dozen worst-performing airlines at Heathrow to get them to do more use continuous descent approaches;

• **Campaign to delay lowering of landing gear –** Heathrow is talking to airlines to encourage consistency in how and when airlines deploy landing gear.

There are no hard and fast rules for when to deploy land gear; that is the pilot's decision. But Heathrow officials said they know there is a lack of consistency in lowering landing gear between airlines operating the same aircraft type and, sometimes, within the same airline.

"We're keen to understand how inconsistencies occur and what we can do to reduce them," airport officials said.

• **Exploring steeper angles of descent –** At Heathrow, aircraft come in to land at an angle of 3 degrees. "We believe that 3.25 degrees would be just as safe, yet noticeably quieter," Heathrow said.

"To prove our point, in September 2015 we'll be working with airlines to trial steeper angles of descent. Our long-term aim is to incorporate steeper angles of descent in our proposals for redesigning the Heathrow airspace as part of the Government's Future Airspace Strategy."

• **Better distribution of night-time landing noise –** "At night and in the early morning we have more scope for using runway alternation to share the noise (and relief from noise) of arriving aircraft among neighboring communities," the Blueprint notes.

"We like to spread runway use as evenly as possible. In practice this is not so easy because the direction of approach – from east or west – is dependent on wind direction and strength. Aircraft safety comes first.

"However, we think we can achieve a fairer distribution. In 2015 we will work with NATS to explore ways of distributing the burden and the relief more evenly between our two runways and our two east/west directions of approach."

• **Completion of schools' double-glazing program –** Heathrow officials agreed to accelerate their school sound insulation program in order to complete it by this April. By then, 44 schools in the London Borough of Hounslow, where most of the schools impacted by Heathrow noise are located, will have improved sound insulation;

• **More adobe buildings in local primary schools –** In 2014, Heathrow launched a program to provide quiet outdoor learning spaces for 21 primary schools in the airport's high noise zone. These adobe buildings hold up to 30 pupils in a single space.

Thus far, four adobe buildings at four schools have been funded with a positive reaction from teachers and students. By this summer, Heathrow will have funded adobe buildings for another two schools. All 21 schools will have their funding in place by 2019. Construction is subject to planning permission;

• **Bigger fines for noisy departures –** Since the 1990s, Heathrow has fined airlines for breaking its departure noise limits. All funds generated by the noise fines go straight back to the local community through the Heathrow Community Fund.

Heathrow used to fine airlines £500 ($752) for exceeding noise limits by less than 3 decibels and £1,000 ($1,505) for exceeding by 3 decibels or more.

Last October, the airport made the fines much steeper: £500 ($752) for each decibel over the limit during normal operational hours (07:00 to 23:00); £1,500 ($2,258) for each additional decibel at the beginning and end of the day (the night shoulder periods: 06:00 to 07:00 and 23:00 to 23:30); and a hefty night-time surcharge of £4,000 ($6,021) for each additional decibel between 23:30 and 06:00;

• **Campaign to reduce late departures –** The last scheduled flight of the day leaves its stand at Heathrow at 10:50 p.m. Airport officials are working with NATS to reduce the operational bottlenecks that lead to delays and late flights. They keep a record of all late-departing aircraft in order to track and work with the least punctual airlines.

"If necessary, we'll refuse them permission to depart after 23:30 p.m.," the Blueprint states.

Phoenix, from p. 13

area instead of residential communities to the east. We're continuing to work with aircraft operators to ensure the procedures are being flown as intended. FAA representatives also attended two public meetings to receive input from residents and elected officials."

"The City of Phoenix is an important player in this process [of implementing the RNAV] and we want city representatives to be part of this process," Huerta wrote.

ANR asked FAA why city officials were not included on the RNP Working Group when it was first convened. The agency has not yet replied to that question.

The FAA Administrator's letter was sent a day after he met at FAA headquarters in Washington, DC, with Phoenix Mayor Greg Stanton and U.S. Rep. Ruben Gallego (D-AZ) to discuss the noise problem caused last September when FAA implemented the new RNAV departure, which takes aircraft over renovated historic neighborhoods of Phoenix angering residents below and prompting fears of property devaluation and loss of quality of life.

The RNAV noise problem is a major issue in Phoenix receiving constant press coverage and attention.

'Beyond Disappointed in FAA's Decision'

"We are beyond disappointed in the FAA's decision" to not roll back the RNAV departure," Phoenix City Councilwoman Laura Pastor and Councilman Michael Nowakowski said in a joint statement issued Jan. 23.

"At the Dec. 16 Phoenix City Council policy meeting, we teamed up to make and second a motion – which the Phoenix City Council unanimously approved – to direct staff to require the FAA to return to the original flight paths and procedures and to defend this position to the fullest extent.

"Therefore, we believe the city's discussions should now include evaluation of our options to defend this motion including litigation and moving forward with a formal complaint with the National Historic Preservation Association.

"The creation of a technical team to evaluate other options may produce positive outcomes, but our fear remains that the potential solutions may mitigate the problem for one community only to increase the frustrations for another.

"These changes were not discussed with our community before implementation, and the impact has been unconscionable. The city of Phoenix and the federal government have spent millions of dollars to remediate business, schools and homeowners for the previous flight paths.

"The decision not to return to the original flight paths demonstrates a blatant disregard for our communities' quality of life, residents' pride in home ownership and our revitalization efforts to the downtown area."

Phoenix Mayor Stanton said that although he supports NextGen's goals, flight path changes should be made through a process that includes local input — especially when it negatively impacts residents and neighborhoods.

"I am encouraged that the FAA will begin the process to change the path that is disruptive to Phoenix neighborhoods," Stanton said. "I'll continue to push this issue and pressure the FAA to do what's right until we have a solution that works for our residents."

Much of the raw anger expressed by Phoenix political leaders and resident has focused on the fact that they had not been informed of the flight path changes before they were instituted.

At their mid-December meeting, City Council members directed City Manager Ed Zuercher to request the FAA to release all documents related to the RNAV departure.

Phoenix Aviation Department officials were aware that FAA planned to implement an RNAV departure procedure at Sky Harbor but thought it was only in the draft stages and were also surprised when it was implemented.

Gallego Joins Quiet Skies Caucus

Following his meeting with the FAA Administrator last week, Rep. Gallego joined the congressional Quiet Skies Caucus, which was formed last fall (26 ANR 126) to raise awareness on the issue of aircraft noise and to work to find meaningful solutions.

"Aircraft noise is increasingly becoming a problem in cities across the country - including my city of Phoenix, Ari-

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zona. The FAA flight path changes in and out of Sky Harbor Airport created significant levels of noise pollution – disrupting the day-to-day lives of thousands of people and their ability to live and rest peacefully within their own home. Members of my community are rightfully outraged," said Rep. Gallego.

"I'm happy to join the Quiet Skies Caucus to discuss possible solutions to this important issue and work to restore tranquility and peace of mind to the people of Phoenix."

Meanwhile, the airport consulting firm Landrum & Brown has been hired by the City of Phoenix to facilitate public meeting on the RNAV departure and to conduct noise measurements in the communitites affected by the noise impact.

Chicago O'Hare Int'l

FAIR TAKES 'WAIT AND SEE' APPROACH WITH NOMINATED CHAIR OF ONCC

The ad hoc nominating committee of the O'Hare Noise Compatibility Commission (ONCC) has selected Mount Prospect, IL, Mayor Arlene A. Juracek to serve as chair of the O'Hare Noise Compatibility Commission, the ONCC said Jan. 29.

If elected at the commission's annual meeting on March 13, Juracek will replace former Arlington Heights Mayor Arlene Mulder, who announced Jan. 6 that she would not seek reelection as ONCC chair (27 ANR 6).

Mulder, who had led the ONCC since its inception in 1993, had been under pressure to step down by the community group Fair Allocation in Runways (FAiR) and the Suburban O'Hare Commission (SOC), a group of 11 governmental entities in surburban Cook and DuPage Counties.

FAiR and SOC alleged that Mulder had not be aggressive enough in demanding mitigation of aircraft noise caused by a major runway realignment at O'Hare and opening of a new runway in 2013.

In a prepared statement, FAiR said it will take a "wait and see approach" to the selection of Mayor Juracek to replace Mulder.

"FAiR stands ready to work with all who want to solve the O'Hare problem," the community group said in a statement. "Our position is that we expect Mayor Juracek to be ready to actively engage with citizens and civics to ensure FAiR has a real seat at the table.

"On the surface, Mayor Juracek does not represent a change from the old leadership. We are aware that Mayor Juracek was a close ally of former ONCC Chairwoman Mulder and so we will take a wait and see approach if she actually delivers on involving impacted communities in both the city and the suburbs."

AIRPORT NOISE REPORT

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Airport Noise Report

A weekly update on litigation, regulations, and technological developments

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Budget

OBAMA'S 2016 BUDGET SEEKS TO INCREASE PFC TO $8 TO OFFSET $450 MILLION CUT TO AIP

President Obama's 2016 budget request calls for an increase in the Passenger Facility Charge from $4.50 to $8 per enplanement to offset a proposed $450 million cut in grant-in-aid to airports.

Under the budget request, the Airport Improvement Program would be funded at a level of $2.9 billion in FY 2016, down from the $3.35 billion estimated funding level in FY 2015.

The FY 2016 budget request also would:

• Fund NextGen at a level just under $61 billion, up one billion from the estimated FY 2015 funding level;

• Fund the Federal Aviation Administration at a level of $9.915 billion, an increase of $174 million over the FY 2015 estimated funding level; and

• Fund the Airport Cooperative Research Program at a level of $15 million.

The cut in funding for the AIP Program to $2.9 billion would be offset in part by eliminating passenger and cargo entitlement funding for large hub airports.

Airport noise mitigation programs are funded by both AIP and PFC revenue.

(Continued on p. 19)

East Hampton Airport

FOUR RESTRICTIONS PROPOSED, INCLUDING NIGHT CURFEW, WEEKEND HELICOPTER BAN

East Hampton Town Councilwoman Kathee Burke-Gonzalez proposed Feb. 4 that the Town implement four restrictions on the use of the East Hampton Airport in order to reduce noise impact on the community:

• A mandatory nighttime curfew, from 11pm to 7am;

• An extended curfew on noisy aircraft, from 8pm to 9am;

• A ban on all helicopters on weekends during the summer season (May-Sept.);

• A limit on operations by noisy aircraft of one trip (one arrival and one departure) per week during the summer season.

"Noisy aircraft" are defined as follows: If EPNdB ratings are published by U.S. or international regulatory bodies, noisy aircraft are those with approach levels ≥ 91.0 EPNdB. For aircraft with no published EPNdB rating, then noisy aircraft are those with published flyover levels ≥ 81.0 SEL or Lmax.

East Hampton's proposed local law follows several years of analyses, studies, public outreach as well as community meetings, technical outreach, and discussions with stakeholders. The Town also appointed several citizens committees to assist it.

The latest technical analysis of the proposed restrictions, which was presented

(Continued on p. 20)

In This Issue…

Budget ... In his FY 2016 budget request, President Obama seeks an increase in PFC rates from $4.50 to $8 per enplanement in order to offset a $450 million cut in AIP grants; NextGen funding would be increased to $61 billion - p. 18

East Hampton Airport ... Town Board proposes four carefully-crafted aircraft noise restrictions, including a ban on weekend helicopter operations in the busy summer season - p. 18

Heathrow Airport ... Some 160,000 homes around airport would be sound insulated at an estimated cost of $1.056 billion if Heathrow is selected this summer as the site for new runway in the London area, airport officials announce - 19

NextGen ... N.O.I.S.E. applauds "CBS This Morning" for its recent broadcast highlighting the noise impact of flight path changes being made under NextGen - p. 20

Budget, from p. 18

"To assist those airports that need the most help, the Administration proposes to focus Federal grants to support smaller commercial and general aviation airports that do not have access to additional revenue or other outside sources of capital," the budget document explains.

"The Budget also proposed to allow all commercial service airports to increase the non-Federal Passenger Facility Charge, thereby giving airports greater flexibility to generate their own revenue.

"The combination of these changes to the AIP and PFC program will allow airports to effectively transition to the reduced AIP level without hindering their ability to meet existing capital needs of the national airport system," the Obama Administration said.

ACI-NA Pleased with PFC Increase

"We are pleased that the President's vision for transportation includes the key airport priority of a long-overdue modernization of the Passenger Facility Charge," said ACI-NA President and CEO Kevin M. Burke.

"Giving airports the flexibility and local control they need to implement a PFC level appropriate for their community's needs is an important first step in spurring competition in the airline industry and in helping our nation's airports remain competitive with the rest of the world."

ACI-NA's most recent Capital Needs Study found that U.S. airports need over $15.14 billion annually for infrastructure improvements that will modernize aging runways and terminals, relieve congestion and delays, and spur new airline competition – far more than the $6.2 billion that airports received last year in both Passenger Facility Charges (PFC) and the Airport Improvement Program (AIP).

While the President's budget proposal calls for updating the PFC to $8.00 per enplanement, it also would cut funding for AIP, which is a key source of capital improvement and infrastructure funding for mid-sized and smaller, regional airports.

