

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

Agenda for Tuesday, June 2nd, 2015

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
 - 1. For April 7th, 2015
- B. Final NEM and NCP Documents (CD included in Agenda Package)
- C. Discussion of NCP Implementation Plan
- D. Other Reports:
 - 1. Noise Hotline and Contact Log
 - 2. Airport Noise Report
- E. Other Discussion
- F. Next meeting: August 4th, 2015

Meeting Schedule for 2015

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

**KWIA Ad-Hoc Committee on Noise
April 7, 2015 Meeting Minutes**

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

ROLL CALL:

Committee Members in Attendance:

Mayor Danny Kolhage
Kay Miller
Sonny Knowles
Marlene Durazo
Dr. Julie Ann Floyd
Harvey Wolney
Amy Kehoe
Nick Pontecorvo

Staff and Guests in Attendance:

Don DeGraw, Monroe County Director of Airports
Deborah Lagos, DML & Associates
Joe Carroll, THC
Steve Vecchi, THC
Chris Bowker, Jacobs Engineering
Robert S. Gold, Old Town Homeowners
Robert & Sue Baggett

A quorum was present.

Review and Approval of Meeting Minutes for the February 3rd, 2015 Ad Hoc Committee Meetings

Commissioner Kolhage asked if there were any comments or corrections to the February 3rd, 2015 minutes. There were no comments or corrections. Dr. Julie Ann Floyd made a motion to approve the minutes and Marlene Durazo seconded the motion. The minutes were approved as presented.

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Discussion of Part 150 Study Update

NCP Record of Approval

Deborah reviewed the FAA's Record of Approval (ROA) for the Noise Compatibility Program (NCP). A copy of the ROA is included in the agenda package. All of the measures that were recommended for FAA's approval were approved.

The Federal Register Notice announcing FAA's Record of Approval was published yesterday. That document is the last item we were waiting for before we could produce the final version of the NCP document. Each member of the Ad-Hoc Committee will be provided with a CD containing the final version of both the NEM and NCP document. Hopefully that will be prior to the next meeting.

Deborah reviewed the "highlights" of the ROA.

The Noise Insulation Program (LU-1) was approved, including Key West by the Sea, Grace Lutheran Church and School, the Catholic Charities Facility, and single-family homes. However, all of these are still subject to the testing requirement before they are ultimately determined to be eligible. Marlene Durazo asked if the FAA was still sticking to the DNL 65 dB. Deborah responded that within the main part of the NCP, the FAA would only allow us to show the properties that were within the DNL 65 dB, but we included maps in Appendix L that showed our proposed "block rounding" areas, which includes all of KWBTs. There was also some very minimal "block rounding" in the Flagler Avenue area.

LU-2, which was purchase of Avigation Easement, required a small compromise from what was originally proposed. The FAA would not approve the purchase of Avigation Easements from property owners that were deemed ineligible for the NIP, only from those that were deemed eligible but chose not to participate.

The FAA approved LU-6, which was our recommendation to purchase an Avigation Easement from the owner of the property located at the corner of Flagler Avenue and 11th Street that is currently being prepared for development.

Measures LU-3, LU-4, LU-5, and LU-7 were requests to rescind approval of measures approved in the 1999 NCP that were never implemented. These measures were being

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replaced with new measures that were under the control / jurisdiction of Monroe County, rather than another government entity.

The following Program Management and Operational Measures were approved:

- PM-1, Continue to utilize a consultant to fulfill the role of Airport Noise Program Coordinator,
- 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,
- PM-4, Post framed, weatherproof, large scale versions of pilot handout on the airside at the FBO and airline terminal,
- PM-6, Purchase and install lighted airfield information signs to promote use of voluntary noise abatement procedures,
- PM-7, Establish a noise and flight track monitoring program by acquiring two portable noise monitors and an FAA-approved flight track monitoring system,
- PM-8, Update noise contours as needed.

With regard to updating noise contours, we had to make a compromise as we discussed at the last meeting. We had to modify it such that certain criteria would have to be met in order to justify updating the contours, such as significant changes (e.g., 15%) in the number of operations, an increase in nighttime operations, and/or a significant change in fleet mix. So we won't be automatically updating the contours annually, as we have in the past. Marlene Durazo expressed that her concern all along has been when we start getting traffic from Cuba, but was happy that this might trigger an update.

Those were all the measures that the FAA was required to approve; they approved every measure that we recommended that required their approval. So that was a victory.

Page 27 of the Agenda Package describes two measures that were previously disapproved in the 1999 NCP. We are not sure why the FAA felt the need to include this in the ROA, except to emphasize that they were still disapproved.

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Starting on page 28 of the Agenda Package, there is a description of measures for which FAA action is not required. These include:

- OM-1, Voluntary use of Ground Power Units when time and safety permit.
- OM-2, Continue use of designated aircraft run-up locations,
- OM-3, Voluntary use of intersection departures on Runway 09,
- OM-4, Continue use of a wide variety of flight paths on approach to Runway 09,
- OM-5, Voluntary southerly helicopter arrival and departure tracks,
- OM-6, Adherence to voluntary practices for air tour and aerial advertising flights,
- OM-7, Continue voluntary avoidance of direct flight over KWBTs by pilots of air tours and aerial advertising flights,
- OM-8, Continue voluntary use of noise abatement arrival and departure procedures,
- OM-9, Continue voluntary curfew of aircraft activity between 11:00 p.m. and 7:00 a.m.
- LU-8, Work with the City of Key West to adopt policies to encourage compatible development,
- PM-2, Continue holding meetings of Monroe County's Ad-Hoc Committee on Noise, and
- PM-5, Subscribe to Whispertrack™ to facilitate distribution of voluntary noise abatement procedures.

Most of the operational measures were already being done, but the goal is to increase compliance through education of the pilots and assistance from the Airport Traffic Control Tower. The airport has a new Operations Manager, and we are hoping she will be able to assist in improving compliance with these procedures.

Kay Miller commented that the departure area in the terminal seemed to be closed off pretty early in the evening. Don responded that the last departure of any commercial airline is around 7 pm. There are arrivals later in the evening. However, General Aviation is unscheduled and can occur any time, day or night. Occasionally, commercial airline arrivals run late.

LU-8 involves working with the City of Key West to assist them in amending their Land Development Code to incorporate measures to prevent noncompatible

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development, for new construction on either vacant land or following demolition of old existing structures, as well as substantial improvement of existing structures.

Kay Miller asked how we satisfied the FAA's concern regarding the meetings being held at 2:00 pm. Deborah responded that she expanded the explanation of the meetings and referred to the meeting minutes, where it was well documented that there was significant public involvement.

Introduction of NIP Consultant

Deborah explained that we did a Request for Qualifications (RFQ) for a consultant to oversee implementation of the Noise Insulation Program. Four companies submitted their Statement of Qualifications (SOQ). These documents were reviewed by Don and his Selection Committee, and they made a recommendation to the Board of County Commissioners (BOCC) to select THC. The BOCC approved that recommendation, and authorized staff to begin negotiations with THC. THC managed Phases 3 through 7 of the previous NIP, so they are not really "new;" they have a lot of previous experience in Key West. I invited them to the meeting today so you could have the opportunity to meet them. Deborah then introduced Joe Carroll, President of THC, and Steve Vecchi, Director of Sound Insulation Services. A letter from THC, signed by Joe Carroll, is included in the Agenda Package. It basically describes their qualifications and why they should be selected. They are highly qualified, not only because of their prior experience in Key West, but also because they manage similar programs across the country. They know what they are doing, and as we have discussed during previous meetings, it is very important to have a consultant who is very familiar with the new FAA requirements and knows how to conduct the eligibility testing so that we can qualify the maximum number of homes for participation in the NIP.

Kay Miller commented that THC was in charge when her house on Linda Avenue was insulated in Phase 7. She indicated that the workers were very professional and that she can really tell a big difference in the interior noise levels after the work was completed. She said she was very happy with the outcome.

Deborah mentioned that Kay had asked previously about the houses remaining on Linda Avenue that were not insulated. Now that the NCP is complete, it is a certainty that those houses on Linda Avenue are not eligible.

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Dr. Julie Ann Floyd asked if that could be put in writing, because often people are told they are eligible when they buy their house, only to find out that they are not. Kay asked Deborah to put together a letter that Kay would be happy to distribute, to inform the homeowners on Linda Avenue (and the houses that back up to them on Flagler Avenue) that they are not eligible in the new NIP. Deborah also mentioned that we could be put something on the website, including maps showing the areas that are eligible. Dr. Floyd indicated she thought it should people from being disgruntled. Deborah indicated this was similar to a Real Estate Disclosure.

Deborah indicated that we had previously discussed the issue of Real Estate Disclosure as a potential measure in the NCP. Danny Kolhage indicated that issues related to Real Estate Disclosure are preempted to the State, therefore the County cannot control that kind of thing. However, he said we could look in to the possibility of putting something on the County's website, in addition to the Ad-Hoc Committee website. It is amazing that people don't realize there is an airport, and that airplanes fly in and out of the airport, and make noise.

So, to recap, Deborah will prepare maps to put on the Ad-Hoc Committee website, as well as a letter to property owners on Linda Avenue and Flagler Avenue that are no longer eligible, explaining the results of the recent study. Don suggested including a map showing the new contours.

Implementation Plan

Now that we have the ROA, the next step is to develop an implementation of how to move forward. We have had discussions with the FAA about what they want to see, and we will continue to work very closely with the FAA to develop the Implementation Plan. The Implementation Plan will be the road map for how we approach the Noise Insulation Program. As we've discussed in many meetings in the past, the testing is going to be the big piece of this, to determine who is qualified to participate and who is not. Part of the Implementation Plan will include the Initial Testing Phase. Kay Miller asked how we would determine who would be included in the Initial Testing Phase; whether we would be asking for volunteers. Deborah explained that we will have to conduct a housing survey, develop categories, and then select representative samples from each category. THC and I will be working together to develop the Implementation Plan and meeting with the FAA to talk through the process and

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figure out the best way to go about this. In all honesty, this is new to the FAA, so they don't have a lot of experience to fall back on regarding this new process. As I've said before, I believe this will be a hand-holding process where we work very closely with the FAA to figure out the best approach that meets their requirements. The FAA has laid out a method for that they believe is the best approach, but we also plan to develop some options to present to them that we believe may be more efficient.

Joe, Steve, and Deborah toured the new Program Area yesterday to observe the various types of construction and types of properties. We've never done a condominium complex in Key West before, so that will be a new experience. The logistics involved in construction for a multi-story building will be challenging. Harvey Wolney explained that he has had his windows replaced. His unit is on the second floor and they used a lift, at a cost of \$500 per day. He mentioned that scaffolding was \$350 per day. Marlene Durazo explained that KWBTs was about to repaint all the buildings. Deborah mentioned that we spoke to Roger at the Property Management Company, and gathered a lot of helpful information.

In addition to KWBTs, we have single-family houses that are similar to those completed in the previous NIP. We also have Flagler Court Townhomes, which are two stories elevated above the ground, with parking underneath. They are frame construction with vinyl siding, and therefore completely unique to any other construction type we've done before.

Deborah asked Steve Vecchi to explain his thoughts on housing categorization and the testing plan. Steve reiterated that we will come up with the best testing plan that will come up with the most eligible results. The goal is 100% eligibility. THC has been conducting testing in Atlanta for multi-family apartment buildings. One of their team members, Alan Hass from Landrum & Brown, has been conducting eligibility testing on single-family homes in Ft. Lauderdale. A lot of the homes we observed, both in KWBTs and in single-family homes, have through-the-wall and window AC units. From a noise perspective, these units are like holes in the wall, so that improves the chances they will be eligible. It looks like most of the properties have poor windows, which is good, in terms of testing. If the selected homes in a particular category fail the test (i.e., their interior noise level exceeds DNL 45 dB, thereby making them eligible), then all of the homes in that category are deemed eligible.

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Dr. Julie Ann Floyd asked, based on their experience in other places, what percentage of homes passed/failed the test. Steve responded that in Ft. Lauderdale, about 80% of the homes have been deemed eligible; the other 20% were not eligible primarily because they had already installed hurricane-rated windows which also provide a lot of noise attenuation. The large multi-family complexes in Atlanta have been qualified at 100%.

Joe Carroll mentioned that this is a new process for the FAA, even though it is not for us, so we have to get them on board with the process. Dr. Floyd responded that the Ad-Hoc members representing aviation are familiar with dealing with the FAA, and therefore understand that process. Things are always open to interpretation, regardless of historical precedence.

Dr. Floyd asked about the unique properties, such as the church and school. Deborah indicated we only have one church and school, and the Catholic Charities facility. Steve indicated that we would select a representative sample of the buildings and rooms in those facilities.

Deborah summarized the timeline for moving forward. Our first task is to develop the Scope of Work (SOW) for this first step, which is developing the Implementation Plan, which will include categorization of the homes, selection of the representative sample, the actual testing of that representative sample, analysis of the testing data, and development of a report that indicates which categories are eligible and which are not (but hopefully all are eligible). The FAA will have to approve our recommendations regarding eligibility. We are working on the SOW right now, which will be included in a grant application to the FAA by June 1. Chris Bowker of Jacobs will be responsible for the grant application. If the FAA approves the grant application, we anticipate receiving the grant in August or September. After the grant is received, we will be able to begin this process. The outcome of this process will be the determination of which categories of homes are eligible.

We need to include a description of the process of a category is deemed ineligible. The FAA guidelines indicate that if a homeowner asks specifically for their home to be tested, that can be given consideration. Dr. Floyd felt that once word of that leaks out that people are going to want to have their homes tested individually. Deborah asked Steve Vecchi to explain why sometimes that is more detrimental than beneficial. Steve explained that he believe the FAA's intent was that the testing be

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conducted on the worst houses in each category. Testing of 100% of the homes would be very expensive and time consuming and would delay the process. He felt that by testing 100% you could potentially qualify less homes, than if those homes were included in a category where similar homes that were in poorer condition were used for testing. It is critical to properly establish the categories, and carefully select the representative sample of each category, so as to qualify as many categories as possible. Joe Carroll reiterated that their feeling is that the more houses you test, the more chances you have to lose (i.e., houses are not eligible). Our goal is 100% participation (i.e., 100% eligibility) if we can get it.

Kay Miller mentioned that the quality of the construction work has to meet FAA standards. There is a lot of oversight in that process, both with THC's Construction Manager / Inspector, as well as the City of Key West's Building Inspectors.

Marlene Durazo expressed her appreciation to THC for being at the meeting today, and that based on their experience, she feels confident that THC will do a good job.

Other Reports

Noise Hotline and Contact Log

The hotline log was handed out at the meeting. There were five calls to the hotline, four of which were from KWBTs. Marlene Durazo indicated she had called at least once, but there was no record of her call on the hotline. Two calls from KWBTs were from a new condo owner who did not realize how loud the aircraft noise would be. One call was regarding eligibility for the NIP from a new homeowner located on Seidenburg.

Marlene indicated that she only calls when aircraft on approach are coming in too close to KWBTs, rather than on the centerline of the runway.

Airport Noise Report

Deborah asked if anyone read any articles of particular interest. Marlene Durazo mentioned the article about Heathrow Airport (Vol 27, Number 5, page 19) and how many homes are going to be insulated. She felt it was very generous that 160,000 homes were included.

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Amy Kehoe mentioned the article about Ft. Lauderdale (Vol 27, Number 8, page 31), and the number of people complaining about noise from the new runway. The testing for their sound insulation program has already been mentioned.

Amy also mentioned the article about the proposed increase in the allowable PFC from \$4.50 to \$8 (Vol 27, Number 11, page 43). Amy felt that such an increase would impact how people travel, much like gasoline price increases impacted people driving on vacation. Mayor Kolhage felt, based on his recent experience in three airports, that people are flying, and this would probably not make any difference. Kay Miller expressed she didn't think \$4 would make a difference. Deborah expressed that it might have a short-term impact, but not a permanent one. Don DeGraw indicated the airlines are not necessarily in favor of the increase, although airports certainly are. Airports prefer using PFCs to fund projects, rather than having to use bond funding to facilitate their capital improvements, because of the cost associated with applying for the bonds and the interest that has to be paid on the bonds. PFCs are better because the money goes directly into our account, and we can apply directly to the FAA for funding for specific projects. Don indicated they have about \$4 million in the bank right now that they are ready to spend. They are getting ready to submit their PFC Application #15, which is for \$2.5 million. Mayor Kolhage indicated that it has been significant for our airport. Amy asked if PFC funds were instrumental in paying off the new airport, and Don indicated they were able to pay off the debt early (particularly savings in interest) by using PFCs. Kay Miller asked about a runway improvement that was planned. Don indicated they had just completed the EMAS project, which was a \$4 million project, partially funded by PFCs. Don indicated the next big project is to improve the air carrier ramp, changing it from asphalt to concrete. We also have some taxiway improvements and lighting improvements that we are looking at. Eventually the runway will need to be rehabilitated within the next ten years. PFC funding is critical to make all this happen. We get about \$2 to \$3 million per year in entitlement money from the FAA, the rest is discretionary (which isn't guaranteed). Since we have that PFC in place we can really make those major projects happen.

Any Other Discussion

Robert Gold asked about Program Measures 3 and 4, particularly when they would happen. Don indicated that things we can do at the local level we will do immediately, but things that are AIP-eligible have to be programmed. Chris Bowker indicated they

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were programmed for next year. Robert Gold asked if the language had already been written, and Don indicated it had not, but our Consultants will work on that to make it happen. Robert Gold asked if there would be any objective way to measure whether those measures were working once they were implemented, such as looking at radar tracks. Don indicated that we don't currently have anything in place to do that. However, the FAA approved the acquisition of a flight track monitoring system, which would allow us to monitor improvements in compliance. Robert Gold would like to be able to report back to his neighbors when we might expect to see some change in the distribution of flight tracks, so as to "spread the pain" a little bit. Amy Kehoe mentioned that one difficulty is not necessarily knowing why the patterns are what they are at any given time, which may be due to weather or other traffic in the area.