"We are disappointed that while this proposal modernizes the PFC, it appears to do so at the expense of AIP," continued Burke. "A significant cut like this in AIP funding ultimately hurts medium- and small-sized airports that depend the most on this grant funding for necessary capital improvement projects. We look forward to working with the President and Congress during FAA Reauthorization this year; to modernize the PFC for all airports and safeguard AIP because pitting large hubs against smaller, regional airports for limited resources is not a productive long-term solution for ensuring the global competitiveness of America's aviation system."

Airlines Say PFC Increase Is Unnecessary

Airlines for America (A4A) called the Obama Administration's proposed PFC increase "unnecessary because airports have ample funding resources without dramatically increasing a tax on airline passengers."

A4A said that 2014 PFC collections have rebounded to a record high level of $2.9 billion.

"According to U.S. airports' financial reports filed with the Federal Aviation Administration, they have more than $11 billion of unrestricted cash and investments on hand," A4A said in a Feb. 3 statement.

"All U.S. airports rated by Standard & Poor's enjoy investment-grade credit ratings, which ensure ample access to the bond market to fund necessary airport capital projects. Bonds remain the primary funding source for airport capital projects, and to our knowledge, no airport has been prevented from securing bond funding for needed improvements.

"With an uncommitted balance of $6 billion in the Airport and Airway Trust Fund, the highest level since 2001, funding for the Airport Improvement Program is secure and will continue to provide federal, taxpayer supported funding for airport projects.

The Republican-controlled House and Senate Aviation Subcommittees have not yet commented on the proposed PFC increase.

Heathrow Airport

160,000 HOMES TO BE INSULATED IF HEATHROW GETS NEW RUNWAY

Heathrow Airport is proposing to spend an estimated $1.056 billion to insulate over 160,000 homes around Heathrow Airport if it is selected this summer as the site for a new runway in the London area.

Currently more than 40,000 homes around Heathrow are eligible for some form of sound insulation.

On Feb. 2, airport officials proposed a new sound insulation scheme based on two newly designated insulation zones (60+ Lden and 55-59 Lden). Residents would be eligible for insulation regardless of whether they experience noise under existing flight paths or will be newly affected by noise from a new runway.

Lden is the preferred European measure of noise, and stands for the level of noise during the day, evening, and night. This measurement includes an additional weighting for noise during the evening and at night when it can be more disturbing.

Under the proposed scheme, homes in the designated zone closest to the airport with higher levels of noise (60+ Lden) stand to have the full costs of their noise insulation covered by the airport. In addition, up to £3,000 ($4,527) in noise insulation would be offered to homes farther away from the airport (55-59 Lden contour).

A third party assessment, free of cost to homeowners, would be made to determine the extent of each home's needs within the eligible insulation zones.

The full sound insulation package includes acoustic double glazing in windows, ceiling overboarding in bedrooms, and loft insulation and ventilation.

The improved sound insulation package follows public consultations last summer and fall in which people said that:

• The noise contours the airport uses should better reflect the actual noise levels experienced by local people;

• A new insulation approach should treat people equally, whether they are already exposed to noise or newly exposed to noise; and

• The £250 million ($382 million) previously earmarked for noise and property compensation through expansion would not be sufficient.

'Above and Beyond' Policy Requirements

"This noise insulation offer goes above and beyond UK policy requirements, expands on Heathrow's previous proposals, and is comparable to those offered by other European hub airports," Heathrow officials said.

In total, Heathrow estimates that over £700 million ($1.056 billion) could be spent through the proposed insulation package, an increase of over £450 million ($679 million) from that previously offered by Heathrow in May 2014 (26 ANR 62).

"We designed the new approach to expanding Heathrow to minimize noise to local residents but we also need to mitigate the impact on those who are still affected," said Heathrow's Chief Executive John Holland.

"Today's announcement does that and is based on the feedback we have received from local residents over the last few months; it will reduce the impact of noise, and treat local people fairly. Now we want to work with local communities to ensure that the opportunities from expansion – up to 40,000 new skilled jobs at Heathrow, 10,000 apprenticeships, tackling youth unemployment – benefit those who are most affected by expansion."

Heathrow's sound insulation offer is subject to government policy support and regulatory approval.

Said John Stewart, head of Heathrow Airport Committee on Airport Noise (HACAN), "There is no doubt that this is much more generous than anything we have seen before and it brings Heathrow into line with other major European airports. But it does show how eager the airport is to get a new runway. It also suggests that residents have been short-changed in the past."

Heathrow's Feb. 2 announcement that it is expanding its sound insulation program came one day before the end of the consultation by the Airports Commission into whether a new runway should be built at Heathrow or Gatwick. The Comission's decision will be announced this summer.

Last week, Heathrow announced that it is accelerating a broad range of noise mitigation measures, including operational measures (27 ANR 15).

The airport also announced recently that public support for a third Heathrow runway is growing. However, it has yet to release the flight paths aircraft using the new runway would follow. Communities insist they must be defined in order to estimate the real noise impact of a new runway.

Media

N.O.I.S.E. APPLAUDS CBS REPORT ON NEXT-GEN NOISE IMPACT

The National Organization to Insure a Sound-controlled Environment (N.O.I.S.E.) – an affiliate of the National League of Cities (NLC) – applauded "CBS This Morning" for its Jan. 30 broadcast highlighting the negative impacts of increased aviation noise on communities near airports.

Most recently, as noted in the CBS coverage, changes in and concentration of flight paths at many of our nation's airports are a result of the implementation of Performance Based Navigation (PBN) procedures as a part of the Federal Aviation Administration's updated air traffic control system known as NextGen.

N.O.I.S.E. said it "has long supported NextGen and its goal to increase efficiency and environmental benefits in our nation's airspace. However, N.O.I.S.E. strongly advocates for community education and engagement whenever policies are implemented that may potentially impact residents who live below changing flight paths.

"Our organization has long advocated for increased review and mitigation of noise impacts on airport-adjacent communities. We understand that there are meaningful environmental benefits that come with updated air traffic control technologies, however, we maintain that local engagement and collaboration with impacted communities is key to the successful and expeditious implementation of NextGen," said Aurora, CO, Council Member Brad Pierce, N.O.I.S.E. President and FAA NextGen Advisory Committee Member.

N.O.I.S.E. said it "will continue to work with national policy makers and aviation industry stakeholders to highlight the need and wisdom of community engagement when air traffic patterns are developed, changed or reviewed."

The CBS story can be downloaded at http://www.cbsnews.com/news/faa-new-air-traffic-control-system-nextgen-causing-major-noise-pollution/

E. Hampton, from p. 18

at a Feb. 4 Town Board Work Session, showed that the four proposed restrictions are closely tailored to the Town's needs, are no more restrictive than absolutely necessary, and are based upon objective data that supports the restrictions, Burke-Gonzalez said in a press release.

"These restrictions could substantially reduce the number of aircraft noise complaints while having a modest effect on the use of the Airport," she said.

That is key because in order to pass a court test, airport noise restrictions must be "reasonable, non-arbitrary and non-discriminatory."

The consulting firm Harris Miller Miller & Hanson (HMMH), which did the technical analysis of the proposed restrictions, reported that, combined, the four proposed rules

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would restrict types of aircraft at the times of the day, week, and year that are associated with the greatest number of complaints.

HMMH estimates that the four proposed rules will affect only 31 percent of all operations, while addressing 74 percent of all complaints.

"The Town Board recognizes the value of the East Hampton Airport to the community and does not want to impose any greater restriction than is necessary to achieve the Town's objectives," stated Burke-Gonzalez.

"Our next step is to have the BFAC (Budget & Financial Advisory Committee) analyze the proposed legislation to ensure that the Airport remains financially sustainable and is able to meet its capital needs. This is the very job that the BFAC Subcommittee was appointed to do. We expect to have those results before we vote to notice the legislation for public hearing, which is currently planned for the Tuesday, Feb. 10 Work Session."

"The Town Board has a public policy responsibility to protect residents from the adverse effects of aircraft noise. We need to strike a balance that ensures the peace, quiet, tranquility and health of our community while preserving for the community the benefits of aviation. We know that some well-funded opponents will sue us – some of them have already done that – but we will not be intimidated. We will do whatever it takes to protect this community and our quality of life," Burke-Gonzalez commented, in response to threats of litigation.

Said Town Supervisor Larry Cantwell, "People are entitled to the peaceful enjoyment of their homes and the quiet of the open space East Hampton has fought to protect. It is a fundamental reason why people want to live here and it is the basis of our local economy. The increasing footprint of noise and complaints threatens this balance."

Supervisor Cantwell encouraged residents and stakeholders to provide comments on the proposed local law and to attend the Town Board public hearing tentatively scheduled for March 5, 2015, at 4:30 pm. "This is an important opportunity for us to hear from all those affected by the restrictions," Cantwell noted. "We need to hear from both supporters and opponents alike before we take final action."

Final Town Board action is currently scheduled for mid-March.

Litigation Already Filed

A coalition of helicopter pilots and firms took legal action against East Hampton on two fronts the week before the Town announced its proposed noise restrictions (27 ANR 13). The coalition sued the FAA in U.S. District Court asserting that the agency cannot abdicate its responsibility to ensure that East Hampton Airport complies with federal grant assurances requiring the airport to be operated "on reasonable conditions and without unjust discrimination." The coalition also filed a Part 16 complaint with the FAA asserting that the Town "has neglected its duty to maintain the Airport in a safe and efficient manner."

AIRPORT NOISE REPORT

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A weekly update on litigation, regulations, and technological developments

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Noise Policy

FACT, SCIENCE-BASED APPROACH TO NOISE CRITICAL TO NEXTGEN, TRADE GROUPS SAY

It is critical to the implementation of NextGen that the Federal Aviation Administration stay the course in its "fact- and science-based approach" to addressing aircraft noise issues, eight aviation trade groups told FAA Administrator Michael Huerta in a Feb. 6 letter.

The letter was signed by the presidents of Airlines for America, the National Business Aviation Association, the Air Line Pilots Association, the Aerospace Industries Association, the Cargo Airline Association, the General Aviation Manufacturers Association, the Regional Airline Association, and the National Air Carrier Association.

Their strong endorsement of current FAA policy indicates that the trade groups are concerned about the increasing public and political pressure being placed on FAA to quickly mitigate noise problems caused by NextGen procedures, to accelerate the update of its noise policy, and to expand airport sound insulation program boundaries beyond the 65 DNL contour line at airports.

(Continued on p. 23)

Noise Policy

65 DNL WAS FAA POLICY DECISION BASED ON 1979 SCIENCE, LEGAL, NOISE EXPERTS SAY

ANR asked several experts in aviation law and acoustics and representatives of communities impacted by NextGen noise whether they agreed with the aviation trade groups' contention (reported above) that FAA's selection of 65 dB DNL as the threshold for residential land use compatibility around airports rests on sound science.

They do not agree.

"Anyone who asserts that the FAA's [65 dB DNL] standard for land use compatibility was established through an independent and objective scientific and technical exercise is either deceiving themselves or lacks a fundamental understanding of the relationship between science and public policy," Peter Kirsch of the Denver law firm Kaplan Kirsch & Rockwell, told ANR.

"In the United States, all pollution standards are (or should be) based upon a technical/scientific foundation but the ultimate decision as to an acceptable level is, ultimately a policy decision. There simply is no scientific or technical standard for what is acceptable: that is a policy decision.

"FAA made a policy decision in 1979 to establish a national noise threshold of

(Continued on p. 23)

In This Issue…

Noise Policy **...** Eight aviation trade groups tell FAA Administrator Michael Huerta that it is critical to the implementation of NextGen that FAA stay the course on its "fact- and science-based approach" to addressing aircraft noise issues. They assert that existing science supports FAA's use of the 65 DNL threshold for compatible residential use around airports and FAA noise assessment procedures - p. 22

... But experts in aviation law and acoustics strongly disagree with the trade groups. They say the selection of 65 DNL was an FAA policy decision, based on 1979 science, that needs to be reconsidered in light of current research - p. 22

Annoyance Survey **...** The latest UK survey of people's attitudes towards various noise sources finds that the percentage of people that consider themselves to be "significantly adversely affected" by aircraft noise has doubled since 2000 - p. 25

Letter, from p. 22

The trade groups asserted that the existing 65 dB DNL threshold for determining compatible residential use around airports and the noise assessment procedures established under the Aviation Safety and Noise Abatement Act of 1979 (ASNA) are supported by existing science and "appropriately map the subjective experience of noise into a system that can be applied on an objective basis."

However, two aviation attorneys, an acoustician, and others say in a story on p. 22 that there is no science to back up FAA's selection of 65 dB DNL as the threshold for compatible residential use. It was a policy decision that needs to be updated in light of current data.

Asserting that the number of people exposed to aircraft noise has been "dramatically reduced," the trade groups told Huerta in their letter, "Even so, we understand that concerns [about aircraft noise impact] remain and may be heightened when changes in air traffic procedures, such as those occasioned by the transition to NextGen, are introduced."

But they stressed, "It is critical to NextGen implementation that FAA continue to employ science-based noise metrics and thresholds in assessing policy responses to those concerns."

The trade groups said they were "troubled by recent calls for FAA to fiat in new noise metrics and thresholds without basis or to otherwise reverse appropriately adopted advanced performance-based navigation flight procedures, such as those recently deployed at Phoenix Sky Harbor International Airport."

"The Aviation Safety and Noise Abatement Act of 1979 established a science-based approach to assessing and addressing noise exposure. This makes sense. While appreciating that any particular person experiencing aircraft sound may have a negative experience, the National Airspace System cannot function on a non-scientific or case-by-case basis," they wrote.

They urged the FAA administrator to keep moving forward with the agency's "noise research roadmap," under which FAA is conducting research to determine if it needs to update its almost 40-year-old aircraft noise policy.

"This scientific and data-driven process should be allowed to proceed to ensure that any potential changes to U.S. noise metrics and policy receive proper consideration," the groups wrote.

However, FAA is not expected to complete its noise roadmap process until 2020 and communities upset by NextGen noise are demanding that FAA act sooner.

The trade groups noted that reduction of noise at the aircraft source is expected to continue with the International Civil Aviation Organization adoption of more stringent 'Chapter 14' aircraft noise standards. They told the FAA administrator that this progress could be hampered by ad-hoc attempts to address noise complaints.

The full letter is at http://nbaa.org/news/2015/Assn-Noise-Letter-to-Admin-Huerta-2015-02-06.pdf

Comments on Letter, from p. 22

compatibility of 65 dB using a DNL metric. The question is whether the bases for that policy decision remains sound today – not whether it was based upon technical data available at the time (it was) and not whether a new standard should also be based upon technical data (it should be)."

Kirsch argued that the DNL metric, which was designed to be sensitive to the much louder and less frequent aircraft events that were the problem in 1979, may be inadequate at capturing the aspects of NextGen noise that are most disturbing to the public today: very frequent flyovers by much quieter aircraft.

"Given the manner in which the DNL metric calculates noise, there would need to be very substantially more aircraft events today to generate a DNL level of 65 dB than in 1979. To the extent that land use compatibility is based not just on the absolute noise energy level of a specific event but also the number of events, the effect of (a) decreased noise levels of individual aircraft; and (b) a constant threshold of compatibility, is that today, people living at the 65 dB DNL threshold are exposed to far more aircraft noise events than they were in 1979. In other words, keeping the threshold constant while requiring quieter aircraft has actually allowed an increase the noise pollution levels in certain respects."

The FAA and the international aviation community have recognized that public acceptance of noise has evolved and aircraft that were manufactured in 1979 are today prohibited. The Stage 4 aircraft noise standards require substantially lower noise levels than those required in 1979, Kirsch told ANR.

"How, therefore, can anyone justify keeping the standards for what constitutes land use compatibility the same since 1979?" he asked.

Outdated Dose/Response Curves

Acoustician Sanford Fidell of Fidell Associates, Inc., in Woodland Hills, CA – whose research contributed to the development of an updated dose/response curve for aircraft noise annoyance that the International Standards Organization (ISO) is expected to approve within the next few months – provided the following statement to ANR:

The mischaracterization of a "fact- and science-based approach" to regulatory policy in the 6 February joint letter of a group of eight aviation-industry groups to the FAA Administrator is truth by assertion. The letter's claim that "Documented science to date supports the DNL 65 dB and FAA noise screening and assessment approaches" is simply wrong.

The fundamental goals of aircraft noise regulation are to balance protection of residential populations from exposure to highly annoying noise against demand for air transportation services, and public investment in airport infrastructure. Current aircraft noise regulatory policy, based on outdated technical understandings and incorrect information, does not achieve its own goals.

The "science" and "fact" on which transportation noise regulatory policy in the United States continues to rest are those of the obsolete, "one-size-fits-all" analysis of the 1992 Federal Interagency Committee on Noise (FICON) report "Federal Agency Review of Selected Airport Noise Analysis issues."

Modern understandings of community response to noise underscore the simplistic and inadequate nature of FICON's dosage-response curve (which relates cumulative noise exposure to the prevalence of a consequential degree of community annoyance with *all* forms of transportation noise).

FICON's curve greatly underestimates the annoyance of aircraft noise exposure, and fails to accommodate the enormous range of annoyance prevalence rates among communities with similar noise exposure.

The linkage between the information in the FICON report and U.S. noise regulatory policy is obscure in any event. No systematic or quantitative analysis in the FICON report supports selection of Ldn = 65 dB as a definition of "significant" noise impact. The FICON curve predicts that 12.3% of the residential population is highly annoyed by aircraft noise at a level of Ldn = 65 dB. For NEPA-related purposes, and for noise regulatory policy to have uniform effect in communities nationwide, analyses must clearly apply to actual rather than hypothetical communities. FICON's curve applies only to a special, rare case: a hypothetical "average" community.

In reality, the latest international technical consensus (as summarized in the current revision of ISO 1996, "Description, measurement and assessment of environmental noise — Part 1: Basic quantities and assessment procedures"), indicates that aircraft noise highly annoys nearly 30% of the population of a nominally typical community.

Fidell did not comment on the implications to FAA noise policy of the revised ISO standard, which is in final draft form and expected to be announced soon. But the agency certainly cannot ignore the revised standard – the product of some of the most accomplished acoustical experts in the world and based on recent data – which predicts that double the number of people in the 65 dB DNL contour will be highly annoyed by aircraft noise compared to FAA's current policy.

Noise Impact Is Public Health Issue

Steven Taber of the Taber Law Group in Irvine, CA, criticized the trade groups' letter for characterizing noise as an "annoyance" rather than a public health issue.

"This is an anachronistic point of view," he told ANR, "particularly in light of the recent Harvard Study and the London study showing a correlation between aircraft noise and an increase risk of cardiovascular disease and stroke.

"These studies corroborate earlier findings, like the German study, that show that noise, particularly aircraft noise has deleterious effect on human health and welfare.

"... Despite the growing body of evidence that aircraft noise is a public health issue, the FAA seems to hold tight to the notion that it is an annoyance," the he told ANR.

Taber said the discussion about aircraft noise also needs to switch from aircraft to airports and flight paths. The problems now are (1) changes in flight paths; (2) constant expansion of airports; and (3) more operations at existing airports, he said.

"The [noise] issue with Phoenix and the new RNAV procedures is not a new one. The same problem exists in Laguna Beach (John Wayne Airport), Charlotte NC (CharlotteDouglas) and JFK and LaGuardia (the so-called TNNIS arrival).

"RNAV concentrated more flights at lower altitudes in a much narrower flight path. While operations may not have changed, the level of noise directly under the flight paths have increased substantially. Or, as in case with Phoenix, instead of flying five - six miles out, the aircraft now are turning to the north two - three miles out, thus flying over a neighborhood that never experienced any aircraft noise before."

Taber, a former FAA attorney, stressed the time has finally come to move on from DNL.

"I have long believed that the 65 DNL threshold is long overdue for an overhaul. The science of noise has substantially changed since DNL was first rolled out. DNL does not take into account variables that are becoming increasingly important. Moreover, it is a predictive tool and not an accurate assessment of the noise environment. It predicts an average noise level based on certain inputs.

" ... When the FAA and trade groups start talking about 'well-established' noise metrics and policy, I read 'out-dated'. At the very least, the 65 DNL level of significance must be changed."

'Whitewashes Impact'

"The 65 DNL standard has little to do with science or facts," said Janet Mceneaney, president of Queens Quiet Skies, a group formed to address NexGen noise.

"It is an artificial averaging method that whitewashes actual sound impact. There was never agreement or science involved in its origins and, in fact, the EPA recommended that the 65 DNL standard be reviewed every five years for compatibility with human health.

"Perhaps science and facts are different everywhere else in the developed world, because the U.S. is the only country that does not accept a 55 DNL standard. However, we think the conversation ought to shift to whether DNL is an adequate measure of noise for the people who suffer from it on the ground.

"If the NBAA is interested in science and facts, instead of profits, it will support Environmental Impact Studies of NextGen procedures, environmental impact measured by the totality of flight procedures rather than on a per-flight basis, and sound metrics that measure sound as it is really experienced by millions of U.S. residents."

Brad Pierce, president of the National Organization to Insure a Sound-controlled Environment and Aurora, CO, councilmember told ANR: "N.O.I.S.E. believes that changes to air traffic patterns and policies should not solely rely on a scien-

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tific model or formula like DNL when determining and considering the impacts of noise on airport-adjacent communities. That is why we advocate strongly for community involvement, education, and outreach when there is new or changing noise impacts – not just science-based formulas."

UK

UPDATED SURVEY FINDS PEOPLE HIGHLY ANNOYED BY AIRCRAFT HAS DOUBLED

The percentage of people in the UK that consider themselves to be "significantly adversely affected" by aircraft noise doubled between 2000 and 2012, according to the findings up an updated national survey conducted by the UK Dept. for Environment Food & Rural Affairs (Defra).

Defra carried out a large-scale survey of 2,747 people – comprising a broadly representative sample of the UK population – in 2012 to determine whether their attitudes toward noise had changed since the UK Government's earlier assessment in 2000.

Key findings of the survey are:

• People are now more sensitive to and annoyed by noise from all sources, with the issue rising from 9th in 2000 to 4th in a list of local environmental concerns;

• Around a third of those surveyed feel "annoyed, disturbed or bothered" by aircraft noise;

• Comparing the results to the last survey in 2000, a similar number of people were aware of hearing aircraft or airport noise (now 72%) but those disturbed by it rose from 20% in 2000 to 31% in 2012;

• The number of people very or extremely disturbed by aircraft noise doubled (from 2% to 4%) compared with the previous survey; a finding Defra said was "strongly statistically significant."

"The aviation industry and the Airports Commission have been arguing that because planes are becoming quieter, average levels of aircraft noise have been decreasing. Yet Defra's findings suggest that the problem, as experienced by people is only becoming worse," the UK's Aviation Environmental Federation said.

The coalition of community and environmental groups said the Defra survey findings "present a challenge to both Government policy and the industry's stance of heralding the success of continually shrinking average noise contours. Both Government and industry have to confront the challenge that while individual aircraft may be getting less noisy, the noise problem is growing. Today, the main cause of community annoyance is often not just the loudness of a single aircraft but the frequency of them. With ongoing discussions about concentration of flight paths and airport expansion, it is a challenge that politicians must urgently confront."

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CatEx2

FAA EXPECTED TO ANNOUNCE DECISION ON CATEX2 COMPLIANCE METHOD FEB. 26

The Federal Aviation Administration is expected to tell the NextGen Advisory Committee next week whether it has accepted or rejected the NAC's recommended Net Noise Reduction (NNR) method for complying with the CatEx2 provision of the FAA Modernization and Reform Act of 2012.

Following that announcement at the NAC's Feb. 26 meeting in Atlanta, FAA will send an agency representative to the UC Davis Aviation Noise and Air Quality Symposium in Palm Springs, CA, to discuss its decision at a March 3 symposium session on CatEx2, ANR learned.

Asked to confirm that information, FAA's press office would only say that the FAA Office of Environment and Energy cannot discuss any information regarding CatEx2 until after the NAC meeting next Thursday.

A spokesman for the NAC said the current plan is for FAA's decision on the NAC's recommended NNR method to be discussed in a broader FAA report to the committee but added, "There is always the possibility that could change."

(Continued on p. 27)

Legislation

COMMUNITY GROUPS WANT TO TESTIFY AT HEARINGS ON FAA REAUTHORIZATION BILL

Community groups that formed to protest the concentrated noise impact from flight path changes made under NextGen, told leaders of the House Transportation and Infrastructure Committee they want to be invited to testify at upcoming hearings on new FAA reauthorization legislation the Committee will consider this year.

"This legislation will have a direct and significant impact on the health, quality of life, and property values of our members," leaders of Chicago's Fair Allocation in Runways (FAiR) community coalition and New York's Queens Quiet Skies coalition told House Transportation Committee Chairman Rep. Bill Shuster (R-PA) and Ranking Member Rep. Peter DeFazio (D-OR) in Jan. 29 letters.

Similar letters were sent to the Committee leaders by community groups in Boston and Minneapolis, ANR was told.

"FAiR joins with Queens Quiet Skies and other organizations in our belief that the Committee should hear directly from communities that already are or will be affected by aviation legislation," FAiR Co-Founder Jac Charlier wrote.

"We feel that the testimony of the single appointee by the NextGen Advisory Committee is not adequate to truly represent the impact that FAA decisions have

(Continued on p. 28)

In This Issue…

CatEx2 ... FAA is expected next week to announce its decision on whether it will accept the NAC's Net Noise Reduction method for determining compliance with CatEx2 - p. 26

FAA Reauthorization ... Community groups want to testify on NextGen noise impact at House Transportation Committee hearings on new FAA reauthorization - p. 26

UK ... Civil Aviation Authority says aviation industry must confront environmental challenges or risk losing additional runway capacity in UK - p. 27

ACRP ... TRB issues Legal Digest on complying with AIP grant agreement obligations to provide reasonable access to airports - p. 28

N. CA Metroplex Plan ... Palo Alto City Council Committee recommends that noise study be conducted so that findings can influence FAA to shift or lift SFO arrival paths over city - p. 29

CatEx2, from p. 26

The agenda for the NAC's Feb. 26 meeting shows that FAA Deputy Administrator Mike Whitaker will present an "FAA Report" to the committee at 9:35 a.m. following a report by the new NAC Chairman Richard Anderson, CEO of Delta Air Lines.