Deborah discussed the goals of the flight track monitoring system that would be best for Key West. Because Key West International Airport does not have their own radar, the system would need to have the capability to collect flight track data independently from the Navy's radar. There are services that sell radar data that they obtain from the FAA, which is what we've used in the past. We cannot get usable data directly from the FAA or the Navy. Robert Gold reiterated the importance of moving forward with acquisition of the flight track system. Amy Kehoe agreed that it was important to be able to monitor compliance with noise abatement procedures.

Dr. Floyd asked what we would do if we find that the voluntary program is not working. Deborah indicated that in most cases, lack of compliance is related to lack of knowledge of the noise abatement program, so our goal is to educate the pilots. Dr. Floyd expressed concern regarding our ability to improve compliance. Robert suggested that maybe we need to ask the Control Tower to provide more specific instructions to pilots regarding use of noise abatement procedures. Sonny Knowles thought we had already done that in the past. We would never ask pilots to do anything they felt was unsafe. All we can do is encourage pilots to comply to the greatest extent possible.

Next meeting June 2nd, 2015.

Kay Miller moved to adjourn the meeting, and Sonny Knowles seconded the motion. The meeting adjourned at 3:20 p.m.

Key West International Airport Noise Insulation Program (NIP)

2015-16 Phase 1 Scope of Work NIP Planning and Eligibility Noise Testing

I. Background

In its Program Guidance Letter (PGL) 12-09, *Eligibility and Justification Requirements for Noise Insulation Projects*, dated August 17, 2012 and revised November 7, 2012, the Federal Aviation Administration (FAA) established a deadline of September 30, 2015, by which time all construction based on existing noise insulation program eligibility assumptions must be completed in its entirety. Beginning on October 1, 2015, all properties must meet the ~~2~~-Tier+eligibility criteria outlined in FAA Order 5100.38D, *Airport Improvement Program (AIP) Handbook, Appendix R, Noise Compatibility Planning / Projects*, dated September 30, 2014. The following is a summary of these significant program changes:

Sponsors must utilize an approved set of Noise Exposure Maps (NEM) that are no more than five (5) years old for this eligibility calculation.

Sponsors must use the ~~2~~-Tier+ eligibility rule to determine if a property is eligible to participate in a noise insulation program.

- *Property must be located within an approved 65 DNL NEM boundary.*
- *Property must have an average interior DNL value of 45 DNL or greater (with windows closed).*

Properties must meet both of the above eligibility criteria or they will not be eligible to participate in a noise insulation program.

Noise insulation modifications provided to eligible properties should be designed to achieve an average interior noise reduction of five (5) decibels or greater.

To meet the above requirements, a Sponsor must now complete several preliminary noise insulation program eligibility tasks (*on non-compatible properties identified in an approved Part 150 Noise Compatibility Program*) before initiating the traditional design, bid and construction processes. These tasks include the property surveys and categorization, eligibility noise testing, determination of eligibility certification and development of a proposed implementation master plan.

In August 2014, Key West International Airport (KWIA) submitted their proposed Noise Compatibility Program to the Federal Aviation Administration (FAA) for review and approval. On March 17, 2015, the FAA issued their Record of Approval, granting KWIA approval to begin the noise insulation eligibility determination process for the following non-compatible property candidates:

PHASE 1

Key West by the Sea Condominiums	206 units
Single Family Homes (DNL 70-75 dB)	4 units

PHASE 2

Single Family Homes (DNL 65-70)	73 units
Low Density Multi-Family Residential	15 units
Lime Grove House	1 unit

PHASE 3

Flagler Court Townhomes	26 units
Grace Lutheran Church and School	5 units
Parsonages	2 units
Catholic Charities	23 units

II. Proposed Phase 1 Tasks

The following is a summary of all proposed tasks to be performed by THC, Inc. (the Consultant) to complete the noise insulation eligibility determination process for the Key West International Airport (KWIA) Noise Insulation Program (NIP) Phase 1 properties:

Task 1 – Setup and Coordination

Task 1.1: Project Setup . The Consultant will set up the project in the corporate financial system, as required by corporate policy to manage the project.

Task 1.2: Participate in Weekly Coordination / Progress Conference Calls . The Consultant will participate in weekly coordination / progress telephone conference calls with KWIA Airport Noise Program Coordinator. The calls will be hosted by KWIA Airport Noise Program Coordinator, and the duration of each call will be approximately 60 minutes. The FAA ADO will be invited to participate in these calls. KWIA Airport Noise Program Coordinator will provide the Consultant with the call-in number and conference code, and will dial-in as the leader.

Task 1.3: Attend KWIA Ad-Hoc Committee Meetings . The Consultant will attend KWIA Ad-Hoc Committee meetings, as directed by KWIA Airport Noise Program Coordinator, to present information on the status of the project. The FAA ADO will be invited to attend these meetings. The Ad-Hoc Committee typically meets on the first Tuesday of every other month (i.e., October and December, 2015; February, April, June, and August, 2016).

Task 1.4: Conduct QMS Process . The Consultant will conduct QA/QC of project deliverables, prior to delivery to KWIA Airport Noise Program Coordinator.

Task 1.5: Prepare Project Invoicing . The Consultant will prepare monthly invoices to the Client, as required to manage the project.

Task 1.6: Close Out Project . The Consultant will provide information / documentation to KWIA's Airport Noise Program Coordinator as needed to facilitate close-out of the AIP grant. The Consultant will conduct administrative tasks, as required by corporate policy to close out the project.

Task 2 – Perform Site Survey of Key West by the Sea (KWBTs) Complex

The Key West by the Sea (KWBTs) condominium complex contains a total of 206 individual condominium units contained within 3 multi-story buildings; Building A (6 floors, 65 units), Building B (6 floors, 65 units) and Building C (3 floors, 76 units). Within the 3 buildings, there may be a potential of 21 different condominium unit design styles that occur including Studio unit (3 styles), 1-Bedroom unit (4 styles), 2-Bedroom unit (4 styles) and 3-Bedroom unit (6 styles). This task will include the following sub-tasks:

Task 2.1: Undertake Condominium Owner Survey

A property survey will be developed and mailed to all owners of the 206 potentially eligible and untreated KWBTs condominiums. A letter will accompany the survey which will inform the KWBTs condominium owners of the upcoming site survey, briefly explain why the survey is being conducted, and ascertain the property owner's initial interest in participating in the NIP if interior testing indicates they are eligible for such. The Consultant will coordinate closely with KWIA's Airport Noise Program Coordinator and the FAA Orlando ADO and Southern Region Offices regarding the content of the letter, as well as the survey. The property owner survey will be designed to gather information on the unique characteristics of their condominium units that cannot be assessed via exterior site survey (e.g., interior floor coverings, interior ceiling materials, types/age of windows and doors, number of rooms, existing heating/cooling system, existing electrical service, and a description of renovations / modifications made to the condominium unit). The Consultant will provide KWIA's Airport Noise Program Coordinator and the FAA ADO and Southern Region Offices with a draft of the letter and property survey, providing them with an opportunity to make final revisions (The submittal will include both pdf and Microsoft Word versions of the documents.). The final letter, incorporating FAA comments, will be printed on THC letterhead, and signed by the THC Project Director. A self-addressed, first-class stamped envelope will be included for the condominium owners to return their completed survey to the Consultant.

The Consultant has budgeted for production as follows: (1) the letter has been estimated at three (3) pages per letter, printed on THC letterhead; (2) the survey has been estimated at a maximum of five (5) total pages per condominium-owner survey, printed in black & white, and stapled in the top left corner; (3) mailing has been estimated in a 9x12 envelope with Consultant's return address label, sent via first-class mail, and (4) return mailing has been estimated in a 9x12 envelope, via first-class mail, addressed to the Consultant. A total of 206 hard copies of the letter and condominium-owner survey, one (1) for each condominium unit, will be produced. A pdf version of each letter and condominium-owner survey will be provided to KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and Southern Region Offices on a CD.

Once the completed property owner surveys have been received, the data will be reviewed and analyzed. This information, in conjunction with the results of the site survey, will be used

as a basis for developing the KWBTS Condominium Complex Report of Findings (see Task 2.5) and the KWBTS Acoustical Testing Plan (ATP) (see Task 3).

Task 2.2: Undertake KWBTS Condominium Site Survey

A site survey of the KWBTS condominium complex will be performed. The site survey will include:

- taking interior and exterior photographs
- inspection and verification of all condominium unit design layouts
- development of master list of existing window types and sizes
- development of a master list of existing door types and sizes
- verification of existing elevators and all access roads
- inspection of grounds and transition to construction logistics
- inspection of building electrical system
- identification and documentation of general building deficiencies
- visual inspection of roofs (Buildings A, B, and C)
- meeting with building management staff

The Consultant is assuming a maximum of five (5) days on the KWBTS site for four (4) senior-level staff members for this purpose. This information, in conjunction with the results of the property owner surveys, will be used as a basis for developing the KWBTS Condominium Complex Report of Findings (see Task 2.5) and the KWBTS Acoustical Testing Plan (ATP) (See Task 3).

Task 2.3: Conduct KWBTS Condominium Complex Research

In addition to information collected during the site survey, conduct all necessary research of the KWBTS condominium complex to include:

- review of building as-built architectural drawings
- confirm original construction ages
- review of all building maintenance records
- review of unit and complex construction policies
- review of City of Key West permit records to verify past construction in all units and/or buildings
- review City of Key West Building Department regulations for KWBTS

Task 2.4: Develop Condominium Unit Design Categories

FAA Order 5100.38D, AIP Handbook, Appendix R, does not state a specific process to undertake building classification and eligibility testing for large multi-family properties (e.g., apartment complexes, condominium complexes). Nonetheless, the Consultant will develop a property classification for multi-family housing based on the results of the surveyed properties.

The KWBTS condominium complex is intersected by the outermost DNL 65 dB of the 2013 NEM boundary, where only a portion of Building C (3-story) and 100% of Building B (6-story) is located within the DNL 65 dB of the 2013 NEM boundary. Given this unique situation, and pursuant to consultation with the FAA Orlando ADO and Southern Region, the Consultant

will perform eligibility noise testing on a representative sample of condominium unit design types within these building portions located within the DNL 65 dB 2013 NEM boundary.

While the vast majority of the KWBTS condominium units contain original windows, doors and portable through-wall air conditioning units, a few owners have made modifications to update these features. There are three (3) possible unit modification scenarios that will need to be validated utilizing information obtained in Tasks 2.1 through 2.3:

- Condominium owner has installed new windows and doors
- Condominium owner has installed new ductless and/or HVAC system
- Condominium owner has installed new windows, doors and new ductless and/or HVAC system

Since these modifications may impact eligibility noise testing results, it will be important to validate and document these conditions, as a part of this task.

Utilizing information obtained in Tasks 2.1 through 2.3, the Consultant will develop a master list of condominium unit design categories, both for original (unmodified) and remodeled (modified) condominium units.

Task 2.5: Develop KWBTS Condominium Complex Report of Findings

Upon completion of Tasks 2.1 through 2.4, document all collected information from the site survey, building research, and owner surveys to develop the KWBTS Condominium Complex Report of Findings. This document will not require FAA approval, but will be provided to the FAA Orlando ADO and Southern Region Offices for their review and comment. The document will include color photographs, color maps, text and tables.

The first draft of the KWBTS Condominium Complex Report of Findings will be submitted electronically to KWIA's Airport Noise Program Coordinator and to the FAA Orlando ADO and Southern Region Offices. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of the draft document following review and comment by KWIA's Airport Noise Program Coordinator and the FAA Orlando ADO and Southern Region Offices.

The final KWBTS Condominium Complex Report of Findings will be produced in hard copy, as well as on CD. The CD will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for production (which has been estimated at a maximum of 500 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of eight (8) hard copies and eight (8) CD copies of the report and mailing (via flat rate priority mail) of seven (7) hard copies and seven (7) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), KWBTS Property Manager (1 hard copy, 1 CD), and Consultant Team (3 hard copies, 3 CDs).

Task 3 – Develop KWBTS Acoustical Testing Plan (ATP)

Once Task 2 has been completed, the KWBTS Acoustical Testing Plan (ATP) will be developed to meet FAA Order 5100.38D, AIP Handbook requirements. The Acoustical

Testing Plan will describe the proposed acoustical testing methodology and will determine the extent of the acoustical testing requirements for all existing condominium unit styles, including both original (*unmodified*) and remodeled (*modified*) units. The ATP will also describe the proposed methodology for analysis and interpretation of the data. The Consultant will work closely with KWIA's Airport Noise Program Coordinator in the development of the KWBTS Acoustical Testing Plan (ATP). The KWBTS Acoustical Testing Plan (ATP) will be subject to review and approval by the FAA Orlando ADO and Southern Region prior to the initiation of any testing.

Since testing of every condominium unit to determine eligibility is not necessary or practical, the ATP will identify the proposed representative sample of condominium unit design types located within the portion of Building C and all of Building B, which are located within the DNL 65 dB 2013 NEM boundary. The representative sample will be determined by the number of different types of condo units as well as the guidance provided in the AIP Handbook.

The Consultant will test the representative sample of each condominium design type sufficient to provide a representative DNL condominium average for each design type. (It should be noted that a representative sample would reflect condominium units that share similar properties such as design layout, windows and doors of the same type and age and sharing same basic building components). Furthermore, when averaging noise data from multiple condominium unit design types, the Consultant will ensure that the data does not contain wide fluctuations that would result in inconsistencies.

Eligibility noise testing will be undertaken in all habitable rooms within each condominium unit, (i.e., bedrooms, living room, dining room, and kitchen). The average of all rooms in each condominium unit design type will constitute the unit average that will represent all other units of similar design type. The eligibility noise testing process will be developed and performed on both original (*unmodified*) and remodeled (*modified*) condominium units.

Task 3.1: Develop KWBTS Acoustical Testing Plan (ATP) for Original (Unmodified) Units

The Consultant will select a representative sample of original (unmodified) condominium units located within Building B and the portion of Building C located within the DNL 65 dB NEM boundary. The units in this category will all have their original windows, doors and through-wall AC units. The testing sample will include representatives of all unmodified unit design types (i.e., *studio, 1-bedroom, 2-bedroom and 3-bedroom variations which could include up to 21 total layouts*). This representative sample will include units from various floors.

The ATP will describe the proposed methodology for analysis and interpretation of the data. Since condominiums are single-owned properties, the Consultant will test each of the condominium unit design types separately to include studio, 1-bedroom, 2-bedroom, and 3-bedroom. During the noise eligibility testing process, the Consultant will select representatives from each of these four (4) condominium unit design types that within the portion of Building C and all of Building B which are located within the DNL 65 dB 2013 NEM boundary. Noise data collected from each of these representative samples will be utilized to calculate an average interior DNL value for each of the four (4) condominium design types (*studio, 1-bedroom, 2-bedroom, and 3-bedroom*) and to determine their NIP eligibility status.

Consistent with FAA Order 5100.38D, Table R-2 Block Rounding Requirements, this average interior DNL value will be utilized to determine the eligibility status of condominium units (*of the same condominium unit style*) that are located outside the DNL 65 dB boundary of the 2013 NEM.

Task 3.2: Develop KWBTS Acoustical Testing Plan (ATP) for Remodeled (Modified) Units

While the vast majority of the KWBTS condominium units contain original windows, doors and portable through-wall air conditioning units, a few owners have made modifications to update these features. There are three (3) possible unit modification scenarios that will need to be validated utilizing information obtained in Tasks 2.1 through 2.3:

- Condominium owner has installed new windows and doors
- Condominium owner has installed new ductless and/or HVAC system
- Condominium owner has installed new windows, doors, and new ductless and/or HVAC system

Since these modifications may impact eligibility noise testing results, it will be important to validate and document these conditions, as a part of this task. The Consultant will research and determine the number and locations of these modified units within the entire KWBTS complex. Given the varying degrees of remodeling modifications in the three (3) possible scenarios (*windows, doors, AC system*), pursuant to the FAA's AIP Handbook it will be important to test a representative sample of each occurrence in Buildings A, B and/or C, wherever they occur, starting first with the portion of Building C and all of Building B which are located within the DNL 65 dB 2013 NEM boundary. Note that the sample will not be limited to units located within Building B and the portion of Building C located within the DNL 65 dB 2013 NEM boundary. Representative samples may need to be selected from outside the DNL 65 dB 2013 NEM boundary if there are no representative samples (or an insufficient number of samples) located inside the DNL 65 dB 2013 NEM boundary.

The ATP will describe the proposed methodology for analysis and interpretation of the data. For example, the Consultant will develop an average interior DNL value for each of the three (3) possible condominium modification scenarios which will be used to determine eligibility of each remodeling condition wherever they occur within the entire KWBTS complex.

Task 3.3: Prepare Drafts of KWBTS Acoustical Testing Plan (ATP)

The first draft of the *KWBTS Acoustical Testing Plan (ATP)* (which will include both the ATP for Original Units and Remodeled Units) will be submitted electronically to KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and FAA Southern Region for review and comment. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of the draft document following review by KWIA's Airport Noise Program Coordinator and the FAA.

The second draft of the *KWBTS ATP* will be submitted electronically to the FAA for review and comment. The submittal will include both pdf and Microsoft Word versions of the document.

Task 3.4: Review Meeting w/ KWIA's Airport Noise Program Coordinator and FAA

Following the release of the second draft of the *KWBTS ATP*, a meeting will be undertaken with KWIA's Airport Noise Program Coordinator and the FAA to review the proposed *KWBTS*

ATP. The Consultant has budgeted one (1) trip for two senior-level staff to meet with the FAA ADO at their office in Orlando, Florida. (*Alternately, the meeting could be in the form of a teleconference or webinar, if appropriate.*) The Consultant has budgeted for one (1) additional revision following review and comment by the FAA.