FAA also may make clear at the upcoming NAC meeting whether it will ask Congress to include, in the new FAA reauthorization bill that Congress is working on this year, language to more precisely define the legislative intent of CatEx2. That could put the NAC's recommended NNR method for complying with CatEx2 on firmer legal ground.

The problem with CatEx2, which was intended to accelerate the implementation of NextGen Performance-based Navigation (PBN) procedures, is that the legislative language was poorly written.

Section 213(c)(2) of the FAA Modernization and Reform Act of 2012 (dubbed CatEx2) directs the FAA to issue and file a categorical exclusion – meaning no Environmental Assessment (EA) or Environmental Impact Statement (EIS) would need to be prepared – "for any navigation performance or other performance based navigation (PBN) procedure that would result in measureable reductions in fuel consumption, carbon dioxide emissions, and noise on a per flight basis as compared to aircraft operations that follow existing instrument flight rule procedures in the same airspace."

The FAA could not find a technically sound way to implement CatEx2 because the agency's preferred DNL noise metric – which averages noise – cannot measure noise reduction *on a per flight basis* as required by the statute. So, in September 2012, the FAA tasked the NAC for assistance, especially on how measurable reductions in noise on a per flight basis might be measured and assessed.

The NAC developed the Net Noise Reduction method, which it recommended to the FAA in June 2013 (25 ANR 75).

The NNR method allows FAA to use its DNL metric to assess compliance with CatEx2 based on language in the legislative history of the CatEx2 provision which refers to "average" per flight noise levels. However, community groups assert that the NNR method would not withstand a legal challenge because the language in the CatEx2 provision itself does not refer to "average" per flight noise levels.

FAA Sought Public Comment on NNR

After assessing the NAC's recommendation for 14 months, the FAA in August 2014, invited public comments on the NNR and on specific variations to it under consideration by the agency (26 ANR 106).

Under the Net Noise Reduction method, if the overall number of people in DNL 45-65+ exposed to noise from a PBN procedure is reduced, then the intent of CatEx 2 is met. However, if the overall number of people exposed is reduced, but the increase in noise in the DNL 65 band is 1.5 DNL or greater, then FAA could decide not to use CatEx2.

The FAA posed specific questions to the public on the NNR. They indicated that the agency had given considerable thought to the compliance method and its adequacy.

Aviation trade groups told FAA that they support the use of the NNR Method and urged the agency to quickly adopt it.

Several state lawmakers submitted comments to FAA on CatEx2 and its prohibition on FAA's consideration of "extraordinary circumstances" in its environmental review of PBN procedures.

Under FAA's Environmental Order, a determination of whether a proposed action that is normally categorically excluded requires an EA or EIS depends on whether the proposed action involves "extraordinary circumstances."

Among the list of actions that constitute "extraordinary circumstances" are "effects on the quality of the human environment that are likely to be highly controversial on environmental grounds."

Massachusetts State Sen. Brian Joyce (D) told FAA that RNAV flight paths "present an extraordinary circumstance that deserves a full and thorough review" under NEPA.

UK

AVIATION MUST CONFRONT ENV. CHALLANGES, CAA SAYS

The UK's Civil Aviation Authority (CAA) has called on the aviation industry and decision-makers to be much more ambitious in confronting aviation's environmental challenges – including improving compensation for communities – or else face the prospect that essential additional runway capacity in the UK may never be built.

In its response to the UK Airports Commission's final consultation on whether to add a new runway at Heathrow or Gatwick airport, the CAA said Feb. 3 that local communities must not be expected to simply suffer the consequences of airport expansion.

It called on the aviation industry, government, and all those involved in delivering the new runway to do much more to ensure communities can be confident that disturbance is minimized. Communities must also be fully engaged in the expansion process and fairly compensated for the disturbance they experience, the CAA stressed.

Without improved action to tackle aviation's environmental impacts and more support for the communities that are affected, the CAA said it believes it is unlikely that any of the shortlisted schemes will ever come to fruition – leading to passengers facing higher charges, lower service standards and fewer routes to choose from, greatly limiting consumer choice and opportunity.

"It cannot be right that we expect to be able to build more runway capacity without the industry making big improvements to how it minimizes its impact on its neighbors," said Andrew Haines, chief executive of the CAA.

"The solution is partly operational – such as using the

quietest aircraft available in the most efficient way – but industry improving the way it works with local communities is also crucial.

"This is now key to this debate, as communities cannot be expected to put up with airport expansion without much better engagement and compensation and more of a say in a development that will have a major impact on their local area. It's hard to see how the additional runway capacity that will benefit consumers and industry for generations to come will ever be built unless this issue is comprehensively tackled."

Measures That Need To Be Taken

Measures the CAA believes should be taken to tackle the environmental impacts of aviation include:

• Minimizing noise by using the quietest aircraft in the quietest fashion – making the most of advancing technology and making more efficient use of airspace;

• Significantly increasing spending on noise mitigation and compensation for local communities – reversing the current situation where spending is lower than at major airports in Europe and the U.S.;

• Establishing an airport community engagement forum for local communities, aviation industry and policy-makers – to ensure communities have a say in decisions and creating an opportunity for genuine collaboration between all parties on compensation and noise management; and

• Being more transparent about the impacts of changes to ensure communities have a clear picture of how new capacity will affect them.

The CAA remains independent and has not endorsed any of the three shortlisted schemes being considered by the Airports Commission (adding a runway at Heathrow or Gatwick airport or building a new Greenfield airport in the Thames Estuary) but believes building any of the three schemes would benefit UK consumers.

On Feb. 2, Heathrew Airport proposed spending an estimated $1.056 billion to insulate over 160,000 homes around Heathrow Airport if it selected this summer as the site for new runway (27 ANR 19).

ACRP

TRB ISSUES LEGAL DIGEST ON GRANT AGREEMENT OBLIGATIONS

On Feb. 6, the Transportation Research Board announced Legal Research Digest 23, "A Guide for Compliance with Grant Agreement Obligations to Provide Reasonable Access to an AIP-Funded Public Use General Aviation Airport."

The report was prepared under Airport Cooperative Research Program (ACRP) Project 11-01, "Legal Aspects of Airport Programs," for which the Transportation Research Board (TRB) is the agency coordinating the research.

The Digest was prepared by Kaplan Kirsch and Rockwell law firm and Aviation Management Consulting Group, Inc.

"Airport sponsors who receive a grant from the Federal Aviation Administration for an airport project are obligated to agree to a number of assurances. One of those assurances provides that the airport sponsor will make the airport available for public use on reasonable conditions and without undue discrimination," the Digest notes.

"The intent of this assurance is to ensure that aeronautical users will have reasonable access to the airport. Airport sponsors can encounter issues under this grant assurance by limiting access to the airport, directly or indirectly, ranging from adopting express restrictions on particular aeronautical activities to less obvious actions to ensure safety, security, and economic sustainability, such as enforcing airport rules and regulations and negotiating and enforcing lease and rental agreements, airport fees, and local laws.

"This digest describes the sponsor assurances and how they limit the airport sponsor from unreasonably restricting access for aeronautical activity at general aviation airports.

"Although focused on general aviation airports, all airport sponsors will benefit from this guide.

"In Appendix A, readers will find fact sheets that summarize the law on access issues as applied to specific activities. Appendix B is a practical Guide to Leasin Airport Property, which contains best practices for lease and use agreements of airport property."

Legal Digest 23 can be downloaded at
http://www.trb.org/ACRP/Blurbs/172078.aspx

FAA Reauthorization, from p. 26

had on the hundreds of thousands of residents surrounding major airports. We strongly feel that communities should be represented by members who live daily with the effects of those decisions.

"FAiR asks that the Committee invite comments from groups who represent communities directly impacted by aviation procedures. We ask you to incorporate that information into the public record and make it part of the dialogue about the future of aviation in the United States. The increasing numbers of communities upset at the FAA's unilateral changes in flight patterns and the resulting disruption to people's lives leads us to conclude that community concerns have not been given adequate weight in the past. We hope you will change that.

FAiR told the Transportation Committee leaders that it "appreciates the value of a functional and efficient national aviation system, and believes that improvements are welcome and needed; however, improvements must not come at the sacrifice of the health, safety, and quality of life of citizens living underneath flight paths and around the airports. We hope to have the opportunity to speak to you directly."

Both the aviation industry and community groups are expected to use the new FAA reauthorization bill as a vehicle to try to force the FAA to provide the extent of environmental review they seek for NextGen PBN procedures.

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The House Transportation & Infrastructure Committee has not yet responded to the community groups' letters.

Metroplex Plan

PALO ALTO COMMITTEE RECOMMENDS COUNCIL FUND AIRCRAFT NOISE STUDY

The Palo Alto, CA, City Council's Policy and Services Committee voted unanimously on Feb. 10 to recommend that that City Council provide up to $30,000 for a study of air traffic over the city, which is under the arrival route to San Francisco International Airport.

The study results would be used to try to convince the Federal Aviation Administration to revise flight paths it has developed as part of its Northern California Metroplex Plan, which the agency is in the process of implementing.

Some city residents fear that the airspace revision being done under the Metroplex plan will increase overflights of Palo Alto, which is located southeast of SFO near San Francisco Bay.

The City Council's approval of the noise study was contingent on staff review of the costs and value of the study.

In addition to the noise study, the Policy and Services Committee approved four other motions put forth by Palo Alto City Councilman Patrick Burt, who chairs the committee, that are designed to give the city more clout in dealing with FAA and build a regional coalition:

• Direct staff to assess the interest of surrounding cities in joining their effort;

• Have the city's lobbyist in D.C. add aircraft noise as an elevated issue;

• Urge the appointment of a City Council representative as a liaison to the community group Sky Posse and as a non-voting member of the SFO Airport Roundtable; and

• Direct the city manager to continue to collaborate with Sky Posse.

Sky Posse wants more arrivals shifted away from Palo Alto over San Francisco Bay or raised to a higher altitude to reduce noise impact.

Burt told ANR he does not know when the City Council will vote on his motions.

Bert Ganoung, manager of Aircraft Noise Abatement at San Francisco International Airport, told ANR: "We don't expect the FAA Metroplex project to modify flight patterns on any significant level. Our Aircraft Noise Abatement Office conducts regular, ongoing discussions with the FAA regarding noise issues in the communities surrounding SFO."

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Anne H. Kohut, Publisher

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NextGen

COMMUNITY ANTI-NOISE GROUPS FORMING NATIONAL COALITION TO INCREASE CLOUT

Seeking to increase their political clout, community groups around the country fighting aircraft noise are in the process of forming a national – and possibly international – coalition expected to be announced soon, ANR learned.

Many of the community groups in the new coalition were formed recently in response to the noise impact of revised and concentrated flight paths implemented under NextGen.

Frustrated and angry that the Federal Aviation Administration has not rolled back these new flight paths, or proposed mitigation for them, the groups hope that speaking with one voice with give them a seat at the table in addressing NextGen noise impact.

Tentatively called Our Skies National Coalition, the community groups are in the process of formulating their goals. Once that has been done, they will issue a press release announcing their formation.

The following 17 anti-noise groups representing communities in California, New York, New Jersey, Minneapolis/St Paul, Seattle, Boston, and Phoenix are the

(Continued on p. 31)

Santa Monica

LEASING POLICY REQUIRES ASSESSMENT OF NEGATIVE ENVIRONMENTAL IMPACTS

The Santa Monica Airport Commission would be required to assess the potential negative effects on the environment of new airport lease applications under a new leasing policy unanimously approved by the Commission on Feb. 23 and sent on the the City Council for consideration.

The stringent leasing guidelines also would require leases to be approved at market rates and would cut the lease term to month-to-month until this July, when a 1984 noise settlement agreement between the City and the Federal Aviation Administration expires and the City is expected to take action to close its airport or limit operations.

The new lease guidelines allow the Airport Commission to refuse a new lease application if it determines that the proposed use "may create a high intensity use and/or expose the City to additional environmental exposure, or otherwise poses an unacceptable potential for harm to the public health and welfare or the environment."