Task 3.5: Prepare Final KWBTS Acoustical Testing Plan (ATP)

The final KWBTS ATP will be produced in hard copy, as well as on a CD. The CD will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for production (which has been estimated at a maximum of 100 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of seven (7) hard copies and seven (7) CD copies of the report and mailing (via flat rate priority mail) of six (6) hard copies and six (6) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (3 hard copies, 3 CDs).

Task 4 – KWBTS Condominium Owner Communication and Orientation Session

Throughout Phase 1, it will be critical to communicate effectively with all 206 condominium owners with regard to the FAA's Noise Insulation Program eligibility rules, site survey events, KWBTS complex research, and the eligibility noise testing methodology and process. The following is a summary of these condominium owner communication tasks:

Task 4.1: Develop KWBTS Condominium Owner Letter

The Consultant will develop an informational letter to all 206 KWBTS condominium owners that will provide key background information on the KWIA DNL 65 dB 2013 NEM, FAA's Noise Insulation Program eligibility rules (pursuant to the FAA's AIP Handbook), NIP phasing plans, KWBTS site survey process, and eligibility noise testing plan, process and methodology (KWBTS ATP). This will be the second letter sent to all 206 KWBTS condominium owners, and will contain significantly more detailed information than the first letter which primarily addressed the purpose and need for the condominium-owner survey.

The letter will include a briefing of the following issues:

- KWIA DNL 65 dB 2013 Noise Exposure Map (NEM)
- KWIA Noise Insulation Program Phasing Plan (Phases 1, 2, and 3)
- KWBTS site survey process
- KWBTS complex research process
- KWBTS Acoustical Testing Plan (ATP) process . original (unmodified) units
- KWBTS Acoustical Testing Plan (ATP) process . remodeled (modified) units
- ATP eligibility noise testing process and procedures
- ATP orientation session (primarily for testing candidates)
- ATP noise data analysis and eligibility determination methodology
- FAA's block rounding policy

The first draft of the KWBTS Condominium Owner Letter will be provided to the KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and the FAA Southern Region for review and comment. The submittal will include both pdf and Microsoft Word versions of

the document. The Consultant has budgeted for one (1) revision of the draft document following review and comment by KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and the FAA Southern Region.

The final KWBTS Condominium Owner Letter will be produced and mailed to all 206 condominium owners. A pdf version of each letter will be provided to KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and the FAA Southern Region on a CD.

Task 4.2: Develop KWBTS ATP Owner Orientation Presentation (for selected owners only)

The Consultant will develop the KWBTS ATP Owner Orientation Presentation for KWBTS condominium owners who are selected as eligibility noise test candidates. This will be developed, with input from the FAA, in both a Power Point presentation (*containing an estimated 30 slides*) and printed notebook format. This presentation will cover important information relating to the FAA's eligibility process to include:

- Review of KWBTS ATP test candidates
- KWBTS Acoustical Testing Plan (ATP) process . original (unmodified) units
- KWBTS Acoustical Testing Plan (ATP) process . remodeled (modified) units
- On-site eligibility noise testing process and procedures
- Summary of noise data analysis and FAA's eligibility determination methodology
- Summary of application of testing results to all units in KWBTS based on FAA's guidance

The first draft of the KWBTS ATP Owner Orientation Presentation will be provided electronically to KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and the FAA Southern Region for review and comment. The submittal will include both pdf and Microsoft Power Point versions of the document. The Consultant has budgeted for one (1) revision of the draft document following review and comment by KWIA's Airport Noise Program Coordinator and the FAA.

The final KWBTS ATP Owner Orientation Presentation will be produced in hard copy, as well as on CD. The CD will include both pdf and Power Point versions of the document. The Consultant has budgeted for production of 40 copies of the KWBTS ATP Owner Orientation Presentation (which has been estimated at a maximum of 30 total, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine). Most of these documents will be handed out at the Orientation Workshops, but for budgeting purposes the Consultant has estimated that ten (10) hard copies and/or CDs will need to be mailed (via flat rate priority mail) to condominium owners who cannot attend the workshops. In addition, the Consultant has budgeted for mailing (via flat rate priority mail) of one (1) hard copy and one (1) CD to the FAA ADO, FAA Southern Region, Monroe County's Director of Airports, Airport Noise Program Coordinator, KWBTS Property Manager, and Consultant Team. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), KWBTS Property Manager (1 hard copy, 1 CD), KWBTS ATP Condominium Owners (30 hard copies, 30 CDs), Consultant Team (3 hard copies, 3 CDs).

Task 4.3: Present KWBTS ATP Owner Orientation Presentation (for selected owners only)

The Consultant will present the KWBTS ATP Owner Orientation Presentation in a workshop format, where the presentation will be made several times during a 2-day period in the KWBTS clubhouse. In addition to the Power Point presentation, copies will be available of the presentation in notebook form and on CD. In the event an owner is not able to view the presentation (during the 2-day workshop presentation times), the Consultant will mail a hard copy of the presentation notebook and/or CD, and follow-up by telephone to answer any questions.

Task 5 – Conduct KWBTS Eligibility Noise Testing for KWBTS

Following the development of the KWBTS Acoustical Testing Plan (ATP) and completion of the KWBTS ATP Owner Orientation Presentation, the Consultant will schedule and conduct eligibility noise testing to determine eligibility for participation in the KWIA Noise Insulation Program (NIP). Testing will be conducted in all habitable rooms within each property utilizing artificial noise testing methodology. Habitable areas of residences are living, sleeping, eating or cooking areas (single family and multifamily) per the current version of Advisory Circular 150/5000-9, Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. Bathrooms, closets, halls, vestibules, foyers, stairways, unfinished basements storage or utility spaces are not considered to be habitable. The data will be collected and analyzed in accordance with the KWBTS ATP. Tasks will include the following:

Task 5.1: Schedule KWBTS Eligibility Noise Testing

The Consultant will communicate with all KWBTS condominium owners selected for eligibility noise testing to schedule the noise testing in their unit.

Task 5.2: Conduct KWBTS Eligibility Noise Testing – Original (Unmodified) Units

The vast majority of condominium units within the KWBTS complex are in the original (unmodified) condition. These condominium units still have their original windows, doors and portable through-wall air conditioning units. Within the targeted testing area (Building B and the portion of Building C that are located within the DNL 65 dB 2013 NEM boundary), there are potentially 21 different condo design styles that may need to be tested:

- Studio unit Building C (2 styles)
- 1-Bedroom unit Building B (2 styles)
- 1-Bedroom unit Building C (2 styles)
- 2-Bedroom unit Building B (3 styles)
- 2-Bedroom unit Building C (4 styles)
- 3-Bedroom unit Building B (4 styles)
- 3-Bedroom unit Building C (4 styles)

Within each selected condominium design style, the Consultant will conduct eligibility noise testing in all habitable rooms within each property utilizing artificial noise testing methodology. The data will be collected and analyzed in accordance with the KWBTS ATP to determine eligibility.

Equipment required to conduct the testing includes, but is not limited to: (1) a specialized field monitoring kit that includes a signal generator, amplifier, and an equalizer to produce a noise source on the exterior of the structure, and (2) portable sound level meters to record

the exterior and interior sounds levels in all habitable rooms. The Consultant has budgeted for rental of this equipment for a total of four (4) days, and shipping of this equipment to and from the site one (1) time. In addition to the acoustical test equipment listed above, a bucket truck will be required to elevate the noise source to the appropriate height for multi-story buildings. The Consultant has budgeted for rental of this equipment for a total of four (4) days.

The Consultant has budgeted for a maximum of four (4) work days on-site for two senior-level staff for the purpose of performing eligibility testing. It has been assumed that, in conjunction with Task 5.3, this will require one (1) trip to Key West to conduct the required testing.

Task 5.3: Conduct KWBTs Eligibility Noise Testing – Remodeled (Modified) Units

Within the KWBTs complex, there are a few owners who may have made modifications to their condominium unit in an effort to update their windows doors and/or HVAC system. Of these units, there may be three (3) possible unit modification scenarios that will need to be tested:

- Condominium owner has installed new windows and doors
- Condominium owner has installed new ductless and/or HVAC system
- Condominium owner has installed new windows, doors and new ductless and/or HVAC system

Within each of these possible unit modification scenarios, the Consultant will select a representative unit and conduct eligibility noise testing in all habitable rooms within each property utilizing artificial noise testing methodology. The data will be collected and analyzed in accordance with the KWBTs ATP to determine eligibility.

Equipment required to conduct the testing includes, but is not limited to: (1) a specialized field monitoring kit that includes a signal generator, amplifier, and an equalizer to produce a noise source on the exterior of the structure, and (2) portable sound level meters to record the exterior and interior sounds levels in all habitable rooms. The Consultant has budgeted for rental of this equipment for a total of one (1) day, and shipping of this equipment to and from the site one (1) time. In addition to the acoustical test equipment listed above, a bucket truck will be required to elevate the noise source to the appropriate height for multi-story buildings. The Consultant has budgeted for rental of this equipment for a total of one (1) day.

The Consultant has budgeted for a maximum of one (1) work day on-site for two senior-level staff for the purpose of performing eligibility testing. It has been assumed that, in conjunction with Task 5.2, this will require one (1) trip to Kew West to conduct the required testing.

Task 6 – Prepare Reports of Property Eligibility Determination for KWBTs

Following the completion of the eligibility testing, the data will be analyzed based on the methodology presented in the KWBTs Acoustical Testing Plan (ATP). Reports will be developed that present the eligibility determination in three cases:

- original (unmodified) KWBTs condominium units
- remodeled (modified) KWBTs condominium units

- each single family home

In order to perform the public disclosure process described in Task 7, separate reports will be prepared as follows:

- Report of Eligibility Determination . Original KWBTs Condominium Units
- Report of Eligibility Determination . Modified KWBTs Condominium Unit 1
- Report of Eligibility Determination . Modified KWBTs Condominium Unit 2
- Report of Eligibility Determination . Modified KWBTs Condominium Unit 3

Tasks will include the following:

Task 6.1: Prepare Draft Report of Original (unmodified) KWBTs Condominium Units

For the original (*unmodified*) KWBTs condominium units tested (*in Building B and a portion of Building C*), one (1) report will be prepared that documents the eligibility determination (*for NIP participation*) of all unmodified KWBTs condominiums.

The first draft of this report will be submitted electronically to KWIA’s Airport Noise Program Coordinator for review and comment. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of this report following review and comment by KWIA’s Airport Noise Program Coordinator, prior to submittal to the FAA.

The second draft of this report will be submitted electronically to the FAA ADO and FAA southern Region for review and comment. The submittal will include both pdf and Microsoft Word versions of the document.

Task 6.2: Prepare Draft Reports of Remodeled (modified) KWBTs Condominium Units

For each of the remodeled (*modified*) KWBTs condominium units tested, one (1) report will be prepared that documents the eligibility determination (*for NIP participation*) of each particular each unit modification scenario.

The first draft of these reports will be submitted electronically to KWIA’s Airport Noise Program Coordinator for review and comment. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of this report following review and comment by KWIA’s Airport Noise Program Coordinator, prior to submittal to the FAA.

The second draft of these reports will be submitted electronically to the FAA ADO and FAA Southern Region for review and comment. The submittal will include both pdf and Microsoft Word versions of the document.

Task 6.3: Review Meeting w/ KWIA’s Airport Noise Program Coordinator and FAA

Following the completion of all Draft Reports of Eligibility Determination for KWBTs, a meeting will be undertaken with KWIA’s Airport Noise Program Coordinator and the FAA to review the study findings. The Consultant has budgeted one (1) trip for two senior-level staff to meet with the FAA ADO at their office in Orlando, Florida. (*Alternately, the meeting could be in the form of a teleconference or webinar, if appropriate.*)

The Consultant has budgeted for one (1) additional revision of each report following review and comment by the FAA.

Task 6.4: Prepare Final Reports of Eligibility Determination for KWBTS

Following receipt of final comments from KWIA's Airport Noise Program Coordinator and the FAA ADO, the Consultant will produce the following four (4) Final Reports of Eligibility Determination for KWBTS:

- Final Report of Eligibility Determination . Original KWBTS Condominium Units
- Final Report of Eligibility Determination . Modified KWBTS Condominium Unit 1
- Final Report of Eligibility Determination . Modified KWBTS Condominium Unit 2
- Final Report of Eligibility Determination . Modified KWBTS Condominium Unit 3

The above Final Reports of Eligibility Determination will incorporate all pertinent comments provided by the FAA and KWIA's Airport Noise Program Coordinator. All above Final Reports of Eligibility Determination will be produced in hard copy, as well as on CD. The CD will include both pdf and Microsoft Word versions of the document.

The Consultant has budgeted for production (which has been estimated at a maximum of 100 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of seven (7) hard copies and seven (7) CD copies of each report and mailing (via flat rate priority mail) of six (6) hard copies and six (6) CD copies of each report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (3 hard copies, 3 CDs).

Task 7 – Public Disclosure of KWBTS Property Eligibility Determination Results

Following FAA ADO review and acceptance of each Final Report of Eligibility Determination, the Consultant will communicate the results with the appropriate KWBTS condominium owners and the KWBTS property management company. Tasks will include the following:

Task 7.1: Communicate Results of Eligibility Determination – Original KWBTS Units

A letter explaining whether or not their property has been determined eligible for future participation in the NIP will be mailed to each KWBTS owner of an original (*unmodified*) condominium unit. The letter will offer the property owner the opportunity to request a copy of the applicable Final Report of Eligibility Determination – Original KWBTS Condominium Units which will then be provided to them via email or an online link to a specified URL. The letter will be on Key West International Airport letterhead, signed by the Monroe County Director of Airports.

The Consultant has budgeted for production (which has been estimated at three (3) pages per letter, printed in color from an electronic version of Key West International Airport letterhead) and mailing (in a Key West International Airport envelope, via first-class mail) of up to 206 letters, one for each KWBTS original (unmodified) condominium unit. After the Consultant has drafted the letter to KWBTS original (unmodified) condominium unit owners, and KWIA's Airport Noise Program Coordinator, FAA, and the Monroe County Director of Airports have approved the content of the letter, KWIA's Airport Noise Program Coordinator

will provide the Consultant with an electronic version of KWIA's letterhead, including the signature of the Monroe County Director of Airports for the Consultant's use in mail-merging the letters to the original (unmodified) condominium unit owners. KWIA will provide the Consultant with 250 letter-size envelopes for the Consultant's use in Tasks 7.1 and 7.2.

Task 7.2: Communicate Results of Eligibility Determination – Remodeled KWBTS Units

A letter explaining whether or not their property has been determined eligible for future participation in the NIP will be mailed to each KWBTS owner of a remodeled (*modified*) condominium unit. These letters will offer the property owner(s) the opportunity to request a copy of the applicable **Final Report of Eligibility Determination – Remodeled KWBTS Condominium Units** which will then be provided to them via email or an online link to a specified URL. Given that there are potentially three (3) possible unit modification scenarios that would have an associated **Final Report of Eligibility Determination**, the Consultant would need to provide the appropriate report to KWBTS condominium owners that have the same type of modifications. The letter will be on Key West International Airport letterhead, signed by the Monroe County Director of Airports.

The Consultant has budgeted for production (which has been estimated at three (3) pages per letter, printed in color from an electronic version of Key West International Airport letterhead) and mailing (in a Key West International Airport envelope, via first-class mail) of up to thirty (30) letters, one for each KWBTS remodeled (*modified*) condominium unit. After the Consultant has drafted the letter to KWBTS remodeled (*modified*) condominium unit owners, and KWIA's Airport Noise Program Coordinator, the FAA, and the Monroe County Director of Airports have approved the content of the letter, KWIA's Airport Noise Program Coordinator will provide the Consultant with an electronic version of KWIA's letterhead, including the signature of the Monroe County Director of Airports for the Consultant's use in mail-merging the letters to the remodeled (*modified*) condominium unit owners. KWIA will provide the Consultant with 250 letter-size envelopes for the Consultant's use in Tasks 7.1, 7.2, and 8.11.

Task 8 – Perform NIP Eligibility Tasks for Single-Family Homes within DNL 70-75 dB

Four (4) single-family homes are located within the DNL 70-75 dB 2013 NEM. These four (4) homes were all previously eligible for participation in the NIP, but declined for various reasons. However, since they are located within the DNL 70-75 dB NEM, they will be offered another opportunity to participate in the NIP, in Phase 1. These four (4) homes are located as follows:

1. 1603 Venetian Drive, Parcel ID 00070780-000000
2. 2929 Venetian Drive, Parcel ID 00070810-000000
3. 1717 Jamaica Drive, Parcel ID 00070460-000000
4. 2827 Venetian Drive, Parcel ID 00070900-000000

Task 8.1: Contact Homeowners to Ascertain Interest in NIP

The current owners of homes #1, #2, and #3, above, have had previous opportunities to participate in the NIP, but declined for various reasons. The owner of home #3 recently expressed interest in participating in the NIP. Home #4 was recently sold, and the new owner has not had an opportunity to participate in the NIP. Each of the four (4) current homeowners will be sent a letter explaining this new opportunity to participate, including a brief explanation of the new eligibility testing requirements. The homeowners will be

provided with a form to fill out indicating their interest in participating. A self-addressed, first-class stamped envelope will be included for the homeowners to return the participation form to the Consultant.

The Consultant will provide KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and the FAA Southern Region with a draft of the letter and participation form, providing them with an opportunity to make final revisions (The submittal will include both pdf and Microsoft Word versions of the documents.). The final letter will be printed on THC letterhead, and signed by the THC Project Director.

The Consultant has budgeted for production as follows: (1) the letter has been estimated at three (3) pages per letter, printed on THC letterhead; (2) the participation form has been estimated at one (1) page per form, printed in black & white; (3) mailing has been estimated in a %Size 10+business envelope with Consultant's return address label, sent via first-class mail; and, (4) return mailing has been estimated in a %Size 10+business envelope, via first-class mail, addressed to the Consultant. A total of four (4) hard copies of the letter and participation form, one (1) for each homeowner, will be produced. A pdf version of each letter and participation form will be provided to KWIA's Airport Noise Program Coordinator on a CD.

Task 8.2: Undertake Single-Family Home Site Survey and Conduct Orientation Meeting

Depending on the interest of the homeowners to participate in the NIP, a site survey of up to four (4) single-family homes located within the DNL 70-7 dB 2013 NEM will be performed.

The site survey will include:

- taking interior and exterior photographs
- documentation of floor plans, interior floor coverings, and ceiling materials
- documentation of existing window and door types and sizes
- inspection and documentation of existing electrical system
- inspection and documentation of existing heating/cooling systems
- identification and documentation of general building deficiencies
- visual inspection of roofs

In addition to the site visit, the Consultant will conduct a meeting with all of the interested single family homeowners to provide a briefing on FAA's guidance for noise eligibility testing procedures and what they can expect when testing occurs at their home.

The Consultant is assuming a maximum of two (2) days on-site for four (4) senior-level staff members for this purpose. This information will be used as a basis for developing the Report of Findings for Surveyed Single-Family Homes (see Task 8.3) and the Single-Family Home Acoustical Testing Plan (ATP) (See Task 8.4).

Task 8.3: Develop Report of Findings for Surveyed Single-Family Homes

Upon completion of Tasks 8.1 and 8.2, document all collected information from the site surveys to develop the Single-Family Homes Report of Findings. This document will not require FAA approval, but will be provided to the FAA for their review and comment. The document will include color photographs, color maps, text and tables.

The first draft of the Report of Findings for Surveyed Single-Family Homes will be submitted electronically to KWIA's Airport Noise Program Coordinator, the FAA Orlando ADO, and the

FAA Southern Region. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of the draft document following review and comment by KWIA's Airport Noise Program Coordinator and the FAA.

The final Report of Findings for Surveyed Single-Family Homes will be produced in hard copy, as well as on CD. The CD will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for production (which has been estimated at a maximum of 100 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of seven (7) hard copies and seven (7) CD copies of the report and mailing (via flat rate priority mail) of six (6) hard copies and six (6) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), and Consultant Team (3 hard copies, 3 CDs).

Task 8.4: Develop Single-Family Homes Acoustical Testing Plan (ATP)

Once Task 8.3 has been completed, the Single-Family Home Acoustical Testing Plan (ATP) will be developed to meet FAA Order 5100.38D, AIP Handbook requirements. The Acoustical Testing Plan will describe the proposed acoustical testing methodology and will determine the extent of the acoustical testing requirements for the four (4) surveyed single-family homes located within the DNL 70-75 dB 2013 NEM. The content of the Single-Family Home ATP will depend on the differences in building characteristics between the 4 single family homes. The ATP will also describe the proposed methodology for analysis and interpretation of the data. The Consultant will work closely with KWIA's Airport Noise Program Coordinator in the development of the Single-Family Home ATP. The Single-Family Home ATP will be subject to review and approval by the FAA ADO prior to implementation.

The Consultant will test each of the up to four (4) single-family homes. Eligibility noise testing will be undertaken in all habitable rooms within each home, including bedrooms, living room, dining room and kitchen. The average of all rooms in each home will constitute the whole home average that will determine that home's eligibility.

Task 8.5: Prepare Drafts of Single-Family Home Acoustical Testing Plan (ATP)

Depending on the differences in building characteristics between the 4 single family homes, the Consultant will develop a Single-Family Home Acoustical Test Plan (ATP). The first draft of the Single-Family Home ATP will be submitted electronically to KWIA's Airport Noise Program Coordinator for review and comment. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of the draft document following review by KWIA's Airport Noise Program Coordinator.

The second draft of the Single-Family Home ATP will be submitted electronically to the FAA for review and comment. The submittal will include both pdf and Microsoft Word versions of the document.

Task 8.6: Review Meeting w/ KWIA's Airport Noise Program Coordinator and FAA ADO

Following the release of the second draft of the SFH ATP, a meeting will be undertaken with KWIA's Airport Noise Program Coordinator and the FAA to review the proposed Single-

Family Home ATP. The Consultant has budgeted one (1) trip for two senior-level staff to meet with the FAA ADO at their office in Orlando, Florida. (*Alternately, the meeting could be in the form of a teleconference or webinar, if appropriate.*) The Consultant has budgeted for one (1) additional revision following review and comment by the FAA Orlando ADO and FAA Southern Region.

Task 8.7: Prepare Final Single-Family Home Acoustical Testing Plan (ATP)

The final *Single-Family Home ATP* will be produced in hard copy, as well as on a CD. The CD will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for production (which has been estimated at a maximum of 50 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of seven (7) hard copies and seven (7) CD copies of the report and mailing (via flat rate priority mail) of six (6) hard copies and six (6) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (3 hard copies, 3 CDs).

Task 8.8: Conduct Eligibility Noise Testing in Single-Family Homes

Currently there are four (4) single family homes located within the DNL 70-75 dB 2013 NEM boundary that may require eligibility noise testing. In each home, the Consultant will conduct eligibility noise testing in all habitable rooms utilizing artificial noise testing methodology. For each home, noise data will be collected in all habitable rooms and utilized to develop a whole home average interior DNL value. This value will be used to determine eligibility (*for NIP participation*) of each single family home tested.

Equipment required to conduct the testing includes, but is not limited to: (1) a specialized field monitoring kit that includes a signal generator, amplifier, and an equalizer to produce a noise source on the exterior of the structure, and (2) portable sound level meters to record the exterior and interior sounds levels in all habitable rooms. The Consultant has budgeted for rental of this equipment for a total of two (2) days, and shipping of this equipment to and from the site one (1) time.

The Consultant has budgeted for a maximum of two (2) work days on-site for two senior-level staff for the purpose of performing eligibility testing. It has been assumed that this will require one (1) trip to Key West to conduct the required testing (this will be a separate trip from the one trip described in Tasks 5.2 and 5.3).

Task 8.9: Prepare Draft Reports for Single-Family Homes

For each of the up to four (4) single family homes tested, the Consultant will prepare one (1) report that documents the eligibility determination (*for NIP participation*) of each single family home.

The first draft of these reports will be submitted electronically to KWIA's Airport Noise Program Coordinator for review and comment. The submittal will include both pdf and Microsoft Word versions of the document. The Consultant has budgeted for one (1) revision of these reports following review and comment by KWIA's Airport Noise Program Coordinator, prior to submittal to the FAA.

The second draft of these reports will be submitted electronically to the FAA for review and comment. The submittal will include both pdf and Microsoft Word versions of the document.

Task 8.10: Prepare Final Reports of Eligibility Determination for Single-Family Homes

Following receipt of final comments from KWIA's Airport Noise Program Coordinator and the FAA, the Consultant will produce the following 4 (potential) Final Reports of Eligibility Determination:

- Final Report of Eligibility Determination . Single Family Home 1
- Final Report of Eligibility Determination . Single Family Home 2
- Final Report of Eligibility Determination . Single Family Home 3
- Final Report of Eligibility Determination . Single Family Home 4

The above Final Reports of Eligibility Determination will incorporate all pertinent comments provided by the FAA and KWIA's Airport Noise Program Coordinator. All above Final Reports of Eligibility Determination will be produced in hard copy, as well as on CD. The CD will include both pdf and Microsoft Word versions of the document.

The Consultant has budgeted for production (which has been estimated at a maximum of 25 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of seven (7) hard copies and seven (7) CD copies of each report and mailing (via flat rate priority mail) of six (6) hard copies and six (6) CD copies of each report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (3 hard copies, 3 CDs).

Task 8.11: Communicate Results of Eligibility Determination

Following FAA Orlando ADO and FAA Southern Region review and acceptance of each Final Report of Eligibility Determination, the Consultant will communicate the results with the appropriate homeowners. A letter explaining whether or not their property has been determined eligible for future participation in the NIP (based on FAA's guidance) will be mailed to each homeowner. The letter will offer the homeowner the opportunity to request a copy of the applicable Final Report of Eligibility Determination which will then be provided to them via email or an online link to a specified URL. The letter will be on Key West International Airport letterhead, signed by the Monroe County Director of Airports.

The Consultant has budgeted for production (which has been estimated at three (3) pages per letter, printed in color from an electronic version of Key West International Airport letterhead) and mailing (in a Key West International Airport envelope, via first-class mail) of up to four (4) letters, one for each single-family home tested. After the Consultant has drafted the letter to homeowners, and KWIA's Airport Noise Program Coordinator, FAA and the Monroe County Director of Airports have approved the content of the letter, KWIA's Airport Noise Program Coordinator will provide the Consultant with an electronic version of KWIA's letterhead, including the signature of the Monroe County Director of Airports for the Consultant's use in preparing the letters to the homeowners. KWIA will provide the Consultant with 250 letter-size envelopes for the Consultant's use in Tasks 7.1, 7.2, and 8.11.

Task 9 – Develop KWIA Noise Insulation Program (NIP) Program Documents

In this task, the Consultant will need to develop several critical documents that will be required during the future implementation of the KWIA Noise Insulation Program (NIP), beginning in August 2016. The following is a listing of the required NIP documents:

- Updated Property Owner Agreement
- Pre-Existing Deficiency Report & Legal Release
- Updated Avigation Easement
- Bid Advertisement
- Bid Form
- Construction Contract
- General Conditions
- General Contractor Minimum Qualifications (KWBTS)
- Site Staging Requirements (KWBTS)

Since many of the above documents have been utilized in past NIP phases, the Consultant will be required to review all existing documents and make the appropriate updates/revisions to reflect current requirements that will apply in the future NIP Phases (1, 2 and 3), as referenced in the above Background section.

The Consultant will provide KWIA's Airport Noise Program Coordinator and the FAA ADO and Southern Region with a draft of the documents, providing them with an opportunity to review and make final recommendations (The submittal will include both pdf and Microsoft Word versions of the documents.).

Task 10 – Conduct FEMA Flood Plain Research and Develop ATP Policy

The current FEMA flood plain regulations may limit the dollar value of acoustic modifications provided to eligible property owners that elect to participate in the KWIA Noise Insulation Program (NIP) if the property is located in the flood plain. The Consultant will be required to conduct research on several related topics to include FEMA regulations, current Monroe County FEMA policy interpretations and property values of all identified Phase 1 & 2 properties. The consultant will meet with FEMA, Monroe County and the City of Key West in an effort to develop an official FEMA NIP policy. The Consultant will also present the FEMA flood plain research findings to KWIA's Airport Noise Program Coordinator and Ad-Hoc Committee for their review and comment before submitting the final policy recommendation to the FAA.

Task 11 – Develop “Buy American” Waiver – Ductless AC Split Systems

In the event an eligible property owner has an existing through-wall and/or window-portable AC unit(s), they may be eligible to receive a new replacement HVAC system as a part of an acoustic treatment package. In most cases, it will be more economical to provide a replacement ductless AC split system versus providing a new HVAC system with ductwork. Since all ductless manufacturers are now located outside the United States, KWIA's Airport Noise Program Coordinator will be required to provide FAA with a Buy American waiver to avoid potential complications with the current Buy American requirements.

Task 12 – Develop 2016-18 Cost Estimates

In order to ensure accurate cost projections for the future 2016-17 and 2017-18 grant applications, the Consultant will utilize the information in the above Tasks 1-8 to develop accurate cost estimates for the implementation of Phase 1 (KWBTs and up to 4 single-family homes):

- KWBTs design costs
- KWBTs construction cost . original (unmodified) unit
- KWBTs construction cost . remodeled (modified) unit
- KWBTs construction management costs
- Single-family home design costs
- Single-family home construction cost
- Single-family home construction management costs

Task 13 – Purchase Avigation Easement from Owner of Parcel Number 65090

The FAA's ROA for the NCP includes approval of 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 of the NCP, (Parcel ID: 00065090-000100) be offered the opportunity to sell an avigation easement to Monroe County, as described in Section 9.4.2 of the NCP. In addition to permitting overflight and associated noise, this avigation easement will specifically prohibit the noncompatible development on this parcel (i.e., will require that measures to achieve Noise Level Reduction of at least 25 dB be incorporated into the design and construction of all noise-sensitive structures) .

Pursuant to Planning Board Resolution No. 2014-33, the City of Key West Planning Board has granted conditional approval for construction of ten (10) single-family dwelling units at 2800 Flagler Avenue (RE#00065090-000100, AK#8633394).

Task 13.1: Contact Property Owner to Ascertain Interest

The Monroe County Property Appraiser's Office lists the current owner of the property as Reef Enterprises LLC, 660 Southpointe Ct Ste 301, Colorado Springs, CO 80906-3874. The property owner will be sent a letter explaining the purpose and process regarding acquisition of an avigation easement. The property owner will be provided with a form to fill out indicating their interest in participating, as well as a copy of the proposed Avigation Easement. A self-addressed, first-class stamped envelope will be included for the property owner to return the participation form to the Consultant. If the owner expresses an interest, the Tasks 13.2 through 13.4 will be conducted.

Prior to sending the documents to the property owner, the Consultant will provide KWIA's Airport Noise Program Coordinator and the FAA ADO, FAA Southern Region and FAA Legal Department with a draft of the letter, participation form, and Avigation Easement, providing them with an opportunity to make final revisions (The submittal will include both pdf and Microsoft Word versions of the documents.). The final letter will be printed on THC letterhead, and signed by the THC Project Director.

The Consultant has budgeted for production as follows: (1) the letter has been estimated at three (3) pages, printed on THC letterhead; (2) the participation form has been estimated at one (1) page, printed in black & white; (3) the proposed Avigation Easement has been estimated at four (4) pages, printed in black-and-white, (4) mailing has been estimated in a

9x12 envelope with Consultant's return address label, sent via first-class certified mail with electronic return receipt; and, (5) return mailing has been estimated in a size 10 business envelope, via first-class mail, addressed to the Consultant. A total of one (1) hard copy of the letter, participation form, and proposed Avigation Easement will be produced. A pdf version of the final letter and participation form will be provided to KWIA's Airport Noise Program Coordinator and the FAA electronically.

Task 13.2: Determine Value of Avigation Easement

The Consultant will hire a local Key West / Monroe County Appraiser and Review Appraiser to determine the value of the Avigation Easement, as described below:

Task 13.2.1: Conduct Appraisal

The appraiser shall use the Before and After method to appraise the value of the avigation easement. The Before Value is the appraised pre-project value of the real property disregarding any project influence. The After Value is the appraised value of the remaining real property without the acquired parts or rights (avigation easement) and subject to the project impacts. Before Value (BV) minus After Value (AV) equals the value of the Avigation Easement (AE). ($BV - AV = AE$).

Following are the general considerations the appraiser should make when appraising the market value of a proposed avigation easement acquisition for noise compatibility:

1. Before Value. The appraisal of avigation easements to be acquired must consider the existing noise impact, as indicated by the noise contour within which the participating property is located. The existing noise impact is not an influence of the NCP and is properly considered in the before condition appraisal. Therefore, comparable sales to value the before condition would be selected from the same noise contour as the property appraised.
2. After Value. Where there is not a significant physical effect or a proposed change in proximity of airport operations from the before condition, the task of the appraiser is to measure and report the effect of the avigation easement on a subsequent market sale. Typically, this will be the measure of market value of an easement acquired as a mitigation measure of an airport's NCP. Specific market data corresponding and indicating to this value may be difficult to find. The following list market data sources and techniques that should be investigated by the appraiser.
 - a. Sales of similar property encumbered with avigation easements when compared directly with the subject property will yield the after value. Recent re-sales of properties that had formerly conveyed easements for noise compatibility purposes will provide the best indication of the after value. (This is the most likely, and best, scenario for Key West. There have been seven phases of sound insulation where avigation easements were obtained in exchange for sound insulation improvements. There should be sales data available from these properties.)
 - b. Sales of easement-encumbered properties adjacent to a comparison airport to analyze the influence of those easements on affected properties at that site. This analysis can then be related to the properties currently being encumbered with easements at the subject airport. Although sales near different airports may involve variations in airport type, size, and use, all available sales data

- should be investigated, included in the appraisal, evaluated by the appraiser, and either assigned appropriate weight or disregarded;
- c. Market Analysis Techniques. Given a lack of specific market experience with aviation easements, statistical analysis of relevant market activity employed under mass appraisal techniques may provide reliable value conclusions for the purchase of aviation easements. For Part 150 noise projects the appropriate factor to be isolated for analysis is the effect on property value due to the imposition of an easement on a property owner's title, and not the pre-existing effects of airport proximity and noise exposure. A value indication may be concluded by analysis of the relative sales experience of properties that are subject to other types of confiscatory easements, (such as for high voltage power transmission lines, high pressure gas lines, highway slope, public open space, etc.), versus the sales experience of comparable property similarly exposed to an adverse influence, but not encumbered with an easement. This sales experience of properties encumbered with easements compared to that of properties that only adjoin utility and highway right-of-ways may be a source of appropriate market information.
 - d. Lacking sufficient specific data to draw reliable conclusions from the above analysis, general market wide analysis of the typical marketing time of comparable properties unencumbered and of properties with encumbered title, (e.g. easements, deed restrictions, encroachments, liens, or other title imperfections), may provide useful information to conclude a reasonable market discount necessary to attract a buyer for a timely sale of a property subject to the proposed easement. Local assessor files and title companies in an area may be able to provide comparable information on property encumbrances.
 - e. Ultimately, based on the best market information reasonably available, value conclusions are derived from sound professional appraisal judgment to bracket the aviation easement value based on the market sales experience of properties subject to encumbrances judged to have relative more or less impact on a sale at market value.