The guidelines also allow airport staff to require environmental studies or testing be done "as appropriate and necessary" to assess potential negative environ-

(Continued on p. 32)

In This Issue…

NextGen ... Seeking to increase their political clout, community groups angered by aircraft noise are forming a national coalition - p. 30

... FAA did not tell the NAC yesterday if it would accept its Net Noise Reduction method for determining compliance with CatEx 2 - p. 33

Santa Monica ... Airport Commission approves new leasing policy that requires potential negative environmental impacts of leases to be assessed - p. 30

Part 150 Program ... FAA seeks comments on paperwork burden of Part 150 program on airports - p. 31

Ft. Lauderdale ... Over 800 people give airport officials an earful on noise impact of new runway - p. 31

News Briefs ... FAA approves Westover Part 150 ... FAA corrects error in helicopter route rule ... New members join Parks Overflight group - p. 32

Coalition, from p. 30

founding members of the coalition, which is actively seeking additional members in the U.S. and is in contact with community anti-noise groups in Europe and Australia:

• Alliance for a Regional Solution to Airport Congestion (ARSAC) - Southern California
• Boston Fair Skies - Boston
• Fair Allocation in Runways (FAIR) - Chicago, IL
• Concerned Residents Against Airport Pollution (CRAAP) – Santa Monica, CA
• East Hills Group - Nassau County, NY
• Forrest Hill Community Association Air Traffic Committee - Newark, NJ
• MSP Fair Skies - Minneapolis/St. Paul, MN
• New Jersey Coalition Against Aircraft Noise (NJCAAN) -Bergen County, NJ
• Plane Sense 4 LI - Nassau County, NY
• Queens Quiet Skies - Queens County, NY
• Quiet Skies Coalition – Suffolk County, NY
• QuietSkies.net - Nassau County, NY
• Quieter Skies Taskforce - Seattle, WA
• Phoenix Quiet Skies - Phoenix, AZ
• Prospect Park Quiet Skies - Brooklyn, NY
• Sky Posse Palo Alto – Palo Alto, CA
• South Phoenix Group - South Phoenix/Laveen, AZ

Some of these groups pressured their congressional representatives to form the new House Quiet Skies Caucus, which was announced last October (26 ANR 126). Its goal is "to raise awareness on the issue of aircraft noise and to work to find meaningful solutions to the problem."

The congressional caucus is comprised of representatives of communities mainly in New York, Chicago, Boston, Minneapolis, and Southern California hit either by the noise impact of flight path changes made under NextGen or by noise from increasing numbers of helicopter operations.

Part 150 Program

FAA INVITES PUBLIC COMMENTS ON PART 150 INFO COLLECTION

The public has until March 27 to submit comment to the Federal Aviation on any aspect of the information airports voluntarily submit to the agency to obtain review and approval of their Part 150 airport noise compatibility programs and noise exposure maps.

The noise compatibility planning information submitted by airports is used by the FAA to determine if an airport sponsor's noise compatibility program is eligible for federal grant funds. Airports that do not submit airport noise compatibility programs and noise exposure maps for FAA review and approval are not eligible for the set-aside of discretionary grant funds in the FAA's Airport Improvement Program.

The FAA especially wants comments on the following issues regarding submission of Part 150 programs and maps:

• Whether the proposed collection of information is necessary for FAA's performance;
• The accuracy of the estimated average burden per response of 3,882.6 hours for approximately 15 airport operators to provide Part 150 information to the FAA;
• Ways for FAA to enhance the quality, utility, and clarity of the information collection; and
• Ways that the burden could be minimized without reducing the quality of the collected information.

FAA said it will summarize the public comments it receives in its request for Office of Management and Budget clearance of this information collection activity.

In accordance with the paperwork Reduction Act of 1995, FAA must invite public comment on its intention to request OMB approval to renew its information collection of Part 150 program and noise exposure maps.

Comments should be sent to Kathy DePaepe, Room 126B, FAA, ASP-110, 6500 S. MacArthur Blvd., Oklahoma City, OK, 73169.

Comments should reference OMB Control Number: 2120-0517, Airport Noise Compatibility Planning.

For further information, contact DePaepe by telephone (405-954-9362) or e-mail: Kathy.DePaepe@faa.gov.

Ft. Lauderdale-Hollywood Int'l

OVER 800 PEOPLE COMPLAIN ABOUT NOISE FROM NEW RUNWAY

More than 800 people poured into the Broward County, FL, Convention Center on Feb. 18 to complain to Broward Mayor Tim Ryan and airport officials about the noise impact of a new runway at Ft. Lauderdale-Hollywood International Airport.

The $800 million new south runway, which opened last September, handles about 30 percent of the 600 flight a day at the airport and was constructed to reduce delay.

The new runway currently is closed at night from 10 p.m. to 5 a.m. but Davie, FL, Councilman Bryan Caletka wants that curfew expanded to 7 a.m.

Some at the meeting said the aircraft noise was intolerable, interfering with their sleep and conversation.

Broward County Aviation Director Kent George said that newer, better performing aircraft are departing the new runway sooner than expected and turning over neighborhoods where overflights were not envisioned. He said that the Federal Aviation Administration is in the process of tweaking departures so that aircraft make their turns later.

A year from now, a new noise study will be conducted to determine if additional homes are eligible for the airport's residential sound insulation program.

George conceded that the airport's sound insulation and home buyout programs have been delayed by bureaucratic problems.

Santa Monica, from p. 30

mental impacts of the lessee's action and to condition the renewal of leases on any needed remediations of negative environmental impacts.

Last March, the Santa Monica City Council asked the Airport Commission to develop new leasing guidelines, which it plans to use, among other things, to restrict airport activity.

"If the Airport Commission discovered anything that it felt was a negative impact on the community," Airport Commission Chair David Goddard said, "it would have the opportunity to address the City Council and let them know that it was either objecting or proposing some mitigation for the environmental effect."

Aircraft noise and emissions are the two environmental impacts the most concern the communities near the airport.

NBAA Opposes Lease Guidelines

The National Business Aviation Association called into question the Airport Commission's action, which it asserted diminishes access to Santa Monica Airport, and pledged to continue fighting such efforts.

NBAA said that in addition to the costly new leases for airport tenants, the Airport Commission also recommended that the City Council move ahead with proposals to close a portion of the airport's runway and to enact a new emissions ordinance at the airport.

"These proposals have been offered by opponents of Santa Monica Airport before, and they've been shown to be lacking a basis in federal law and grant obligations," said NBAA President and CEO Ed Bolen. "We have long fought these and other attempts to restrict access at SMO, and we will continue to do so."

Ahead of the Airport Commission's vote, NBAA Chief Operating Officer Steve Brown sent a Feb. 2 letter to its chair, emphasizing the association's concern that "the commission continues to be laboring under the misapprehension that ... there will be no federal obligations applicable to SMO."

Instead, Brown's letter points out, both the Airport Commission and the Santa Monica City Council continue to be subject to multiple federal obligations requiring SMO to remain open in perpetuity. Read Brown's Feb. 2 letter to the Santa Monica Airport Commission in its entirety (http://www.nbaa.org/ops/airports/smo/Goddard-SMO-Airport-Commission-2015-02-04.pdf).

Brown's letter marks the most recent effort by NBAA in a decades-long battle against attempts to limit operations at SMO, or shut them down altogether. With urging from NBAA last year, a California federal judge dismissed a lawsuit in which Santa Monica city officials attempted to gain control of SMO with the intent of closing it down.

Now, as the city appeals that decision, NBAA, along with the Aircraft Owners and Pilots Association (AOPA), has filed an amicus, or "friend of the court brief" on behalf of the historic airport. "It supports the solid legal proposition that local governments and authorities, which have received grants or property from the federal government to establish or maintain an airport, are obligated to keep those airports open and accessible to the public," NBAA said.

The NBAA and AOPA amicus breif in support of keeping SMO open is at (http://www.nbaa.org/ops/airports/smo/9thCir14-55583-Amicus-Brief-1-22-15.pdf).

"Santa Monica Airport is not only a very important part of our nation's federally governed aviation system, but is also a vital economic asset in California's Southern Valley," Bolen concluded. "NBAA will continue the fight to keep the airport open for the Association's Members, and for all those who rely on the airport."

In Brief…

FAA Approves Westover Part 150 Program

The FAA announced Feb. 24 that it has approved the Part 150 Airport Noise Compatibility Program for Westover Metropolitan Airport in Chicopee, MA.

The submitted program contained a change to one noise mitigation measure in the airport's Part 150 program. "This change allows for voluntary acquisition of residential properties located in the 65 DNL noise contour," FAA said.

For further information, contact Richard Doucette in FAA's New England Region Airports Division; tel: (781) 238-7613.

FAA Corrects Error in Helicopter Rule

On Feb. 17, the FAA issued a correction of an error included in its final rule on the New York North Shore Helicopter Route, which the agency issued on June 23, 2014.

The final rule extended the expiration date of the mandatory overwater helicopter route by two years, until Aug. 6, 2016. However, an error in the final rule resulted in the inadvertent removal of Subpart H of Part 93 of Title 14 of the Code of Regulations. Subpart H contained the rules governing civil helicopter operations when flying under visual flight rules along the North Shore of Long Island.

FAA's correction added Subpart H back into Part 93.

For technical questions regarding the FAA's correction, contact David Maddox in the FAA's Airspace Regulations and ATC Procedures Group; david.maddox@faa.gov. For legal questions, contact Lorelei Peter in the FAA Office of the Chief Counsel: lorelei.peter@faa.gov.

Members Added to Parks Overflight Group

Nicholas Miller, senior vice president of the acoustical consulting firm Harris Miller Miller & Hanson Inc., and Mark Belles have been selected to fill two open seats representing environmental concerns on the National Parks Overflights Advisory Group Aviation Rulemaking Committee.

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Their three-year term began on Feb. 23. ANR is in the process of determining Mark Belles' affiliation.

In addition to the two new members of the group representing environmental interests, Leigh Kuwanwisiwma was selected to fill a three-year term that begins on April 3. He represents the interests of Native Americans.

The NPOAG ARC includes one representative of general aviation, three members representing the commercial air tour industry, four members representing environmental concerns, and two members representing Native Americans.

For further information, contact Keith Lusk, Special Program staff in FAA's Western-Pacific Region Headquarters; tel: (310) 725-3808; e-mail: Keith.Lusk@faa.gov.

FAA Did Not Address NNR Method at NAC Meeting

Contrary to what was expected, FAA did not tell the NextGen Advisory Committee yesterday whether it had decided to accept the NAC's recommended Net Noise Reduction method for determining compliance with the so-called CatEx 2 provision of the FAA Modernization and Reform Act of 2012.

ANR had been told that the FAA might address the matter at the NAC's meeting in Atlanta on Feb. 26 as part of a broader presentation to the NAC by FAA Deputy Administrator Mike Whitaker. However, Whitaker's presentation, posted this morning on the NAC's web site, does not include any information on the NNR or CatEx 2.

ANR was told, however, that Whitaker did tell the Committee that most of the comments the agency has received in response to its solicitation on the NAC's recommended NNR method for determining compliance with CatEx 2 were negative.

FAA is sending an agency representative to the UC Davis Aviation Noise and Air Quality Symposium in Palm Spring, CA, next week to discuss CatEx 2 at a March 3 session on that topic.

Hopefully, FAA will make clear there whether it will accept or reject the NAC's proposed NNR method of complying with CatEx 2, which was strongly opposed by community groups and some of their elected representatives and strongly endorsed by the aviation industry.

Also, the same day (March 3), FAA Administrator Michael Huerta is scheduled to testify at a House Aviation Subcommittee hearing on the FAA's new reauthorization which the Subcommittee is preparing. He could address CatEx 2 and whether the FAA will accept the NAC's recommended NNR method for complying with it.

CatEx 2 was intended to accelerate the implementation of NextGen Performance-based Navigation Procedures.

AIRPORT NOISE REPORT

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Airport Noise Report

A weekly update on litigation, regulations, and technological developments

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NextGen

FAA DECIDES TO USE MODIFIED VERSION OF NAC METHOD FOR CATEX 2 COMPLIANCE

The Federal Aviation Administration has decided to use a modified version of the NextGen Advisory Committee's recommended Net Noise Reduction method for determining compliance with the CatEx 2 provision of the FAA Modernization and Reform Act of 2012.

In order to be more consistent with the statute, FAA will base its determination of what constitutes a measurable reduction in noise under CatEx 2 on net changes in noise – instead of net changes in the affected population as the NAC had recommended, according to Rebecca Cointin, who manages the Noise Division of FAA's Office of Environment and Energy.

"The noise determination for CatEx 2 will be met if proposed Performance-based Navigation (PBN) procedures, when compared to existing procedures they replace, would result in a net noise reduction based on average DNL changes and would not significantly increase noise," Cointin explained at a March 3 session of the UC Davis Aviation Noise and Air Quality Symposium, which was held in Palm Springs, CA.

(Continued on p. 35)

Washington National

HUERTA COMMITS FAA TO WORKING WITH D.C. NEIGHBORHOODS OVER NEXTGEN NOISE

Congresswoman Eleanor Holmes Norton (D-DC at large) used the opportunity provided by a March 3 House Aviation Subcommittee hearing to ask FAA Administrator Michael Huerta whether his agency would participate in a community meeting this spring for D.C. residents – many of whom live in wealthy areas of the city near the Potomac River – who are upset by noise problems created by new NextGen flight paths in the Washington, DC, area.

D.C. residents have had ongoing issues with airplane noise from flights departing Ronald Reagan Washington National Airport, Norton said. But recently they have notified her that frequently there are only 3.5 hours per night when there are no flights.

In response, Huerta committed the FAA to working with D.C. neighborhoods. He told Norton that the FAA is working on a redesign of the airspace to make sure that planes follow the Potomac River rather than flying directly over the homes of D.C. residents. He added that the FAA is actively working with the Metropolitan Washington Airports Authority (MWAA) on implementation of this plan.

(Continued on p. 36)

In This Issue…

CatEx 2 ... FAA tells the NextGen Advisory Committee that it has decided to use a modified version of the NAC's recommended Net Noise Reduction method to determine compliance with CatEx 2. FAA's method is based on net changes in DNL rather than net changes in population affected - p. 34

Washington National ... FAA Administrator Huerta commits FAA to working with D.C. neighborhoods to address noise problems caused by new NextGen flight paths in the Washington, D.C., area - p. 34

Seattle-Tacoma Int'l ... The Port of Seattle selects Exelis to provide its noise monitoring and flight tracking system for Sea-Tac - p. 36

Chicago O'Hare Int'l ... Illinois state rep. introduces three bills that would expand state role in addressing noise impact of O'Hare operations ... SOC hires aviation experts to find ways to mitigate O'Hare noise impact - p. 36

NextGen, from p. 34

FAA defines a significant increase in noise as a DNL 1.5 dB increase at DNL 65 dB or greater, Cointin noted.

"FAA interprets measurable reductions in noise to preclude situations where noise increases would otherwise be significant, and will not use CatEx 2 in these situations," Cointin explained.

She said the FAA's decision on CatEx 2 implementation will be published in the *Federal Register* in about two months and implementing guidance will be issued for FAA's NEPA staff to use.

At the NAC's Feb. 26 meeting in Atlanta, FAA Deputy Administrator Michael Whitaker said that FAA's noise staff tested the agency's modified NNR method against the unmodified NNR method using the same data from two airports that the NAC had used and got the same results in terms of whether a PBN procedure would qualify for CatEx 2.

He told the NAC that the aviation industry provided the only positive comments to FAA on the NAC's recommended NNR method for determining compliance with CatEx 2.

"All other comments were negative and highlight the problem we're experiencing with opposition to PBN procedures that shift noise over communities," Whitaker stated in his presentation to the NAC.

"One of the expressions of community concern is to demand more detailed and participatory environmental reviews than occur when we implement a procedure using a categorical exclusion. The opposition to using categorical exclusions to bypass environmental reviews is a symptom of the larger issue of noise. We'll be discussing this in more depth at the June 5 NAC meeting when we review the Blueprint for Success to Implementing PBN," Whitaker explained.

Unanswered Questions

Left unanswered after FAA's announcement are the following questions:

• Will community groups accept FAA's modified NNR method? That appears unlikely because they want PBN procedures subjected to environmental assessments, which require a more extensive environmental review process and provide more transparency and opportunity for public input than a CatEx.

• Does FAA's modified NNR method make it less likely that it will be challenged in court? No, according to Steven Taber of the Taber Law Group. "FAA's new proposal does not resolve the legal issues raised by the NAC's Net Noise Reduction proposal," he asserted in a blog post (https://airportlaw.wordpress.com/).

The FAA claims that by focusing on aggregate noise instead of the number of the affected population, its version of net noise reduction will be "more consistent with the statute," Taber wrote, adding "However, changing to a system that aggregates noise instead of counting the number of people affected by the PBN procedure does not get around the statutory mandate that the 'measurable reduction' of noise be on 'a per flight basis'. Since the system to be implemented by the FAA still employs an average, it is still out of compliance with the statute."

But Nancy Young, Vice President of Environmental Affairs at Airlines for America (A4A), asserted during a panel discussion on CatEx 2 at the UC Davis symposium that the legislative language of CatEx 2 suggests that noise can be averaged and the legislative history shows that was the intent of Congress.

• Will FAA, community groups, and the aviation industry still seek to add language to the new FAA reauthorization bill stipulating the extent of environmental review PBN procedures must undergo?

Community groups definitely; FAA and the aviation industry: unknown at this time but very likely.

A4A's Young stressed that PBN procedures that qualify for CatEx2 still undergo an FAA noise screening procedure and the NAC strongly recommends that FAA employ a public outreach process when implementing PBN procedures.

But Ambrose Clay, a City of College Park, GA, Councilman, countered that he is concerned that FAA will interpret the NAC's recommendation to conduct public outreach to mean that FAA will simply "tell the public what it is going to do to them" rather than let them provide meaningful input on how PBN procedures should be implemented.

Should PBN procedures be eligible for CatExes at all? asked Steve Alverson, National Director of ESA Airports, who chaired the panel discussion.

If PBN procedures move flight paths over new areas, it seems inconsistent with NEPA to CatEx them, said Scott Tatro, Airport Environmental Manager for Los Angeles World Airports. "We are going to get hammered if the flight tracks are moved," he warned.

College Park, GA, Councilman Clay said PBN should not be implemented without environment checks. He said he is not against CatExes or noise screenings but is concerned that FAA will "hide behind CatExes to ramrod PBN procedures through."

Attorney Taber said that CatExes are not appropriate for most PBN procedures. The primary reason is transparency and public outreach. The community needs to be involved if the noise is concentrated or moved, he stressed. Public outreach by FAA should be required; not just recommended.

PBN will benefit a vast number of communities, Taber said. The question is how do you decide which PBN procedures are beneficial and which are not and how do you inform communities about those that are not beneficial?

CatEx 2 and NNR

Section 213(c)(2) of the FAA Modernization and Reform Act of 2012 (dubbed CatEx2) directs the FAA to issue and file a categorical exclusion – meaning no Environmental Assessment (EA) or Environmental Impact Statement (EIS) would need to be prepared – "for any navigation performance or other performance based navigation (PBN) procedure that would result in measureable reductions in fuel consumption,

carbon dioxide emissions, and noise on a per flight basis as compared to aircraft operations that follow existing instrument flight rule procedures in the same airspace."

The FAA could not find a technically sound way to implement CatEx2 because the agency's preferred DNL noise metric – which averages noise – cannot measure noise reduction on a per flight basis as required by the statute. So, in September 2012, the FAA tasked the NAC for assistance, especially on how measurable reductions in noise on a per flight basis might be measured and assessed.

The NAC developed the Net Noise Reduction method,which it recommended to the FAA in June 2013 (25 ANR 75).

The NNR method allows FAA to use its DNL metric to assess compliance with CatEx2 based on language in the legislative history of the CatEx2 provision which refers to "average" per flight noise levels.

"Implementation of CatEx 2 required development of a methodology to determine measurable reductions in noise on a per flight basis as the statute directs," Cointin explained at the UC Davis symposium.

The NAC's recommended NNR method, she said, "would determine that PBN procedures measurably reduce noise if the people receiving less noise outnumber the people that would receive more noise, when comparing PBN to existing procedures. Net population increases at higher noise levels may trigger a test for significant noise increases that could exclude use of the CatEx."

D.C., from p. 34

Huerta also responded that the FAA is looking at whether the Day Night Average Sound Levels (DNL) metric needs to be updated and that FAA is doing a national survey on these metrics.

"The response of Administrator Huerta offers hope that we can finally do something about troubled sleep in some of our neighborhoods," said Norton. "The community has not gotten very far in their own meetings with the MWAA and the FAA. We are planning the upcoming community meeting, however, so that it is more than a sit-down with neighbors. It is time for a problem-solving meeting."

Seattle-Tacoma Int'l

EXELIS TO DO NOISE MONITORING, FLIGHT TRACKING SYSTEM

The Port of Seattle has selected the global aerospace and defense firm Exelis to provide its Noise Monitoring and Flight Tracking System (NMFTS) to Seattle-Tacoma International Airport.

The system will provide accurate and timely noise event and flight track information to the airport and surrounding community, Exelis said Feb. 27.

The Exelis NMFTS system will consist of aircraft surveillance software solutions provided by Exelis, integrated with Model 831-based noise monitors from sound level meter designer and manufacturer Larson Davis.

"As the United States' fastest-growing large hub airport, having accurate and timely noise event and flight track information is an essential asset for our noise monitoring and community relations program," said Perry Cooper, spokesperson for Sea-Tac Airport.

"Exelis is the largest supplier of noise monitoring and flight tracking systems in North America with deployments at 48 airports today. Our partner, Larson Davis, has noise monitors currently deployed at 20 airports," said Ted Carniol, general manager of commercial aviation solutions at Exelis.

"Together, our proven solution will assist Sea-Tac with noise management as it continues to build upon a record number of traveling passengers, annually."

Exelis said it will provide a suite of solutions including Symphony® EnvironmentalVue®, Symphony® PublicVue, and NextGen Data. Symphony EnvironmentalVue is a Web-based application hosted on an advanced geospatial information system platform that provides integrated two and three-dimensional mapping and analytical flight-tracking capabilities to airport operators.

With the Symphony PublicVue community Web portal, the public can see aircraft flight-tracking data and submit feedback and noise complaints via any standard Web browser for improved community relations. Users can also define their location with a smartphone or tablet and show the relative position of the aircraft to that location.

For more information about the Exelis Symphony suite of secure, nationwide airport and airline surveillance solutions, visit www.exelisinc.com/symphony.

Legislation

ILLINOIS STATE REP BILLS EXPAND STATE'S ROLE IN O'HARE NOISE

Illinois State Rep. Christine Winger (R), who represents the community of Bloomington in DuPage County, introduced three bills in the Illinois House that would expand the state's role in addressing the noise impact of a major runway realignment and opening of new runway at O'Hare International Airport in October 2013.

House Bill 3251, introduce on Feb, 25, would amend the Illinois Permanent Noise Monitoring Act to require the Illinois Department of Transportation's Division of Aeronautics to provide residents with a method of submitting noise complaints concerning airports in the State directly to the Division of Aeronautics.

The legislation would require the Division of Aeronautics to develop and maintain a database of these noise complaints and submit a report on the contents of this database to the Governor and the General Assembly on Dec. 31 of each year.

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House Bill 3657, introduced on Feb. 26, would amend the Illinois Permanent Noise Monitoring Act to require that noise levels be measured in terms of annual Community Noise Equivalent Level (CNEL) rather than annual Day-Night Sound Level (DNL).

It would require permanent noise monitoring reports to include noise contour maps showing the 65 CNEL, 70 CNEL, and 75 CNEL zones (instead of 65 Ldn, 70 Ldn and 75 Ldn zones) around the airport.

House Bill 4076, introduced on Feb. 27, would require the Illinois Environmental Protection Agency, with the assistance of the state Department of Transportation, to conduct a study describing the environmental and human health impacts caused by runways and air traffic at Chicago O'Hare International Airport.

It would "require the Agency, when conducting this study, to pay particular attention to the impact of air pollution, noise pollution, the emission of gases and fluids by aircraft, and similar factors on the quality of life, health, and property values of persons who live adjacent to the flight paths used by Chicago O'Hare International Airport."

It also would require the Agency, with the Department's assistance, to monitor noise levels experienced in 2014 and 2015, require the Department to assist with the study, and require the Agency to deliver a written report of its findings to the General Assembly by no later than Oct. 31, 2015.

All three bills had a first reading and were referred to the Illinois House Rules Committee.

SOC Hires Aviation Firms

On Feb. 2, the Suburban O'Hare Commission hired two aviation firms, based in Washington, D.C., to provide expert technical data and advocacy assistance needed to explore methods to mitigate the noise impact of the O'Hare flight path changes.

JDA Aviation Solutions, which specializes in airport operations and aircraft safety, was awarded a six-month, $220,000 contract. LGN Aviation, which specializes in aviation advocacy, was awarded a six-month, $65,000 contract.

"The fight concerning O'Hare expansion is long over. However, communities are still being impacted by the reconfigured runways at O'Hare Airport," said Craig Johnson, mayor of Elk Grove Village and president of SOC, which was formed in the 1980s to fight O'Hare expansion.

He said SOC plans to invite other communities and state legislators to an April 1 meeting at which the consultants will be introduced and progress on creating a plan of action discussed.

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Germany

COMPRESSED AIR SUBSTANTIALLY REDUCES ENGINE FAN NOISE, GERMANY'S DLR FINDS

Researchers at the German Aerospace Center (DLR) said they have succeeded in demonstrating – for the first time anywhere in the world – that aircraft engine fan noise, one of the largest sources of inflight noise, can be reduced substantially by introducing compressed air.

To do this, they developed a method that blows air through several perforated rings fitted behind the fan to create noise cancellation that reduces the sound produced by the fan.

"This compressed air method has allowed us to reduce the particularly annoying rotor-stator noise that emerges from the engine at critical emission angles by up to 10 decibels. In terms of human perception, this is approximately equivalent to halving the volume," said Lars Enghardt from the DLR Institute of Propulsion Technology.

"By far the most irritating noise produced at the engine intake is created where the main fan spins at high speed in front of an additional row of fixed-position blades, referred to as the stator," he added.