The appraiser will personally inspect the property. The appraiser will offer the property owner the opportunity to accompany the appraiser during that inspection. The appraiser in forming an opinion of compensation for the property shall disregard any decrease or increase in the market value of the real property prior to the date of valuation caused by the public project for which such property is acquired or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the property owner. The appraisers will develop a summary report for the property. The summary report must reflect nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisition. The appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of that data, to support the opinion of value of the aviation easement. At a minimum, a detailed appraisal shall contain the following items:

1. In addition to the appraiser's standard certification, FAA Form 5100-111, Certificate of Appraiser, is required;

2. The purpose of the appraisal, a statement of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal;
3. A description of the physical characteristics of the property, and a description of the remaining property, a statement of known encumbrances, if any, title information, zoning, an analysis of highest and best use, and at least a 5-year sales history of the property;
4. All relevant and reliable approaches to determine value of the avigation easement consistent with commonly accepted professional appraisal practices;
5. A description of comparable sales, including all relevant physical, legal and economic factors, and verification by a party involved in a transaction;
6. A statement of the value of the interest in the property to be acquired and a statement of the damages and benefits, if any, to the remaining property; and
7. The effective date of valuation, date of appraisal, signature and certification of the appraiser.

The appraiser will provide one (1) hard copy of the appraisal and one (1) electronic copy.

The appraiser must provide corrections of any errors identified by the review appraiser and promptly resubmit said appraisal reports back to the review appraiser for final approval.

The avigation easement to be appraised will be as described below:

Model Aviation and Hazard Easement (Duration . until airport is abandoned)

1. Right of flight at any altitude above acquired surfaces.
2. Right to cause noise, vibration, fumes, dust, fuel particles.
3. Prevent erection or growth of all objects above acquired surfaces
4. Right of entry to remove, mark, or light any structures or growth above acquired surface.
5. Prohibit creation of electrical interference or directed lighting or glare from the property.

The Federal Aviation Administration's Certificate of Appraiser Form, 5100-111+ must be completed and included in the appraiser's report.

Task 13.2.2: Conduct Review Appraisal

The review appraiser will review the appraisal report that is based on the Before and After method to appraise the value of the avigation easement. The Before Value is the appraised pre-project value of the real property disregarding and project influence. The After Value is the appraised value of the remaining real property without the acquired parts or rights (avigation easement) and subject to the project impacts. Before Value (BV) minus After Value (AV) equals the value of the Avigation Easement (AE). $(BV - AV = AE)$.

The review appraiser will personally inspect the property.

The appraisal review will conform to the Uniform Appraisal Standards for Federal Land Acquisitions; and the Uniform Standards of Professional Appraisal Practice. For conformance to FAA Regulations, the review appraiser will review the appraisal:

1. for technical compliance with FAA standards;
2. for use of proper appraisal techniques;
3. for use of correct legal assumptions;
4. to ensure the data presented is correct;
5. to scrutinize each approach for reasonable support and documentation; and
6. assure, on a project basis, the values reported are consistent and uniform.

The review appraiser will perform an inspection of the subject property and an exterior inspection of the comparable properties used by the appraiser. The comparable market data in the report need not be re-verified, but, if available, compared to information of the sales in the review appraiser's files or data base. If inconsistencies or discrepancies are found amongst various appraisers concerning information of the comparables, the review appraiser will attempt to reconcile and verify the source of the differences. If time permits, the review appraiser will check courthouse records to verify the accuracy of the sales data in the appraisal and to review such records and other data sources for pertinent sales that were not considered by the appraiser in preparing the opinion of value of the avigation easement. The review appraiser will request and obtain corrections or revisions of the appraisals which do not substantially meet the FAA requirements. These will be documented and retained in the parcel file.

The purpose of this review will be to develop and present an opinion as to:

1. the completeness of the material under review, given the scope of work applicable in the assignment;
2. the apparent adequacy and relevance of the data and the propriety of any adjustments to the data, given the scope of work applicable in the assignment
3. the appropriateness of the appraisal methods and techniques used, given the scope of work applicable in the assignment, and develop the reasons for any disagreement; and
4. whether the analyses, opinions, and conclusions in the work under review are appropriate and reasonable, given the scope of work applicable in the assignment, and develop the reasons for any disagreement.

The review appraiser will not form or present an opinion of value of the avigation easement unless:

1. the review appraiser is unable to recommend approval of the appraisal as an adequate basis for the establishment of the offer of just compensation for the avigation easement;
2. The Consultant determines that it is not practical to obtain an additional appraisal; and
3. The Consultant requests the review appraiser to form and present an opinion of value of the avigation easement.

If the property owner or property owner's representative makes a counter offer, the documentation by the owner substantiating the basis of the counter offer may be provided to the review appraiser. If requested by the Consultant, the review appraiser will determine if the documentation is sufficient to support any change to the previously established value of the avigation easement.

Task 13.2.3: Prepare Final Appraisal and Review Appraisal Reports

The final *Appraisal* and *Review Appraisal* will be produced in hard copy, as well as on a CD. The CD will include a pdf version of the documents. The Consultant has budgeted for production (which has been estimated at a maximum of 25 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of six (6) hard copies and six (6) CD copies of the report and mailing (via flat rate priority mail) of five (5) hard copies and five (5) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), Monroe County's Assistant County Attorney (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (1 hard copy, 1 CD).

Task 13.3: Verify Property Ownership and Conduct Title Review

The Consultant will hire a local Key West / Monroe County Real Estate Attorney or Title Company to perform the following tasks relative to determining ownership, lien holders, and mortgage encumbrances on the title:

- Perform a title examination on the subject parcel (to include name and judgment search);
- Prepare Abstract of Title on the subject parcel;
- Perform Real Estate Tax search on the subject parcel;
- Provide copies of vesting deed and all exceptions to the title;
- Provide Title Letter with ten-year property history;
- Provide consultation regarding clarifications, corrections and questions regarding title search and opinion;
- Perform title update examination(s)
- Issue Final Title Opinion Letter.

The Consultant will review the title work and obtain subordination agreements from lien holders, if the property owner accepts the County's offer for acquisition of an avigation easement.

The final *Title Review* will include copies of pertinent documentation described above, and will be produced in hard copy, as well as on a CD. The CD will include a pdf version of the documents. The Consultant has budgeted for production (which has been estimated at a maximum of 50 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with a descriptive cover and spine) of six (6) hard copies and six (6) CD copies of the report and mailing (via flat rate priority mail) of five (5) hard copies and five (5) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), Monroe County's Assistant County Attorney (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (1 hard copy, 1 CD).

Task 13.4: Acquire Avigation Easement from Property Owner

The Consultant will prepare a written offer to the Property Owner describing the value of the Avigation Easement and the process for acquiring the Avigation Easement. The property

owner will be provided with an acceptance/rejection form to fill out indicating their interest in participating. A self-addressed, first-class stamped envelope will be included for the property owner to return the participation form to the Consultant. The Consultant will consider counter-offers presented by the property owner or the property owner's representative. The Consultant will make reasonable efforts to negotiate a settlement with the property owner for the purchase of the avigation easement. The Consultant will attempt to reach a settlement within sixty (60) days of providing the written offer to the property owner. The Consultant may consult with the review appraiser if necessary for assistance with reviewing any appraisal data presented by the property owner in support of their counter-offer. The Consultant may take additional time to negotiate a settlement if it appears, in the Consultant's opinion, that the only impasse to a reasonable settlement is due to time constraints.

Prior to sending the letter, and acceptance/rejection form or settlement recommendation to the property owner, the Consultant will provide KWIA's Airport Noise Program Coordinator and the FAA ADO, FAA Southern Region and FAA Legal Department with a draft of these documents, providing them with an opportunity to make final revisions (The submittal will include both pdf and Microsoft Word versions of the documents.). The final letter will be printed on THC letterhead, and signed by the THC Project Director.

The Consultant has budgeted for production as follows: (1) the letter has been estimated at three (3) pages, printed on THC letterhead; (2) the participation form has been estimated at one (1) page, printed in black & white; (3) mailing has been estimated in a #10 business envelope with Consultant's return address label, sent via first-class certified mail with electronic return receipt; and, (4) return mailing has been estimated in a #10 business envelope, via first-class mail, addressed to the Consultant. A total of one (1) hard copy of the letter and participation form will be produced. A pdf version of the final letter and participation form will be provided to KWIA's Airport Noise Program Coordinator and the FAA electronically.

If the property owner accepts the offer for acquisition of an Avigation Easement, the Consultant will prepare the necessary legal paperwork for acquiring the Avigation Easement, including subordination agreements from lien holders, U.S. HUD Property Settlement Statement, Avigation Easement, etc. The Consultant will request a check from Monroe County to pay the property owner for acquisition of the Avigation Easement.

The Consultant will conduct the closing for acquisition of the Avigation Easement, either in person with the property owner or their designated local representative, or via certified mail (since the property owner is located in Colorado). The Consultant will record all documents as appropriate with the Clerk of the Court in Monroe County, Florida. All closing costs and recording fees are eligible grant expenses. The Consultant will pay for closing costs and recording fees and seek reimbursement for these expenses.

The final Avigation Easement Documentation will include a recorded copy of the Avigation Easement and associated documentation as described above. It will be produced in hard copy, as well as on a CD. The CD will include a pdf version of the documents. The Consultant has budgeted for production (which has been estimated at a maximum of 20 total pages per report, all of which will be printed in color, and bound in a white three-ring view binder with

a descriptive cover and spine) of six (6) hard copies and six (6) CD copies of the report and mailing (via flat rate priority mail) of five (5) hard copies and five (5) CD copies of the report. The reports will be distributed as follows: FAA ADO (1 hard copy, 1 CD), FAA Southern Region (1 hard copy, 1 CD), Monroe County's Director of Airports (1 hard copy, 1 CD), Monroe County's Assistant County Attorney (1 hard copy, 1 CD), KWIA's Airport Noise Program Coordinator (1 hard copy, 1 CD), Consultant Team (1 hard copy, 1 CD).

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**Key West International Airport
Noise Hotline Log**

Date of call	Time of call	Caller	Contact information	Date rec'd	Message	Response	Date
4/21/2015	11:18 PM	Michael Thomas Pontarelli	305-292-8584; 1317 Ashby Street; mthomas487@gmail.com	4/27/2015	"They can't live in this house any more because the aircraft noise has gotten so bad." The planes fly right over the house; they can smell jet fuel. The new Delta jets are terrible. They claim they were told they were in the NIP, and were told they declined participation. They say they never declined participation. They claim to have a letter indicating they were eligible for the NIP. They claim to have hired an attorney.	DML spoke to Marshall Pontarelli. She attempted to explain that their property was never eligible for the NIP. She attempted to agree/explain that their house is located in the flight path. However, they do not qualify for the NIP, based on the results of the recent study. The conversation was pretty hostile, but in the end, Mr. Pontarelli thanked DML for the return call.	4/27/2015
4/23/2015	7:45 PM	Marlene Durazo	KWBTS 210-C; 305-296-2094	4/27/2015	The planes are flying east to west, very close to KWBTS. There were three jets that were very loud.	No return call requested.	
4/24/2015	3:15 PM	Paul Shifler	KWBTS 205-A; 571-296-2610	4/27/2015	Two planes departed, one passenger jet with red and white stripes on the tail, and one private jet. The noise was very disturbing.	No return call requested.	
4/28/2015	12:52 PM	Tom Finney	2211 Staples Ave; 305-396-7038	5/4/2015	Called to inquire about his eligibility for the NIP. Has spoken to DML several times in the past, and she said to check back.	DML tried to return phone call but got fax machine.	5/4/2015
4/28/2015	1:17 PM	Marlene Durazo	KWBTS 210-C; 305-296-2094	5/4/2015	At 11:30 AM a Delta jet took off from east to west and flew over KWBTS. The noise is extremely loud, and the planes are flying very close to KWBTS.	No return call requested.	
4/30/2015	10:02 AM	Tom Finney	2211 Staples Ave; 305-396-7038	5/4/2015	Called to inquire about his eligibility for the NIP. The departure flight path is over us and the noise is really bad.	DML spoke to Mr. Finney and explained his house was not eligible for the NIP based on the results of the new study. He said the noise only bothered them when the planes were departing east to west. The arrivals don't really bother them.	5/7/2015
5/22/2015	5:46 PM	Paul Shifler	KWBTS 205-A; 571-296-2610	5/25/2015	A commercial jet with a silver body (maybe Delta) lifted off at this end of the runway and the noise was quite excessive.	No return call requested.	

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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April 3, 2015

Helicopters

FAA ANNOUNCES LAUNCH OF HELICOPTER NOISE COMPLAINT SYSTEM FOR L.A. COUNTY

On March 31, the Federal Aviation Administration launched a long-sought dedicated helicopter noise complaint system for Los Angeles County.

The system will allow Los Angeles residents to call a local telephone number to file a complaint, as well as submit a noise complaint on a website dedicated to Los Angeles helicopter noise.

California Sens. Dianne Feinstein (D) and Barbara Boxer (D) and Rep. Adam Schiff (D), who have pushed the FAA to take steps to address rising complaints about helicopter noise in the Los Angeles area, applauded the FAA's action.

Feinstein and Schiff, with the support of Los Angeles congressional delegation members, successfully included language in the fiscal 2014 federal omnibus spending bill that required the FAA to initiate regulations addressing helicopter noise above Los Angeles within one year of enactment, unless the agency could meet six voluntary criteria regarding helicopter noise, including the creation of a comprehensive noise complaint system (26 ANR 6).

(Continued on p. 47)

San Luis Obispo Airport

CALTRANS ASKS CITY TO RESCIND OVERRULE OF ALUC ALLOWING HOMES AROUND AIRPORT

The California Department of Transportation's Division of Aeronautics (Caltrans) asked the City of San Luis Obispo, CA, in a March 20 letter to rescind its adoption of an amendment to the City's general plan that allows approximately 1,500 new homes to be constructed in areas surrounding the San Luis Obispo County Regional Airport's noise and safety zones.

On Dec. 9, 2014, the City overruled a determination by the San Luis Obispo Airport Land Use Commission (ALUC) that the amendment to the City's general plan is inconsistent with the ALUC's airport land use compatibility plan.

The overrule allows the City to build homes and structures in areas surrounding the airport that had been restricted previously by the ALUC's airport land use compatibility plan.

"The City's actions conflict with the legislative intent of the State Aeronautics Act (SAA) which explicitly discourages 'incompatible land uses near existing airports,'" Caltrans Deputy Attorney Raiyn Bain asserted in her letter to San Luis Obispo Mayor Jan Howell Marx.

(Continued on p. 48)

In This Issue...

Helicopters ... FAA launches a helicopter noise complaint system for residents of L.A. County. CA lawmakers are pleased but want FAA to take more action to reduce noise impact - p. 46

San Luis Obispo ... Caltrans attorney asks City to rescind overrule of County Airport Land Use Commission that will allow 1,500 new homes near airport's noise, safety zones; asserts City has violated California State Aeronautics Act - p. 46

Noise Policy ... NJ senators urge FAA administrator to adopt 55 DNL as threshold for significant airport noise impact - p. 48

Litigation ... Vermont's Supreme Court upholds lower court ruling allowing basing of F-35s with National Guard at Burlington Int'l Airport - p. 48

News Briefs ... FAA approves noise exposure maps for Alexandria International Airport - p. 49

Helicopters, from p. 46

The one-year deadline to meet such voluntary requirements expired in the middle of January and the Secretary of Transportation has yet to make a final determination on whether enough voluntary progress has been made to avoid regulatory action.

“I am pleased to see the FAA put a noise complaint system into operation, and especially one that will allow residents to research in near-real time which helicopters are part of the problem,” said Rep. Schiff.

“Implementation of a noise complaint system is the first concrete result of a now years-long process of collaboration between the FAA, homeowners, and helicopter operators. But while this is a step in the right direction, we are still waiting for a final determination from the Secretary of Transportation on the progress of all six voluntary measures set out in the FAA’s initial report on helicopter noise.

“Much more progress needs to be made and it is my hope that this noise complaint system – along with the data it collects – will provide us the necessary information to better identify the bad actors and bring about noise relief to all Los Angeles residents.”

“Helicopter noise has disrupted the daily lives of thousands of Los Angeles residents for years, and allowing the public to report incidents to the FAA is a welcome and necessary step toward solving this problem,” said Sen. Feinstein.

“While the reporting system is important, additional action by the FAA is needed – and overdue. The agency must work with pilots and the public to propose new flight patterns and practices. We will continue to press the case for rules that can reduce noise and protect privacy in Los Angeles communities.”

Added Sen. Boxer, “The new noise complaint system will give residents a way to fight back against the excessive noise from low-altitude helicopter flights that has been plaguing many Los Angeles families for years.”

A dedicated noise complaint system will provide the FAA, helicopter operators, and the community valuable data in order to begin addressing and identifying measures to mitigate helicopter noise, the California lawmakers said.

In order for Los Angeles residents to file a noise complaint, they can either call tel. 424-348-HELI (4354) or file a complaint by visiting www.heli-noise-la.com.

Once on the website, one can either (1) file a general complaint by inputting their zip code, date and time of disturbance, and the disturbance type or (2) one can use an interactive map to specifically locate the helicopter that caused the disturbance based on one’s location.

The interactive WebTrak map on the website allows individuals to track helicopters flying above Los Angeles County at near real-time. Once the individual has identified the helicopter that caused the disturbance, they can file a complaint from the map, view the flight path, and find out the distance the helicopter was from the individual’s location.

Los Angeles Helicopter Noise Initiative

Since 2012, local community organizations, helicopter operators, and other stakeholders have been working with the FAA in a collaborative process known as the Los Angeles Helicopter Noise Initiative.