(Continued on p. 39)

NextGen

MA CONGRESSMAN'S SUPPORT FOR NEXTGEN NOW WAIVERING DUE TO NOISE COMPLAINTS

At a March 3 House Aviation Subcommittee hearing, Rep. Michael Capuano (D-MA) told FAA Administrator Michael Huerta that his support for NextGen is waivering because he has not seen "enough bang for the buck in terms of reducing noise and increasing safety."

"You can't fan planes anymore at Boston [Logan International Airport]; Next Gen should allow that but it doesn't," the congressman, who represents residents of Boston and some surrounding suburban communities impacted by airport noise, told the FAA Administrator.

Huerta began responding to Capuano by noting that Performance-based Navigation procedures are making operations in the Boston area more efficient but Capuano cut him off snapping, "Complaints in Boston are going through the roof and it began with RNAV."

The focus on the Aviation Subcommittee hearing was the new FAA reauthorization legislation.

House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) and Aviation Subcommittee Chairman Frank LoBiondo (R-NJ) said in their

(Continued on p. 36)

In This Issue…

Technology ... German researchers demonstrate, for the first time anywhere, that compressed air can be used to cut engine fan noise by up to 10 dB - p. 38

... NASA LEAPTech project demonstrating benefits of quieter electric propulsion for aircraft - p. 39

... NASA shape-changing flap project achieves major milestone with modified G III flight - p. 40

NextGen... MA congressman tells Huerta his support for NextGen is waivering because he has not seen "enough bang for the buck" in noise reduction - p. 38

Helicopters ... Vice Chair of House Aviation Subcommittee urges FAA to reduce helicopter noise on North Fork of Long Island - p. 40

Awards ... DFW International's Sandy Lancaster and James Crites are the recipients of the 2015 UC Davis Gillfillan Award - p. 41

Germany, from p. 38

Quieter All Around

The fan noise suppression experiments were performed in the experimental Ultra High Bypass Ratio (UHBR) compressor test system in Cologne, Germany, operated by the DLR Institute of Propulsion Technology.

"We analysed the compressed air method using a realistic partial engine model installed in the test system and operated at a low rotational speed under normal approach conditions," explained Eberhard Nicke, describing the experiment.

To measure the volume, the researchers installed a frame fitted with microphones in front of the engine model. Then they moved the microphone frame in increments until they had covered every possible position in front of the intake.

"It was particularly important that the manner in which we controlled noise cancellation ensured a reduction in volume in every possible direction of emission, and not just one; and we succeeded," says Enghardt, who heads up the Engine Acoustics Department in Berlin.

Active Noise Reduction

German researchers have been exploring means of making engines quieter for some time, pursuing active noise reduction as an innovative technology.

"Active noise reduction involves the use of noise cancellation sources to suppress the output of the primary noise emitters. Initially, the methods used loudspeakers to produce a noise cancellation field. However, a system consisting of a large number of loudspeakers would have to be extremely robust, durable and reliable to be fitted to an engine, for instance at the intake. Furthermore, the use of high-performance magnets and amplifiers substantially increases the engine weight, which has negative repercussions on its efficiency," said Enghardt, explaining the disadvantages.

This prompted the acoustic specialists at the DLR Institute of Propulsion Technology to design an innovative procedure to use compressed air as a means of actively reducing engine noise.

The air this introduces exerts alternating forces on the guide vanes behind the main fan, creating active noise cancellation, provided that the air supply is controlled precisely.

Project partner Airbus Group Innovations used the underlying principle to build a computerised control system that precisely and automatically adjusts the ideal circumferential position that the two perforated rings that provide the fan noise cancellation adopt, and also how much air they introduce.

In addition to being lightweight, the new system comes with the advantage that, compared with the loudspeaker solution, is easier to integrate into modern engine designs. Modern aircraft engines already have a compressed air system designed for a variety of purposes, which can be upgraded and adapted for acoustic applications.

Initial DLR tests conducted on the new compressed air technique in 2012 had already shown, in principle at least, that this method would be suitable for noise cancellation.

At the time, the experiment was conducted in cooperation with the two industrial partners, Rolls-Royce Germany and Airbus Group Innovations, as part of the Aerospace Research Programme IV funded by the German Federal Ministry for Economic Affairs and Energy.

NASA

LEAPTECH TO DEMONSTRATE ELECTRIC PROPULSION BENEFITS

The arrival of a unique experimental demonstrator at NASA's Armstrong Flight Research Center on Feb. 26 may herald a future in which many aircraft are powered by electric motors, NASA said.

The Leading Edge Asynchronous Propeller Technology (LEAPTech) project will test the premise that tighter propulsion-airframe integration, made possible with electric power, will deliver improved efficiency and safety, as well as environmental and economic benefits.

Key potential benefits of LEAPTech include decreased reliance on fossil fuels, improved aircraft performance and ride quality, and aircraft noise reduction.

LEAPTech is a key element of NASA's plan to help a significant portion of the aircraft industry transition to electrical propulsion within the next decade.

According to Mark Moore, an aerodynamicist at NASA Langley Research Center, "LEAPTech has the potential to achieve transformational capabilities in the near-term for general aviation aircraft, as well as for transport aircraft in the longer-term."

Over the next several months, NASA researchers will perform ground testing of a 31-foot-span, carbon composite wing section with 18 electric motors powered by lithium iron phosphate batteries.

The experimental wing, called the Hybrid-Electric Integrated Systems Testbed (HEIST), is mounted on a specially modified truck. Testing on the mobile ground rig assembly will provide valuable data and risk reduction applicable to future flight research.

Instead of being installed in a wind tunnel, the HEIST wing section will remain attached to load cells on a supporting truss while the vehicle is driven at speeds up to 70 miles per hour across a dry lakebed at Edwards Air Force Base. Preliminary testing, up to 40 mph, took place in January at Oceano County Airport on California's Central Coast.

The LEAPTech project began in 2014 when researchers from NASA Langley Research Center and Armstrong partnered with two California companies, Empirical Systems Aerospace (ESAero) in Pismo Beach and Joby Aviation in Santa Cruz. ESAero is the prime contractor for HEIST responsible for system integration and instrumentation, while Joby is responsible for design and manufacture of the electric

motors, propellers, and carbon fiber wing section.

The truck experiment is a precursor to a development of a small X-plane demonstrator proposed under NASA's Transformative Aeronautics Concepts program. Researchers hope to fly a piloted X-plane within the next couple years after removing the wings and engines from an Italian-built Tecnam P2006T and replacing them with an improved version of the LEAPTech wing and motors. Using an existing airframe will allow engineers to easily compare the performance of the X-plane with the original P2006T.

Each motor can be operated independently at different speeds for optimized performance.

NASA

SHAPE-CHANGING FLAP PROJECT REACHES MAJOR MILESTONE

NASA's Adaptive Compliant Trailing Edge (ACTE) project achieved a major milestone at NASA's Armstrong Flight Research Center on Feb. 18 when a modified Gulfstream G-III completed a flight with 15 degrees flap deflection, thus successfully meeting all of the project's primary requirements.

Flight tests have been performed with deflections ranging from zero to 15 degrees, with plans for flights up to 30 degrees of deflection. Although the flexible ACTE flaps are designed to morph throughout the entire range of motion, each test is being conducted at a single fixed setting in order to collect incremental data with a minimum of risk.

The ACTE project is a joint effort between NASA and the U.S. Air Force Research Laboratory (AFRL) at Wright-Patterson Air Force Base, Ohio, to advance compliant structure technology for use in aircraft to significantly reduce drag, structural weight, and aircraft noise.

It is part of NASA's Environmentally Responsible Aviation (ERA) project to explore and document the feasibility, benefits and technical risk of vehicle concepts and enabling technologies for reducing aviation's impact on the environment.

ACTE technology has the potential to be retrofitted to existing airplane wings or integrated into entirely new airframes. ACTE enables engineers to reduce wing structural weight and to aerodynamically tailor the wings throughout the flight envelope to promote improved fuel economy and more efficient operations, while reducing environmental and noise impacts.

Flight testing at Armstrong is key to proving the concept's airworthiness.

Last year, researchers replaced the G-III's conventional aluminum flaps with advanced, shape-changing assemblies that form seamless bendable and twistable surfaces. The revolutionary flaps were designed and built by FlexSys, Inc., of Ann Arbor, Michigan, with AFRL funding based on FlexSys patented technology.

"Reaching our minimum success criteria for the ACTE Integrated Technology Demonstration is a testament to the exceptional cooperation and collaboration toward the success of this flight campaign between NASA, AFRL and FlexSys, the inventor of the technology," said Ed Waggoner, Integrated Aviation Systems Program Director in NASA's Aeronautics Research Mission Directorate.

"Every milestone we achieve helps us to better understand how these enabling technologies reduce aviation's impact on the environment."

NextGen, from p. 38

opening statement that a key area of focus in the new FAA reauthorization will be privatizing the air traffic control system.

Noting that other countries have successfully privatized their air traffic control systems, Shuster asked the FAA administrator if this was the right time to do so in the United States.

Huerta said that he and Transportation Secretary Anthony Foxx are open to the idea of restructuring the U.S. air traffic control system but stressed we must make sure there are no unforeseen consequences in doing so.

Shuster countered that other countries have privatized their ATC systems with no problems but Huerta said the U.S. system is unique and will require "uniquely American solutions" to privatizing ATC.

"Our system is unique in size and composition," he told the Aviation Subcommittee. "We need an operational model that works for the U.S."

The question of how environmental impacts of revised air traffic procedures would be handled under a privatized ATC system was not addressed but will need to be if the idea moves forward.

Helicopters

AVIATION SUBCOM. VICE CHAIR URGES ACTION ON COPTER NOISE

Vice Chairman of the House Aviation Subcommittee Rep. Lee Zeldin (R-NY) recently joined with local elected officials and community groups on Long Island to stress the importance of finding an immediate solution to the helicopter noise issue on the East End of Long Island.

"The persistent issue of helicopter noise on the East End, summer after summer, has become an increasing impediment on the quality of life of many of my constituents," Zeldin said at a March 8 rally.

"That's why I am calling on the FAA to find an immediate solution for this problem, especially since it continues to get worse … My constituents cannot afford to have another season ruined by disruptive noise. This is an important quality of

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life concern that must be resolved."

On March 2, Zeldin sent a letter to FAA Administrator Michael Huerta urging him to use "rotating points of entry over land" and enforce the 2,500 foot minimum altitude set in FAA's 2012 North Shore over-water helicopter route.

That rule was successful in mitigating disruptive helicopter noise on other parts of Long Island but exacerbated the problem on Long Island's North Fork, Zelin told Huerta.

He also urged the FAA Administrator to stand by assurances it made to East Hampton and to his predecessor in 2012 that the Town would not be subject to the Airport Noise and Capacity Act after Dec. 31, 2014, and could impose airport use restrictions without FAA approval.

The Town of East Hampton is expected in early April to approve four airport noise restrictions, including a weekend ban on helicopter operations during the summer season (27 ANR 18).

Awards

DFW'S LANCASTER, CRITES HONORED WITH 2015 UC DAVIS GILLFILLAN AWARD

Sandy Lancaster and James Crites, who have long championed noise mitigation efforts at Dallas-Ft. Worth International Airport, are the recipients of the 2015 Walt Gillfillan Award.

The award is presented annually at the UC Davis Aviation Noise & Air Quality Symposium to an individual or organization whose exemplary achievements in and contributions to the field of environmental aviation deserve special recognition.

Sandy Lancaster currently serves as Interim Assistant Vice President for DFW's Environmental Affairs Department. She oversees DFW's Noise Compatibility Office, evaluates local development to assure maximum land use compatibility by local jurisdictions, operates and maintains the airport's permanent noise monitoring system, monitors aircraft and community noise levels, and interacts with the public on noise issues.

She also assisted the FAA in the development and successful implementation of new RNAV departures procedures at DFW, including NEPA documentation and community educational forums.

James Crites currently serves as Executive Vice President for the Operations Division of DFW International where he oversees the activities of Operations, Energy and Transportation Management, Asset Management, Department of Public Safety, Planning and Environmental Affairs.

Prior to that, he worked in several key management positions at American Airlines.

AIRPORT NOISE REPORT

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Research

BOEING ECO-DEMONSTRATOR 757 FLIGHTS EVALUATING NEW GREEN TECHNOLOGIES

Boeing has begun several months of flights with its ecoDemonstrator 757 to evaluate new technologies to improve commercial aviation's efficiency and reduce noise and carbon emissions.

Boeing said March 18 that it is collaborating with TUI Group and the National Aeronautics and Space Administration on the ecoDemonstrator 757 tests.

The 757 flight tests continue the ecoDemonstrator Program's multi-year effort to accelerate testing, refinement, and use of new technologies and methods that can improve aviation's environmental performance.

"The ecoDemonstrator 757 furthers our commitment to accelerate innovative technologies for current and future airplane programs," said Mike Sinnett, vice president of Product Development, Boeing Commercial Airplanes. "The Boeing ecoDemonstrator program is focused on putting new, more environmentally efficient technologies and airplanes in the hands of our customers sooner."