Participants in the Initiative have been working to develop voluntary agreements on routes and altitudes, best practices, outreach and training, and other means of addressing the helicopter noise situation in Los Angeles County.

One of the initial outcomes of the Initiative was exploring a centralized complaint system that could serve as a comprehensive repository of helicopter noise complaint data across the county.

Brüel & Kjaer, the leading provider of airport noise monitoring systems in the region, developed the automated complaint system to provide helicopter complaint data correlated with flight tracks.

The FAA will obtain a year’s worth of data from the new complaint system. This information will help to identify patterns and trends in helicopter operations, improve understanding of community reaction to helicopter noise, and inform future efforts to develop and implement noise abatement measures.

The Los Angeles Helicopter Noise Initiative includes the Los Angeles Area Helicopter Operators Association, Los Angeles Area Helicopter Noise Coalition, FAA, Los Angeles World Airports, Van Nuys Airport, Long Beach Airport, Bob Hope Airport, and Zamperini Field in Torrance.

Section 119D of the fiscal 2014 Omnibus Appropriations Act, which was added by the California lawmakers, directs FAA to move forward immediately on the following six voluntary measures to reduce helicopter noise over Los Angeles that the agency promised to undertake:

- Evaluate and adjust existing helicopter routes above Los Angeles, and make adjustments to such routes if the adjustments would lessen impacts on residential areas and noise-sensitive landmarks;
- Analyze whether helicopters could safely fly at higher altitudes in certain areas above Los Angeles County;
- Develop and promote best practices for helicopter hovering and electronic news gathering;
- Conduct outreach to helicopter pilots to inform them of voluntary policies and to increase awareness of noise sensitive areas and events;
- Work with local stakeholders to develop a more comprehensive noise complaint system; and
- Continue to participate in collaborative engagement between community representatives and helicopter operators.

If the Secretary of Transportation cannot demonstrate within one year that these voluntary measures have been effective, Section 119D directs the Secretary to “begin the development of regulations related to the impact of helicopter use on the quality of life and safety of the people of Los Angeles County.”

Noise Policy

NJ SENATORS WANT 55 DNL TO BE LEVEL OF SIGNIFICANT IMPACT

NJ Sens. Cory Booker (D) and Robert Menendez (D) and Rep. Donald Payne, Jr. (D) are urging Federal Aviation Administrator Michael Huerta to revise the agency's DNL noise metric and to use 55 DNL to determine the point of significant noise impact.

"As you know, the current DNL metric has been in place since it was established in 1981," the members of Congress reminded Huerta in a March 18 letter. "As the FAA continues to study and implement more effective and efficient methods for air travel, the standard must be reevaluated. While we are encouraged by the FAA's advancement of NextGen programs, such as the Continuous Lower Energy, Emissions and Noise (CLEEN) program, there is no ignoring the increase in volume of air travel particularly in the greater New York region. In New Jersey, a number of constituents reside in neighborhoods that have overhead air traffic from more than one airport."

Saying they are strong supporters of the air travel industry, which provides thousands of good paying jobs and contributes to their state's economy, Sen. Booker and Menendez and Rep. Payne stressed, however, "It is imperative that, as our airports continue to grow and increase volume and frequency of flights, we consider the ground impact on area residents. Decreasing the point of significant impact from 65 DNL to 55 DNL would allow for additional resources to be provided to New Jersey residents most affected by aircraft noise."

The congressmen asked the FAA administrator to be kept up to date on FAA's analysis of its pending annoyance survey at 20 U.S. airports, which FAA will use to determine if it needs to update its current aircraft noise policy.

Caltrans, from p. 46

The SAA requires California County Boards of Supervisors to establish ALUCs – which are unique to California and strongly endorsed by the Federal Aviation Administration – to protect the health, safety, and welfare of the public through the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards around public use airports.

The SAA imposes on an ALUC (not a City) certain powers and duties which mandate the creation of the airport land use compatibility plan, Caltrans reminded San Luis Obispo's mayor.

However, the City of San Luis Obispo contracted with an aviation consultant [Johnson Aviation Consulting of Oak Park, CA] – who was paid by the residential development proponents – to prepare an "Airport Land Use Compatibility Report" on behalf of the City, dismissing the ALUC's land

use compatibility plan.

"Nowhere in the SAA is there authorization for a City to rescind an airport land use compatibility plan for the purposes of creating its own Airport Land Use Compatibility Report," Bain wrote.

"Thus, the City's self-generated Airport Land Use Compatibility Report's data as to height, use, noise, safety and density criteria is dissimilar, and contradicts the (now overruled) airport land use compatibility plan, and the SAA, including State regulations and guidelines ... The SAA was enacted by legislation to prevent the very situation that is being created by the City."

"The City is not authorized to rescind a county prepared airport land use compatibility plan under the guise of an overrule, and then rewrite and implement its own Airport Land Use Compatibility Report," Bain told the mayor.

She noted that an \$880,000 state grant the City received to fund the update of its general plan requires "absolute compliance with both the SAA and the California Environmental Quality Act (CEQA)" and asserted that the City has violated both state laws by its overrule of the ALUC.

Bain said the City also has failed "to disclose the assumption of risk that the City is willing to take in the event of an aircraft accident and the potential liability that the City will assume. Letters authored by the Aircraft Owners and Pilots Association, the State, and the FAA against this incompatible land use encroachment place the City on notice regarding liability."

Litigation

VERMONT SUPREME COURT ALLOWS F-35 JET FIGHTER BASING

In early March, the Vermont Supreme Court upheld a lower court ruling finding that a state land use and development permit is not required to base F-35 jet fighters with the Vermont National Guard at Burlington International Airport.

Last May, the Vermont Environmental Court upheld a decision by an Act 250 district commission finding that the state permit was not needed because the National Guard serves a federal purpose.

Vermont adopted Act 250 in 1970. It established nine district commissions that have the power to issue or deny a permit to real estate developers for any project that encompasses more than 10 acres or more than 1 acre for towns that do not have permanent zoning and subdivision bylaws.

Last year, the U.S. Air Force announced it would base 18 F-35s with the Vermont Air National Guard to replace the Guard's fleet of aging F-16s. Critics say the F-35 is louder than the F-16 and will affect more than 2,000 Burlington residents.

They contend that the City of Burlington, the airport proprietor, must obtain a state land use and development permit to address the noise impacts of the F-35s, which are due to ar-

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rive in 2020, and to address anticipated retrofits at the airport needed to handle the F-35s.

But the Vermont High Court disagreed. “The proposed improvements related to the fighter jet were being made by the federal government and would be under federal control, and therefore there was no state purpose,” Associate Justice Harold Eaton wrote.

James Dumont, the Bristol, VT-based attorney who represents the F-35 opponents, plans to ask the U.S. Supreme Court to review the Vermont Supreme Court’s decision.

While concurring with the Vermont Supreme Court’s ruling, Retired Judge James Morse, who was specially assigned to the case, wrote a separate opinion noting that the Court “largely disregards the overpowering assault on the senses produced by the F-35A aircraft.”

“The record evidence of the F-35A’s noise impact on the area surrounding the Burlington International Airport is an alarming wake-up call,” he wrote. “It reveals that decibel levels of the F-35A on take-off, approach, and landing will be perceived as two to four times louder by the human ear than the current F-16 aircraft. The area experiencing decibel levels incompatible with residential use will increase by several hundred acres, and encompass nearly a thousand additional households.”

The judge agreed that federal law preempts direct state and local regulation of noise generated by aircraft in flight. But he said that “a fair number of courts” have interpreted the U.S. Supreme Court’s 1973 decision in *City of Burbank v. Lockheed Air Terminal Inc.*, to mean that federal law does not preempt common-law actions against municipally-owned airports based on excessive noise or emissions that result in a public nuisance.

“While a public-nuisance suit may be less than what the affected residents had hoped for, it may at least provide some redress for an injury they are powerless to prevent,” Judge Morse wrote.

In Brief...

FAA Approves Alexandria Int’l Noise Maps

On March 27, the Federal Aviation Administration announced its approval of noise exposure maps submitted by the England Economic and Industrial Development District for Alexandria International Airport.

The maps depict existing conditions in 2013 and future conditions in 2019 for various flight tracks.

For further information, contact Tim Tandy, and Environmental Protection Specialist in FAA’s Southwest Region Louisiana/New Mexico Airports District Office; tel: (817) 222-5644.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Helicopters

E. HAMPTON BOARD DROPS PROPOSED BAN ON SUMMER WEEKEND HELICOPTER OPS

The East Hampton, NY, Town Board on April 7 dropped its proposed ban on helicopter operations at East Hampton Airport on weekends during the summer season.

The Board cited concerns that the ban would cause helicopter operations to be diverted to neighboring towns and increase their noise impact.

The summer weekend ban on helicopter operations was one four noise restrictions proposed by the Town Board for its airport. On April 16, the Board plans to vote on the remaining three proposed restrictions:

- A mandatory nighttime airport curfew from 11 p.m. to 7 a.m.;
- An extended nighttime curfew from 8 p.m. to 9 a.m. for “noisy” aircraft (those with approach levels of 91 EPNdB or greater or published flyover levels of 81 SEL or Lmax or greater);
- A limit on “noisy” aircraft to one trip – a single takeoff and landing – each week during the summer season (May – September).

“Based on preliminary conversations with our expert on traffic diversion, there
(Continued on p. 51)

O’Hare Int’l

CHICAGO MAYOR VOWS TO DEVELOP PLAN TO ADDRESS NOISE FROM NEW FLIGHT PATHS

Aircraft noise became a big issue in the Chicago mayoral election but not big enough to deny Chicago Mayor Rahm Emanuel a second term.

He defeated challenger Jesus “Chuy” Garcia – who aligned himself with anti-noise activists and tried to turn anger over aircraft noise into votes for him – with 55 percent of the vote.

Emanuel also got 60 percent of the votes in wards on the Far Northwest Side of Chicago that were the focus of complaints about the noise impact of a major runway realignment at O’Hare that moved long-standing flight paths.

But – in the face of a constant barrage of campaigning against him by members of the well-organized community anti-noise group FAiR (Fair Allocation in Runways) – Mayor Emanuel did become more active on the airport noise issue.

The week before the April 7 runoff election, Emanuel vowed to “come up with a plan” to address the aircraft noise moved over the Northwest Side by the O’Hare runway realignment. The mayor also said he was open one of the main demands of FAiR: retaining O’Hare’s diagonal runways and using them to spread the noise impact.

(Continued on p. 52)

In This Issue...

Helicopters ... East Hampton Town Board abandons proposed ban on helicopter operations during summer season weekends - p. 50

Chicago O’Hare Int’l ... Aircraft noise was big enough issue in mayoral election to get Rahm Emanuel to promise to address it - p. 50

ACRP ... Anti-noise activists propose study to assess status, underuse of noise abatement procedures - p. 51

Heathrow ... Airport proposes to increase aircraft noise and emissions charges to offset proposed decrease in passenger fees - p. 52

Key West Int’l ... FAA approves Part 150 update. Highlights include expansion of sound insulation program, addition of flight track monitoring - p. 52

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Helicopters, from p. 51

is a real risk that an unintended consequence of a ban on helicopters on weekends in the summer could be a shift of the impacts to Montauk as well as neighboring communities,” Kathie Burke-Gonzalez, the East Hampton Town Board member who has led efforts to restrict helicopter operations, said in a press release.

“I have long said that I will not push our problem on others and I will respect that commitment. According to our consultants, imposing the two curfews and the one-trip-per-week rule is well tailored to address our problem without creating unintended diversion. Therefore, we will hold off on moving forward with the helicopter ban at this time and will closely monitor the 2015 season.”

Harris Miller Miller & Hanson Inc. (HMMH), East Hampton’s noise consultant, said that the remaining three proposed noise restrictions (the one-trip limit per week on noisy aircraft during the summer season plus the two nighttime curfews) will affect:

- 75 percent of helicopter operations and 73 percent of associated complaints on weekends and holidays during the summer season, and
- 23 percent of all aircraft operations while addressing 60 percent of complaints on an annual basis.

Burke-Gonzales called that “meaningful relief” but others on did not.

Charles Ehren, vice chairman of the anti-noise group Quiet Skies Coalition, urged the Town Board to reconsider the summer weekend ban on helicopter operations. “I’m imagining, if I were operating a helicopter company, that I would switch around equipment to get by the once-a-week rule,” he told *Newsday*.

The issue causing the most noise complaints by residents of East Hampton and nearby communities is helicopter ferrying operations of passengers from Manhattan to the Hamptons on summer weekends.

Burke-Gonzalez recognized that dropping the proposed weekend helicopter ban will make some people unhappy but called it a “reasonable first step.” She said that, after the 2015 summer season, the Board will evaluate the effectiveness of the three airport restrictions it will adopt and convene a public meeting to present the study results and discuss whether any changes in the restrictions are needed for the 2016 season.

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 on Feb. 4 (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.”

On Jan. 1, the Town of East Hampton came out from under Federal Aviation Administration grant obligations, which, among other things, required the Town to provide aviation services on a “reasonable” and “not unjustly discriminatory” basis.

ACRP

NOISE ACTIVISTS PROPOSE STUDY TO ASSESS UNDERUSE OF AIRPORT NOISE ABATEMENT PROCEDURES

Community noise activists proposed in March that the Airport Cooperative Research Program (ACRP) fund a project in its 2016 work program to assess “the current status and underutilization of existing airport noise abatement procedures.”

The goal of the study is to assess the extent to which noise abatement procedures can be restored within existing Standard Operating Procedures (SOP) at airports without sacrificing safety or operational efficiency.

A baseline study of three airports that have experienced recent increases in noise complaints due to the introduction of NextGen procedures would be conducted under the proposed work program. The study would identify, within the framework of existing SOPs and wind safety guidelines, areas where air traffic controllers are underutilizing noise abatement routes. The study also would identify potential airspace configurations that could be used in place of those generating increased noise complaints.

The problem statement for the study was developed with input from members of the NY/NJ Port Authority Community Aviation Roundtable, the newly-formed Our Skies National Coalition of anti-noise community groups, and the congressional Quiet Skies Caucus.

“Over the past three years, the initial phase of the FAA’s NextGen program has been implemented at many airports across the country. Along with the FAA’s ongoing Airspace Redesign project, the airspace flows in many major metropolitan areas have been dramatically altered,” the problem statement notes.

“Noise complaints have soared in communities that had not previously been exposed to excessive levels of noise. In New York City, a new NextGen route from LaGuardia airport replaced the tandem use of three noise abatement routes. Similar changes have disrupted communities in Phoenix, Minneapolis/St. Paul and Chicago.

“Research is needed to assess whether air traffic controllers are using all noise mitigation options available to them in the official Standard Operating Procedures of their respective airports. In the case of LaGuardia Airport, for example, it is widely believed that the NextGen routes are run

more often, even when there are no airspace conflicts that would preclude the use of a noise abatement route. Better utilization of existing noise abatement procedures would ease the growing tension between airports and surrounding communities. This could be achieved without changing existing policy or sacrificing efficiency, capacity or the implementation of precision navigation.”

The study is estimated to cost \$36,500 and take one year to complete. The problem statement was submitted by Brian Will, a New York-based fisheries biologist and member of Queens Quiet Skies and the PANYNJ Community Aviation Roundtable.

Heathrow

AIRPORT PROPOSES INCREASE IN NOISE, EMISSIONS CHARGES

On April 2, Heathrow officials proposed increasing aircraft noise and emissions charges in order to offset a proposed decrease in passenger charges designed to make domestic flights from Heathrow more affordable.

Cutting the passenger charge “would support the commercial viability of domestic services which have been squeezed out of the UK’s hub because of airlines having to make tough choices between using their limited slots for domestic or long-haul routes. It would also increase the UK’s competitive position relative to other EU hub airports, which has seen them gain traffic that would otherwise support new long haul routes, jobs and economic activity in Britain,” Heathrow officials said.

Under the airport’s proposal, the domestic passenger charge for airlines flying from Heathrow would be reduced by a third, from £29.59 (\$43.10) today to £19.59 (\$28.86).

To offset this revenue loss and to encourage cleaner, quieter aircraft operations, environmental charges would be increased from 21 percent to 29 percent of total airport charges.

NOx emissions charges would almost double from £8.57 (\$12.62) per kg of NOx to £16.51 (\$24.32) per kg of NOx, encouraging the use of the newest, cleanest aircraft.

The noisiest aircraft also would be charged more.

Some 99 percent of movements at Heathrow already meet the quietest international noise standards – known as ‘Chapter 4 and Chapter 14,’ and Heathrow officials said they are actively engaging with airlines to understand their likely timeline for replacing aircraft that operate the less than 1 percent of movements that only meet the noisiest international standard - known as ‘Chapter 3.’

The proposed charge increase is designed to offer a further incentive to support that change, with the quietest aircraft potentially paying up to 20 percent less per landing than they do today.

As a consequence of Heathrow being full, domestic connectivity from the airport has fallen over the years, from 18 routes served in 1990 to just seven today, the airport noted.

The UK’s National Connectivity Taskforce identified the need to make routes to regional airports more attractive to airlines. Heathrow officials said their proposals seek to meet the Task Force’s recommendations as part of its regular five year review cycle of Heathrow’s charging structure.

O’Hare, from p. 51

Emanuel said he would pressure the Federal Aviation Administration to meet the combined goal of maintaining O’Hare’s role as an economic engine for Chicago and maintaining a high quality of life for those who live near the airport.

“The mayor is open to all options that seek to achieve both of these goals and will continue to pursue action from the FAA so that we can get answers and get them fast,” according to a statement from his office.

Jac Charlier, one of FAiR’s founding members, “said he was pleased Emanuel appears to be softening his position on maintaining O’Hare’s remaining two diagonal runways but stressed it was not up to federal officials to determine runway usage at O’Hare,” *DNAInfo – Chicago* reported.