Boeing is under contract with NASA's Environmentally Responsible Aviation

(Continued on p. 43)

Santa Monica

CITY COUNCIL APPROVES SHORT LEASES IN EFFORT TO CLOSE, RESTRICT AIRPORT USE

Continuing its effort to close or sharply restrict operations at Santa Monica Airport, the Santa Monica City Council on March 25 voted 7-0 to establish a new policy setting limits on the length of leases for businesses located on various locations of Santa Monica Airport.

Businesses located on the 35-acre "Western Parcel" of airport land will be required to sign only month-to-month leases at costly market rates. That is part of a strategy designed to allow the City to regain control of the Western Parcel in July (when it contends federal grant agreements expire), to eliminate aviation uses on that land, and to shut down the portion of the runway located on the Western Parcel thereby achieving the City's long-sought goal of barring larger, faster business jets from operating at its airport.

Airport noise, aircraft emissions, and safety concerns are the main reasons city residents are seeking closure of the airport. Actor Harrison Ford's recent crash on a golf course just short of the runway has only deepened that resolve.

The Western Parcel of land that forms Santa Monica Airport was not transferred to the federal government for use in World War II, and, therefore, is not subject to

(Continued on p. 44)

In This Issue…

Research ... Boeing is evaluating new green aircraft technologies in flights with its 757 ecoDemonstrator aircraft, which will be carried out for several months - p. 42

Santa Monica ... Continuing its effort to close Santa Monica Airport or sharply reduce operations, the Santa Monica City Council approves a new policy requiring only month-to-month leases for tenants located on the Western Parcel of the airport, which the city plans to convert to non-aviation uses - p. 42

PFCs ... Airlines say Obama Administration's proposed increase in PFC from $4.50 to $8 is not needed but airports disagree. PFCs are a major source of funding for airport noise mitigation projects - p. 43

Noise Policy ... Illinois congressman says he got a commitment from OMB to complete its review of FAA's proposed aircraft noise annoyance survey within the next few weeks - p. 44

ecoDemonstrator, from p. 42

(ERA) Project to test two technologies on the ecoDemonstrator 757.

On the left wing, Boeing will evaluate technologies to reduce environmental effects on natural laminar flow as a way to improve aerodynamic efficiency. As an example, the ecoDemonstrator 757 will test a Krueger shield that can protect the leading edge from insects.

On the right wing, NASA will test bug-phobic coatings to reduce the residue left by bug strikes on the leading edges of aircraft wings; the goal is to enable more drag-reducing laminar flow over the remainder of the wing.

On the vertical tail, NASA and Boeing are testing active flow control to improve airflow over the rudder and maximize its aerodynamic efficiency. Based on wind-tunnel testing, active flow control could improve the rudder's efficiency by up to 20 percent and may allow for a smaller vertical tail design in the future.

TUI Collaborating with Boeing

TUI Group, the world's largest integrated tourism group, is collaborating with Boeing as a way to reduce carbon emissions. The Europe-based company, which includes six airlines, is preparing for a low-carbon future by reducing its environmental impact and encouraging its suppliers and customers to do the same.

"We are very pleased to partner with Boeing for the next phase of their ecoDemonstrator program, as TUI Group is highly committed to achieving further environmental efficiency across our whole business and remaining the industry leader on carbon efficiency with our airlines," said Jane Ashton, Director of Sustainability, TUI Group.

With the exception of Boeing proprietary technology, NASA knowledge gained in collaboration with Boeing from ecoDemonstrator research will be publicly available to benefit the industry.

"Having a relevant test bed, like Boeing's ecoDemonstrator, to help mature technology concepts is extremely important to NASA's Environmentally Responsible Aviation (ERA) Project," said Fay Collier, ERA project manager, NASA.

"Our researchers have been working hard to develop technologies to reduce airplane fuel consumption, noise and emissions. Being able to prove those concepts in flight tests gives them a better shot of getting into the commercial fleet."

Later this year, Boeing will announce additional tests with the ecoDemonstrator 757, which was leased for testing purposes. After the flights are complete, Boeing will work with the Aircraft Fleet Recycling Association and the lessor, Stifel's aircraft finance division, to recycle the 757 using environmental best practices.

Since it was launched in 2011, the ecoDemonstrator Program has tested more than 40 technologies with a Next-Generation 737 and a 787 Dreamliner.

PFCs

AIRLINES SAY PFC INCREASE NOT NEEDED; AIRPORTS DISAGREE

Airlines for America (A4A), the trade group for U.S. airlines, urged House and Senate leaders in a recent letter to oppose an increase in the current Passenger Facility Charge (PFC).

President Obama's 2016 budget proposed increasing the PFC from $4.50 to $8 per enplanement to offset a proposed $450 million cut in grant-in-aid to large airports (27 ANR 18). PFC revenue is a major source of funding for airport noise mitigation projects.

"Unfortunately, many of our airport partners are advocating for a historic tax hike on the traveling public through a nearly 90 percent increase in the PFC airport tax," the A4A Board of Directors members, who are CEOs of the major U.S. passenger airlines, wrote in their March 4 letter to Congress.

"This is simply not necessary as significant airline investments combined with airports' resources and funding streams provide airports with the funds for improvement projects needed today and in the future. Airlines and airports have a history of partnering on significant improvements. Since 2008, over $70 billion of capital projects have been completed, are underway or approved at the nation's 30 largest airports alone, and development is robust at smaller airports across the country as well."

Because of this partnership, their mutual support for airport capital improvements, and the existence of airports' resources and funding streams, the Board of Directors' letter highlighted that the increase in the PFC being advocated for by many airports is not necessary.

"The proposed increase in the PFC is just another tax increase that the government is trying to force on consumers who already pay too much in taxes when they fly. Airports and airlines work together to provide demand-driven airport development that avoids burdening travelers with additional taxes. Let's stick with what works and keep the PFC precisely where it is," said United Airlines Chairman, President and CEO Jeff Smisek, Chairman of the A4A Board of Directors.

The airline CEOs asked Congress for an active role in discussions surrounding funding for capital improvements at U.S. airports.

Airports Say PFC Increase Needed

The Airport Council International – North America, however, said that U.S. airports need an estimated $75.7 billion in infrastructure investment through 2019 to accommodate growth in passenger and cargo activity, rehabilitate existing facilities, and support aircraft innovation, according to a new report the trade group released.

"The clear takeaway from our latest survey on airport infrastructure needs is that U.S. must move beyond the status quo and comprehensively modernize how we make these es-

sential investments," said ACI-NA President and CEO Kevin M. Burke.

"As the U.S. economy continues to gain strength and air travel rebounds, we must guarantee to passengers and cargo shippers that we can continue to meet increases in demand with safe, secure, and efficient facilities that keep pace with our global competition."

Airport Capital Development Needs: 2015-2019 details a comprehensive scope of airport infrastructure projects, including those projects not eligible for Airport Improvement Program (AIP) grant funding. ACI-NA estimates that U.S. airports have a collective funding need of $75.7 billion over the next five years, or $15.1 billion per year, to successfully complete these projects.

Within the five-year, $75.7 billion figure, ACI-NA estimates that commercial airports account for $62.2 billion, or 82.1 percent; non-commercial airports account for $13.6 billion, or 17.9 percent. Within the commercial-airports segment:

- Large hubs account of $40.1 billion, or 52.9 percent;
- Medium hubs account for $9.1 billion, or 12 percent;
- Small hubs account for $7.7 billion, or 10.1 percent; and
- Non-hubs account for $5.3 billion, or 7.1 percent

"Across all hub sizes, airports have planned projects essential to respond to increasing demand, airline hub consolidation, and fulfilling federal mandates and passenger expectations," continued ACI-NA's Burke.

"Modernizing the PFC and strengthening AIP will allow airports to successfully address these infrastructure challenges in a timely, cost-effective manner that benefits the whole of the aviation industry," ACI-NA said.

Santa Monica, from p. 42

being reclaimed by the Federal Aviation Administration under the legal Instrument of Transfer (IOT) that returned the land to the City in 1948 after the war, the City contends. However, aviation groups argue that the obligations entered into in the IOT extend to all airport land and obligate the City to operate the airport into perpetuity.

At a meeting packed with 100 attendees speaking for and against closing the airport, the City Council declined – on the advice of the city attorney – to vote on a recommendation to ban jet aircraft that emit high levels of exhaust emissions. The city attorney said such action is a federal responsibility.

In March 2014, City staff was directed to prepare a "preliminary conceptual plan" for a smaller airport that excludes the 35-acre "Western Parcel," effectively cutting in half the runway length of one of the busiest general aviation airports in the country.

In July 2104, the National Business Aviation Association (NBAA) – joined by the Aircraft Owners and Pilots Association, Harrison Ford, and seven airport tenants and pilots – filed a Part 16 complaint with the FAA seeking to bar the City of Santa Monica from closing all or part of Santa Monica Airport in 2015, when the City contends its federal grant agreements expire (26 ANR 86).

The complaint asks FAA to clarify that the airport must continue to abide by its FAA grant assurances through August 2023, when the aviation groups contend the grant agreements expire, to ensure vital aviation services and facilities remain intact.

NBAA Threatens Lawsuit

Following the City Council's vote on a new leasing policy, the NBAA cautioned Santa Monica's mayor and City Council about the questionable legality of proposals that seek to limit the viability of Santa Monica Airport for aviation operations, as well as for businesses located on the airfield.

NBAA Western Regional Representative Stacy Howard attended the City Council meeting and told city officials that Santa Monica has "obligations, derived from specific agreements with the federal government as well as general applicable federal law ... which mean that some of the commission's proposals simply cannot be implemented by the city."

Ahead of the City Council meeting, NBAA Chief Operating Officer Steve Brown sent a letter to Santa Monica Mayor Kevin McKeown, outlining the Association's objections to the commission's proposals, which, he asserted, "generally are inconsistent with federal law."

Brown also warned McKeown that, if adopted, the commissions proposals "could lead to legal action against the city – as well as federal sanctions, including the suspension of all DOT transportation funding for city projects."

Howard's comments at the City Council meeting, as well as Brown's letter, mark the most recent efforts by NBAA in the decades-long battle against attempts to limit operations at SMO or shut them down altogether. Last year, with urging from NBAA, a California federal judge dismissed a lawsuit in which Santa Monica city officials attempted to gain control of SMO with the intent of closing it down.

"NBAA will continue to monitor the situation and pursue all available options to ensure access to and the future viability of Santa Monica airport, which is not only an important asset in our national system of airports, but is also a vital economic asset to the Los Angeles basin area," said NBAA President and CEO Ed Bolen.

Noise Policy

OMB TO SOON COMPLETE REVIEW OF FAA ANNOYANCE SURVEY

The Office of Management and Budget will complete, within the next few weeks, its review of the Federal Aviation Administration's proposed annoyance survey of residents near 20 U.S. airports, Rep. Mike Quigley (D-IL) announced March 18.

FAA sent is proposed annoyance survey to OMB for approval in mid-December 2014. It usually takes OMB about two months to approve such requests and Quigley is anxious

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that the survey gets underway.

The Illinois congressman, who represents noise-weary constituents in communities impacted by noise from a major runway alignment at Chicago O'Hare International Airport, said he questioned both OMB and FAA officials on the status of the annoyance survey, which is needed to determine whether FAA's current aviation noise policy – especially the use of 65 dB DNL as the threshold of residential compatibility around U.S. airports – needs to be updated.

At recent House Appropriations Subcommittee hearings, Quigley pressured top OMB and FAA officials to implement both short-term and long-term solutions to increased noise pollution resulting from new traffic patterns at O'Hare International.

In a statement following the hearings, Quigley said, "I am encouraged by the OMB's commitment to expedite the FAA's noise study [annoyance survey]. But, this fight is far from over. As an appropriator with direct oversight of the FAA, I made clear my commitment to make the FAA not just hear the concerns of Illinois' fifth district but to work swiftly and efficiently to alleviate the noise pollution that my constituents endure each day."

At a March 16 Appropriations Subcommittee hearing, Rep. Quigley told OMB's Donovan that the current 65 DNL metric is outdated and no longer a reliable measure of the real impact of air traffic noise.

Expediting the FAA's annoyance survey will allow for the establishment of a more reasonable standard and help more individuals qualify for the O'Hare Residential Sound Insulation Program (RSIP), Quigley said.

Survey Will Take Year to Complete

The FAA's annoyance survey will include 20 airports. It is expected to take one year to complete and six months to analyze. Following that, the FAA will brief the public on the survey findings.

Not long after that, the FAA will determine if it needs to update its noise policy based on the survey findings. There is no timeframe for a policy update, if needed, but it would be coordinated with the Federal Interagency Committee on Aviation Noise (FICAN).

Changing FAA noise policy would be a public process and would be reviewed by the Secretary of Transportation.

The FAA is not identifying the 20 airports that will be included in the survey and stressed that the results of the survey – which will include airports of varying sizes, operations, and noise impact – will not be airport specific.

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American Eagle EMB-175

Delta B737-700

American Eagle EMB-145

Delta CRJ-700

Silver Airways SF-340B