“All solutions to this issue fly through the mayor’s office,” Charlier told the news source. “The mayor owns this issue. He has been silent far too long.”

DNAInfo said Emanuel’s spokesman “did not respond to questions about whether the mayor would ask state officials to change the law that approved the O’Hare Modernization Program, which limits the number of runways in use at O’Hare to eight.”

Key West Int’l

FAA APPROVES KEY WEST INT’L PART 150 PROGRAM UPDATE

On April 6, the Federal Aviation Administration announced approval of the Noise Compatibility Plan Update submitted by the Monroe County, FL, Board of County Commissioners for Key West International Airport.

The submitted program update contained 25 proposed actions for noise mitigation both on and off the Airport. The overall program was approved by the FAA effective March 11.

Outright approval was granted for 13 of the specific program elements. No action was requested or given for 12 of the 25 specific program elements.

Highlights of a proposed update to the Part 150 update include the expansion of a successful sound insulation program, the addition of a flight track monitoring system, and a concerted effort to better inform pilots of voluntary noise abatement procedures.

A total of 323 residential units would be eligible for sound insulation in the update. That includes 194 residential units within the DNL 65 dB contour and an additional 129 residen-

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tial units that would be eligible for sound insulation through block-rounding. Also eligible for insulation are a church and school with four classrooms and a Catholic Charities facility for the homeless with 23 units.

KeyWest International has already sound insulated almost 300 homes near the airport under an earlier phase of its sound insulation program that was very well received by the community.

The airport now wants to continue the program for areas that are newly-in cluded in its 65 dB DNL contour, especially a condominium development that has been waiting for several years for the opportunity to participate in the program.

The estimated cost of the sound insulation program from 2015 through 2024 is \$16.3 million. The estimated cost of purchasing avigation easements for those who opt out of the insulation program or are determined to be ineligible for it is \$2.9 million.

FAA’s Record of Approval for the Part 150 update, which describes the program elements in detail, is available on-line at:
[http://www.faa.gov/airports_ airtraffic/airports/environmental/airport_noise/part_150/states/](http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/).

For further information, contact Allan Nagy, Environmental Program Specialist, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltime National Drive, Orlando, Florida 32822, phone number: (407) 812-6331.

In Brief...

Evans Elected Vice Chair of Louisville Airport Authority

Mary Rose Evans was recently elected as the vice chair of the Louisville Regional Airport Authority Board of Directors, the first woman to be an officer of the Board.

Ms. Evans was appointed to the Board in 2002, and currently serves as the Mayor for the City of Parkway Village.

She has been involved with airport noise issues at the local, regional and national level for many years. Since 1996, she has been the president of the Airport Neighbors’ Alliance Inc. and is the vice president of the National Organization to Insure a Sound- Controlled Environment (N.O.I.S.E.) and is the Authority’s representative on the Community Noise Forum.

She was the recipient of the 2014 Community Noise Forum’s FlyQuiet Award.

A former social worker for the Kentucky Department of Human Resources, Ms. Evans remains involved in a variety of community service roles in addition to her service on the Airport Authority Board of Directors.

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Anne H. Kohut, Publisher

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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NextGen

PHOENIX OFFICIALS CLOSER TO SUING FAA; DROP OUT OF FLIGHT PATH WORKING GROUP

Phoenix Mayor Greg Stanton said yesterday that he has ordered the city attorney to take the necessary steps to prepare to sue the Federal Aviation Administration over NextGen flight path changes that have caused widespread noise complaints but would not state in public session whether the city had actually decided to do so at this point.

But the City Council voted unanimously to discontinue the city's participation in a working group FAA established to try to find ways to mitigate the noise impact caused in September 2014 when new RNAV departure procedures were implemented at Sky Harbor International Airport.

The City Council action came in response to an April 14 letter from FAA Western-Pacific Regional Administrator Glen Martin accusing city officials of not participating productively in FAA's working group by providing specific measures they would like FAA to consider to mitigate the noise impact of the new flight paths.

Phoenix officials insist they have offered solutions to the FAA and the working
(Continued on p. 55)

Noise Restrictions

TOWN BOARD IMPOSES CURFEWS, LIMITS ON NOISY AIRCRAFT AT E. HAMPTON AIRPORT

Last night, the East Hampton, Long Island, Town Board approved curfews and limits on noisy aircraft operating at East Hampton Airport in an effort to reduce the annoyance from helicopters ferrying people to The Hamptons in the busy summer season.

The following restrictions will become effective before Memorial Day (May 25):

- A mandatory nighttime airport curfew from 11 p.m. to 7 a.m.;
- An extended nighttime curfew from 8 p.m. to 9 a.m. for "noisy" aircraft (those with approach levels of 91 EPNdB or greater or published flyover levels of 81 SEL or Lmax or greater);
- A limit on "noisy" aircraft to one trip – a single takeoff and landing – each week during the summer season (May – September).

On April 7, the Board dropped its proposed ban on helicopter operations from East Hampton Airport on weekends during the summer season; a move which disappointed some residents.

The Board cited concerns that the ban would cause helicopter operations to be
(Continued on p. 57)

In This Issue...

Phoenix ... Angered by FAA accusations that it did not work productively on a working group set up to find ways to mitigate the noise impact of NextGen flight path changes, the Phoenix City Council pulls out of the group and moves closer to litigation; working with FAA "has been a one-way street," mayor says - p. 54

Noise Restrictions ... Town of East Hampton, LI, Board approves three restrictions on aircraft operations at East Hampton Airport designed to reduce helicopter noise during summer season - p. 54

San Luis Obispo ... City refuses Caltrans request to rescind amendment to general plan allowing new homes near airport; asserts state laws does not preempt local land use authority - p. 56

El Segundo ... City asks FAA to extend deadline for completing sound insulation of almost 200 homes in the 60 DNL contour of Los Angeles Int'l Airport - p. 56

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group – especially using RNAV technology on the original departure routes – but the agency has rejected them.

So upset was Phoenix Mayor Greg Stanton by Martin's letter, that he called a press conference on April 15 to announce that the City Council would meet on April 16 to get public input on whether the City should now sue FAA.

"I have tried and Phoenix has tried to work with FAA in good faith but, thus far, it has been a one-way street," a clearly frustrated Mayor Stanton said at his press conference.

"Our efforts to work together to reach a common sense solutions for the people of our communities has not been returned. The City has offered solutions that have been repeatedly rejected and it is now apparent that FAA has zero intent to solve serious noise issues affecting neighborhoods in the City of Phoenix.

"FAA has shown us that it is a federal agency not appropriately accountable to people. It abused the process; undermined the trust we have in FAA's local officials."

The mayor said he will pursue other options as well as litigation, including:

- Working with the airlines at Sky Harbor International Airport on possible voluntary solutions to the noise problem (city officials recently visited American and Southwest airlines officials at their headquarters);
- Uniting with other cities that have been impacted by noise from NextGen procedures;
- Working with all relevant parties, including the Arizona congressional delegation, "to force FAA to do the right thing";
- Submit recommendations to FAA on how the agency's upcoming Phoenix Metroplex project can "achieve satisfactory changes to flight paths"; and
- Enhance the Sky Harbor noise program so residents have more resources for filing noise complaints and letting FAA know "how impactful" the noise impact from the new flight paths has been on their lives.

Said Phoenix City Councilman Michael Nowakowski, "FAA came into our city, changed the path, and never had a meeting with anyone; never met with the community."

The letter from FAA Regional Administrator Martin, he said, "questioned the integrity of the City of Phoenix and of [former] Congressman Ed Pastor," who represented the City on the working group FAA set up to address the noise problem. Pastor, who recently retired from Congress, and City staff gave FAA several alternative recommendations for addressing the noise problem and for FAA "to put down in writing that we did not is a lie; it's wrong," Nowakowski said.

"It's time, he said, "to come together with cities in other states being affected by FAA and say 'Enough is enough'."

FAA Letter

In his letter to Phoenix City Manager Ed Zuercher, FAA's Martin wrote, "During the week of April 6, the FAA provided data and a total of 14 alternatives to the City's representatives

on the Phoenix Performance Based Navigation Working Group, and understood the City would offer its own ideas or suggestions for the FAA to consider. However, that did not happen."

"For this approach to work," Martin said, "it's critical that the city partner with the FAA and provide input about specific measures you would like us to consider and analyze. We strongly believe the City needs to consider alternatives other than just returning to or overlaying the procedures that were in place before Sept. 18, 2014," when the new flight paths were implemented, directed aircraft over a renovated historic district, and noise complaints spiked.

Martin said FAA has developed two preferred adjustments to departure procedures to the northwest and southwest "that reduce aircraft speeds and increase aircraft rates of climb, so altitudes would generally be higher than they are under the current procedures. The higher altitudes potentially decrease noise levels."

In addition to adjustments to existing routes, Martin said the FAA has suggested a number of other strategies the City could explore that could help reduce noise impact. These include voluntary noise abatement flight and runway use, establishing a community/airport roundtable, presenting other route adjustments beyond the FAA's preferred alternatives, and accepting FAA's offer to assist the airport noise office "to ensure that noise complaints are logged, analyzed, and processes as efficiently as possible."

"The FAA believes the best approach going forward is a multi-pronged strategy that combines possible adjustments to the routes with some of the additional kinds of noise abatement measures identified above," Martin wrote. "We believe it is important for the FAA and the City to work together to complete a comprehensive plan within two months."

The FAA official also said the agency "would like to work more effectively with the City of Phoenix and Sky Harbor International Airport to anticipate and address issues that could arise during the development of the Phoenix Metroplex project," which will further rearrange the Phoenix area airspace.

Special City Council Meeting

Mayor Stanton called a special City Council meeting on April 16 to allow city staff and Rep. Pastor, who participated on FAA's working group, to refute Martin's allegation that they had not provided noise mitigation recommendations.

The mayor said he believed that FAA rejected solutions proposed by Phoenix that would provide more significant noise relief than the two preferred solutions FAA is backing, which raise the altitude of the current flight paths.

Rep. Pastor explained that the working group was not effective because it was restricted by "FAA leadership" from considering mitigation options that could not be implemented in 6-8 months, that moved current RNAV departure paths more than 0.3 miles laterally, and that would be considered a new "federal action," which would trigger a slew of reviews under various federal laws.

Those limitations barred the working group from analyzing the efficiency and safety of reverting to the original flight tracks and using RNAV technology to implement them, Pastor said.

He also explained that new RNAV departure procedures causing noise problems in Phoenix were not developed through an FAA Metroplex project, under which a formal working group is established to develop NextGen procedures, which are generally subjected to an environmental assessment.

The RNAV departure procedures put into effect at Sky Harbor last September were developed by Sky Harbor TRACON staff and airline representatives, Pastor said. He believed this process was used because of FAA budget cuts and possibly due to the Super Bowl being held in Phoenix.

The new RNAV departures were given a categorical exclusion (CatEx) under one of the legislative CatExs (CatEx 1) provided in the FAA Modernization and Reform Act of 2012.

San Luis Obispo Airport

CITY REFUSES TO RESCIND OVERRULE OF LAND USE COMMISSION

The City of San Luis Obispo has refused a request by the California Department of Transportation's Division of Aeronautics (Caltrans) to rescind an amendment to the City's general plan that will allow 1,200 new homes to be built in areas surrounding the San Luis Obispo County Regional Airport's noise and safety zones.

On Dec. 9, 2014, the City overruled a determination by the San Luis Obispo Airport Land Use Commission (ALUC) that the amendment to the City's general plan is inconsistent with the ALUC's airport land use compatibility plan.

The overrule allows the City to build homes in areas surrounding the airport that had been restricted previously by the Airport Land Use Compatibility Plan developed by the ALUC.

"The City's actions conflict with the legislative intent of the State Aeronautics Act (SAA) which explicitly discourages 'incompatible land uses near existing airport'," Caltrans Deputy Attorney Raiyn Bain asserted in her March 20 letter to San Luis Obispo Mayor Jan Howell Marx (27 ANR 46).

"The SAA imposes on a ALUC (not a City) certain powers and duties which mandate the creation of the airport land use compatibility plan," Bain wrote.

However, in an April 2 reply, San Luis Obispo City Attorney Christine Dietrick scolded the Caltrans attorney, writing, "Your statement that the State Aeronautics Act 'preempts the City's land use authority in areas surrounding the SBP Airport, and gives the ALUC discretion to impose more restrictive criteria as to height, use, noise, safety and density' could not be more contrary to black letter law, fundamental constitutional principles, or the express language of the Act itself."

The State Aeronautics Act "*explicitly* established a statu-

tory overrule process in recognition of the constitutional supremacy of local land use authority," the City attorney told the Caltrans attorney. "While it is true that the State Aeronautics Act authorizes the ALUC to adopt the ALUP [Airport Land Use Plan], it also is true on the face of the Act that it does not preempt local land use authority," Dietrick wrote.

"Your argument," she told Caltrans, "erroneously presupposes that land use compatibility planning can be singularly achieved through the ALUC. If that were true, there would be no reason for an overrule provision. The Legislature's inclusion of a process for local overrule recognizes that the art and science of airport land use compatibility planning are not so black and white and that the City is the ultimate decision maker regarding appropriate and compatible land uses within its jurisdiction."

The City's amendment to its general plan and related zoning regulations "neither propose nor allow any incompatible land uses near San Luis Obispo County Regional Airport. The City – with the assistance of its own expert aviation consultant [Johnson Aviation Consulting] – diligently ensured that its land use decisions were consistent with the guidance of the *California Airport Land Use Planning Handbook*," Dietrick told Caltrans.

City policy limits new residential development around its airport to areas of 60 dB CNEL or less. The ALUC policies limit new residential development to areas of 55 dB CNEL or less.

"This policy difference is one area of conflict which is exacerbated by the noise contour diagrams in the [ALUC's] Airport Land Use Plan, which are not based upon the adopted airport master plan but rather use a hypothetical maximum use of the runway to identify future areas of potential exposure to noise in excess of 55 dB CNEL," Kim Murry, deputy director, Community Development - Long Range Planning for the City of San Luis Obispo, told ANR.

"We used the noise analysis from the Airport Master Plan Environmental Impact Report. Johnson Aviation took that information (fleet mix, time of day, etc.) and entered the data into the latest INM software to model the noise contours. The resulting graphic looks very much like what was in the Master Plan EIR, but it was a good exercise to confirm the location of the contours."

Sound Insulation

EL SEGUNDO ASKS FAA TO EXTEND DEADLINE TO INSULATE HOMES

On April 1, the City of El Segundo asked the Federal Aviation Administration to extend its deadline for the completion of sound insulation of almost 200 homes located in the 60 dB CNEL contour of Los Angeles International Airport.

In 2010, these homes lost their eligibility for sound insulation when they moved from the 65 CNEL contour to the 60

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CNEL contour in an updated noise exposure map in the LAX master plan. However, the homes later regained their eligibility for sound insulation under an agreement reached between the FAA and LAWA that allowed airport revenue (Passenger Facility Charges) but not Airport Improvement Program grants, to be used to fund the insulation (44 ANR 186).

Sept. 30, 2015, was the deadline FAA set for completion of sound insulation of these homes now considered to be in the LAX buffer zone.

However, the City of El Segundo explained in a statement, “for reasons out of the control of the City, contractor bids for the final homes to be sound insulated subject to the deadline came in excessively high. Due to the looming deadline and the time it takes to complete the bidding process and construction, the City does not have sufficient time to redo the process and seek new bids more in line with the estimated costs.”

“While we understand the reasons why the FAA set this deadline, we are simply asking the agency for an accommodation so that we can redo the process only for these specific groups of homes,” said Suzanne Fuentes, the mayor of El Segundo.

“There is no harm whatsoever to anyone, including taxpayers, if the FAA grants this accommodation. If the FAA does not grant this extension, however, residents of nearly 200 homes will be forced to continue to suffer from excessive levels of noise from LAX.”

“We are also calling on our elected representatives to join with us to persuade the FAA to grant this small accommodation,” continued Fuentes, who chaired a recent three-hour special City Council meeting on the issue. “We owe it to our residents to complete this work, and we are confident that rebidding the work will result in bids that are acceptable to the FAA.”

E. Hampton, from p. 54

diverted to neighboring towns and increase their noise impact (27 ANR 50).

“We must recognize that these three local laws are not the end of a process but the beginning of a long-term commitment,” said Councilwoman Kathee Burke-Gonzalez, who has led the effort to restrict helicopter operations, *Newsday* reported.

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 in February (27 ANR 13).

On Jan. 1, the Town of East Hampton came out from under Federal Aviation Administration grant obligations, which, among other things, required the Town to provide aviation services on a “reasonable” and “not unjustly discriminatory” basis.

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Litigation

AVIATION COALITION SUES EAST HAMPTON OVER NEW AIRPORT NOISE RESTRICTIONS

A coalition of helicopter operators and their supporters filed suit in U.S. District Court on April 21 seeking to strike down three new restrictions adopted by the Town of East Hampton, NY, intended to reduce the noise impact of helicopters ferrying vacationers from Manhattan to the Hamptons during the summer season.

On April 16, the Town Board approved a mandatory nighttime curfew at East Hampton Airport and an extended night curfew for noisy aircraft. It also imposed a one trip per week limit on operations by aircraft defined as “noisy” (27 ANR 54).

In their lawsuit, Friends of East Hampton Airport, Inc., six helicopter firms, and the Helicopter Association International, Inc. asserted that East Hampton’s aircraft restrictions are preempted under the Supremacy Clause of the U.S. Constitution because they violate and conflict with federal law and policy. They also argued that the restrictions violate the Commerce Clause of the U.S. Constitution because they unduly burden interstate commerce.

“The Restrictions are excessive and unprecedented in their severity for a pub-

(Continued on p. 59)

Environmental Review

PHOENIX RNAVS ARE FIRST IMPLEMENTED UNDER ‘CATEX 1’ CATEGORICAL EXCLUSION

The RNAV departure procedures causing such a public uproar at Phoenix Sky Harbor International Airport were the first in the country to be implemented under the so-called ‘CatEx1’ provision of the FAA Modernization and Reform Act of 2012, an FAA spokesman confirmed.

Section 213(c)(1) of the Act – dubbed CatEx1 – allows the FAA to presume that Performance-Based Navigation procedures are covered by a categorical exclusion (CatEx) under the National Environmental Policy Act (NEPA) unless the FAA Administrator determines that extraordinary circumstances exist with respect to the procedure.

Among the extraordinary circumstances that FAA must consider are whether the PBN procedures are likely to be “highly controversial on environmental grounds” or to have an impact on noise levels in noise-sensitive areas.

So, under CatEx1, if FAA determines that no extraordinary circumstances exist with a PBN procedure, the agency is free to implement it without preparing a more in-depth Environmental Assessment or Environmental Impact Statement.

(Continued on p. 61)

In This Issue...

Litigation ... Coalition of helicopter operators, supporters challenge three noise rules adopted by Town of East Hampton to cut helicopter noise; file suit in federal court asserting restrictions are “in blatant violation” of ANCA and grant assurances. Town says it is “fully prepared” for litigation - p. 58

Environmental Review ... FAA’s implementation of Phoenix Sky Harbor International RNAV departures was agency’s first use of the “CatEx1” provision of FAA Mod. and Reform Act - p. 58

Philadelphia Int’l ... City of Philadelphia, Delaware County, Tinicum Township, school district sign agreement paving way for airport expansion program - p. 59

Chicago O’Hare Int’l ... Congressional field hearing on noise impact of runway realignment being sought; has approval of House Oversight Committee subcommittee chair; still needs full committee approval - p. 60

Litigation, from p. 58

lic-use, federally obligated airport. They will disrupt the national transportation system and interfere with federal policy for maintaining safe and efficient airports and navigable airspace,” the aviation coalition claimed.

“Under well-established federal law, local governments have no authority to use their police powers to regulate aircraft in flight or to impose airport noise or access restrictions,” the aviation coalition told the court in its complaint.

The plaintiffs argued that the Town adopted its restrictions “in blatant violation” of the Airport Noise and Capacity Act of 1990, which requires the airport proprietor to prepare and publish specific, extensive analyses at least 180 days before any proposed restriction on Stage 2 aircraft may take effect and prohibits any restriction from being imposed on Stage 3 aircraft unless the proprietor has first obtained FAA approval or the consent of all affected aircraft operators.

“Yet, here, the Town adopted the Restrictions – imposing severe access restrictions on both Stage 2 and Stage 3 aircraft – without remotely complying with ANCA’s requirements,” the complaint stated.

It also contended that restrictions violate federal grant assurances “because they are unreasonable and anticompetitive in nature, unfairly discriminate against certain aircraft, and will so deprive the Airport of revenue as to make it difficult or impossible for the Airport to be properly maintained.”

“Although the Town has attempted to justify its disregard of federal law by pointing to a 2005 settlement involving the FAA to which the Town was not even a party, that settlement does not – and could not – relieve the Town of its obligation to refrain from imposing restrictions that violate federal law,” the complaint asserts.

Town’s Response

“Stripped of its rhetoric, the 34-page complaint is entirely predictable and contains no surprises,” the Town of East Hampton said in a statement on the litigation. It continues:

The complaint cites several federal laws and provisions of the U.S. Constitution, but conveniently forgets what makes these restrictions unique:

- Plaintiffs ignore the years of studies, analyses, public meetings, consultations with airport users, and deliberative process and Town Board deliberations that led to the three restrictions.

- Plaintiffs forget that the Town has patiently waited for federal contractual obligations to expire before taking this action.

- Plaintiffs don’t mention that the Airport Noise and Capacity Act no longer applies to this airport.

- Plaintiffs conveniently ignore the many, many steps that led to the Town Board decision that these restrictions are necessary – steps that included federally mandated flight paths for helicopters, voluntary flight paths for all aircraft, voluntary curfews, voluntary altitude requirements and other measures. All of these efforts proved ineffective.

- Plaintiffs don’t admit that the restrictions are narrowly targeted to address the operations of most concern that generate the most disturbance – and that the restrictions will not affect almost 80 percent of the operations at the Airport.

We have, with surgical precision, defined precise restrictions that limit only the most disturbing operations at East Hampton Airport. The Town has committed to an incremental approach – and to reevaluation of the restrictions after the end of the 2015 season to make sure that they have been only as restrictive as necessary.

The Town is fully prepared for this litigation and will vigorously defend its legal and constitutional right to impose reasonable, non-arbitrary, and carefully balanced restrictions. Plaintiffs raise issues that we are fully prepared to defend. The issues that plaintiffs raise have been litigated over and over again in lawsuits throughout the nation and airport proprietors have consistently won.

While we anticipated this lawsuit, it is sad that these airport users are now going to force the Town to spend scarce airport funds to defend these restrictions rather than working to make this airport the best it can be.

The case is *Friends of the East Hampton Airport et al. v. Town of East Hampton*, U.S. District Court for the Eastern District of New York (Case No. 2:2015cv02246).

Philadelphia Int’l Airport

AGREEMENT SIGNED; PAVES WAY FOR PHL EXPANSION PROGRAM

On April 22, the City of Philadelphia signed an agreement with Delaware County, PA, Tincum Township, and Interboro School District that preserves the local tax base and approves land acquisition to allow the multi-billion dollar Capacity Enhancement Program (CEP) for Philadelphia International Airport to move forward.

The agreement includes provisions that allow the Airport to move forward with portions of its expansion plan in Delaware County without the need to acquire 72 Tincum Township homes and to relocate approximately 300 Tincum residents.

“I’m proud to be here with leaders from around the Philadelphia region to sign this historic agreement,” said Mayor Michael A. Nutter. “The multi-billion dollar Capacity Enhancement Program for Philadelphia International Airport was initiated to improve passenger experiences, accommodate future growth and expand our role as a leader in global air travel. Our regional competitiveness, the economy of the entire Commonwealth of Pennsylvania and the growth of businesses and jobs in our great city are directly tied to the success of the Airport.”

The signing reflects a formal agreement between the City of Philadelphia, which owns and operates the Airport, and nearby municipalities. Last May, the four parties announced an agreement in principle had been reached and today’s an-

nouncement signals that its details have been formalized (26 ANR 58).

The CEP is a comprehensive program to modernize Philadelphia International Airport over the next 12-15 years. It is an investment in airfield, terminal and cargo projects and will improve operational efficiencies, enhance customer experiences and increase the region's global connectivity at one of the nation's busiest airports. The CEP includes the design and construction of a 1,500 foot extension of runway 27L to 12,000 feet that will enable aircraft to travel longer international routes.

"We are pleased that this litigation has finally been settled. It accomplishes our top priorities – saving our residential neighborhoods in Tinicum, ensuring that the county, school district and township tax bases are preserved, and allowing the much needed improvements to our region's Airport to get underway," said John P. McBlain, Delaware County councilman and former County solicitor.

"Nearly one year ago, we stood here and promised that we would reach an agreement that would allow the Airport to grow while still protecting the people of Tinicum Township, whose daily lives are most impacted by the Airport and its operations. Today we are here to keep that promise," said Tom Giancristoforo, President of the Tinicum Township Board of Commissioners.

"This agreement achieves the ultimate goal we have been trying to reach for years – preserving Tinicum's neighborhoods and securing a stream of revenue that will benefit the township and its people for decades to come."

"This signing signifies our partnership and our commitment to good relations with our neighbors," said Airport CEO Mark Gale. "

In 2002, the U.S. Department of Transportation identified the improvements to PHL as one of 13 high-priority projects nationwide.

O'Hare Int'l Airport

DUCKWORTH MOVING TO HOLD FIELD HEARING ON O'HARE NOISE

Rep. Tammy Duckworth (D-IL) is working to hold a congressional field hearing in Chicago to bring attention to the noise problem caused by a major runway realignment and opening of a new runway at O'Hare International Airport.

"Congresswoman Duckworth believes it is crucial that her constituents have the opportunity to express their opinions about noise coming from O'Hare International Airport," Anton Becker, press secretary to Rep. Duckworth, told ANR.

"Many residents in communities surrounding O'Hare are greatly inconvenienced by noise from the airport and we need to make sure that their voices are heard, he said.

Congresswoman Duckworth is seeking the field hearing in her role as Ranking Member on the Subcommittee on Transportation and Public Assets Information Technology of

the House Committee on Oversight and Government Reform.

Rep. Duckworth received support for a field hearing from the Rep. John Mica (R-FL), Chairman of the Subcommittee, but is still waiting for full committee approval before a hearing can be scheduled and finalized, Becker said.

"Congresswoman Duckworth believes that she can help her neighbors by being a convening authority that can bring the stakeholders in her district together on this issue."

No further information on the tentative hearing has been announced.

Number of Open Houses Increased

In related news, FAA Administrator Michael Huerta agreed to increase from two to four the number of public hearings that will be held in the Chicago area before the opening of a new runway at O'Hare International Airport in October.

Huerta agreed to the increase during a visit by newly-re-elected Chicago Mayor Rahm Emanuel at FAA headquarters in Washington, DC. Emanuel lobbied on behalf of noise-weary Chicago residents impacted by aircraft noise from a major runway realignment at O'Hare in late 2013. Aircraft noise emerged as a major issue in the mayoral race and Emanuel's opponent accused him of doing nothing about it.

"The residents who live near O'Hare deserve every opportunity to share their thoughts and views about O'Hare with federal officials, and I'm glad the FAA has agreed to hold more public meetings. This is a challenging issue and we need all voices at the table as we work together to ensure O'Hare remains an economic engine for our city, while being a good neighbor to those who live nearby," Emanuel said.

Earlier, FAA announced that it planned to hold only two public "open house" workshops to explain the preliminary findings of the its draft Re-Evaluation analysis for the O'Hare Modernization Program.

FAA conducted the Re-Evaluation to determine whether the data and analyses contained in the original 2005 Final Environmental Impact Statement on the OMP remains substantially valid in light of a change in sequence of adding two new runways at O'Hare. The new south runway, due to open this fall, is being built earlier than planned.

Anti-noise activists and local elected officials in areas newly-impacted by noise from the runway realignment demanded more public meetings, saying two was inadequate.

Meanwhile, on April 16, the Illinois state Senate passed two bills (SB 636 and SB 637) designed to mitigate the impact of the noise from the O'Hare runway realignment by increasing the cap on the number of runways in the OMP from eight to 10 and by barring the City of Chicago from closing and demolishing any of O'Hare's four diagonal runways.

Anti-noise activists want the diagonal runways preserved and used to distribute takeoffs and landings over a wider geographic area to spread noise impact. They are now lobbying the Illinois House to pass similar legislation. The first of four diagonal runways at O'Hare is set to be closed in August and a second in 2020.

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CatEx1, from p. 58

That is what happened with the Phoenix RNAV departures. FAA gave them a CatEx even though they rerouted aircraft over more densely populated areas of the City and over a renovated historic district.

But, despite FAA's assumption that the RNAV departures would not be "highly controversial," people went ballistic, noise complaints skyrocketed, elected officials at all levels were engaged, and the City is now on the verge of suing FAA.

ANR asked FAA how it concluded there were no extraordinary circumstances involved in the Phoenix RNAVs. An agency spokesman provided the following statement:

"Prior to implementing the new procedures in Phoenix, the FAA conducted the required environmental analysis outlined in the National Environmental Policy Act, or NEPA.

"In conducting this analysis, we used a standard noise modeling tool to compare noise generated by existing procedures with noise we expected would be generated by the new procedures. The results indicated that the project would not cause a significant increase in noise for noise-sensitive areas or result in any other significant environmental impacts.

"In addition to conducting the required environmental analysis, the FAA communicated the routing change and the environmental findings with local authorities, including the airport and the Arizona State Historic Preservation Office."

However, the Protest the City of Phoenix filed with FAA in February stressed that FAA's Noise Integrated Routing System (NIRS) modeling showed a greater than 5 dB DNL increase in noise over two large areas of Phoenix that included residential use and historic properties.

"FAA's Metroplex studies and other recent ATO airspace EAs have made clear that a reportable increase of 5 decibels in the DNL 45-60 contours cause community noise concerns and complaints that constitute extraordinary circumstances for purposes of requiring an EA rather than a categorical exclusion," Phoenix asserted in its Protest.

If Phoenix sues FAA over its RNAV implementation at Sky Harbor, a court will likely determine whether a greater than 5 dB DNL increase in the 45-60 DNL contour would constitute an extraordinary circumstance in administering CatEx1.

It is an important issue because CatEx1 applies to the 30 "core" airports (the largest and busiest airports in the U.S.) and airports in the same Metroplex with them, as well as to the 35 "non-core" airports (smaller airports or hubs).

CatEx1 does not apply, however, to noise impact analysis under the National Historic Preservation Act, which would be a major focus of Phoenix's litigation if the City decides to move forward with it.

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Annoyance

OMB GIVES FAA GREEN LIGHT TO CONDUCT ITS AIRCRAFT NOISE ANNOYANCE SURVEY

The Office of Management and Budget (OMB) has given the Federal Aviation Administration the green light to conduct an aircraft noise annoyance survey of residents near 20 U.S. airports to determine whether the agency needs to update its aircraft noise policy, Rep. Mike Quigley (D-IL) announced April 27.

The survey results will determine whether FAA continues to use its preferred DNL noise metric and to use 65 DNL as the threshold of residential compatibility around airports and the boundary at which federal funding of sound insulation programs ends.

“The current standard that FAA uses to determine acceptable noise levels is outdated and does not accurately reflect the noise pollution that my constituents are experiencing,” said Quigley, who serves on the House Appropriations Committee and has been pushing OMB to complete its review of FAA’s proposed survey. The congressman represents residents near Chicago O’Hare International Airport demanding mitigation of the noise impact from a major runway realignment and

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NextGen

PHOENIX DEFINES CONDITIONS REQUIRED FOR CITY TO REJOIN PBN WORKING GROUP

Asserting that it wants the same voice on a PBN Working Group as other members, the City of Phoenix has defined the conditions that must be met for it to rejoin an FAA PNB Working Group charged with finding ways to mitigate the noise impact of new RNAV departure procedures at Sky Harbor International Airport.

On April 16, the Phoenix City Council voted unanimously to discontinue its participation on the Working Group after being accused by FAA of providing no productive input (27 ANR 54). FAA had reconvened the group to address the noise impact of RNAV departure procedures that moved aircraft over densely-populated areas of the city and an historic district, sparking widespread noise complaints.

Phoenix had not been invited to participate on FAA’s PBN Working Group when it initially developed the Sky Harbor RNAV departure procedures now causing so many noise problems but was added to the Working Group after the fact under strong political pressure and the threat of litigation.

“With deep regret, the City of Phoenix has concluded that the FAA structured the PBN Working Group so that it would *not* provide the noise relief which Administrator [Michael] Huerta promised” to Phoenix officials and congressional repre-

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Noise Policy ... OMB finally gives FAA the green light to begin a survey of residents near 20 U.S. airports to see if community annoyance to aircraft noise has increased. Results will be used to determine whether the agency needs to update its 40-year-old noise policy - p. 62

NextGen ... In precedent-setting action likely to be followed by other communities, the City of Phoenix defines the conditions that must be met in order for it to participate on an FAA PBN Working Group - p. 62

Litigation ... NBAA joins the lawsuit filed by helicopter operators and their supporters challenging three noise restrictions adopted by the Town of East Hampton, NY, for its airport - p. 65

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opening of a new runway at O'Hare.

OMB approval of FAA's annoyance survey had been expected in February but was overdue.

"OMB's approval of the DNL study brings us one step closer to providing residents with much needed relief. However, this study alone is not enough to address the negative consequences on the health, well-being, and property values of my constituents caused by increased airplane noise. I will continue to use my role as an appropriator to hold the FAA accountable and push for comprehensive long and short term solutions that my constituents deserve," Quigley said in a statement.

He asserted that the 65 DNL metric "is outdated and no longer a reliable measure of the real impact of air traffic noise. The 65 DNL has been in place since the 1970s when air traffic volume was far lower than it is today. Since the 65 DNL was introduced, airplane traffic has increased dramatically and is forecasted to continue to do so over the next two decades. The FAA's DNL study will allow for the establishment of a more reasonable standard and help more individuals qualify for the O'Hare Residential Sound Insulation Program (RSIP)."

Huerta Response to Trade Groups

FAA Administrator Michael Huerta mentioned the aircraft noise annoyance survey in his March 27 letter to eight aviation trade groups that had urged the FAA in February to stay the course in its "fact- and science-based approach" to addressing aircraft noise issues (27 ANR 22).

They strongly endorsed FAA's continued use of the 65 DNL threshold for determining compatible residential use around airports.

The results of the annoyance survey will be used to determine whether changes to the FAA's use of the 65 DNL threshold are warranted, Huerta told the heads of Airlines 4 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 Airlines Association, and the National Air Carrier Association.

"If changes are determined to be warranted, revised policy and related guidance will be proposed and will be subject to public review," he told the trade groups.

"This methodological approach is important to assure the scientific and policy integrity of the FAA's determination of significant noise impact, consideration of the compatibility of land uses with aircraft noise levels, and justification for federal expenditures on noise mitigation measures such as sound insulation," Huerta wrote.

He told the trade groups that FAA "is sensitive to the growing public concerns about aircraft noise and agrees that any change to current metrics and thresholds cannot be made without a sufficient body of scientific support."

"Accordingly," he added, "we are undertaking an ambi-

tious research project to update the scientific evidence of the relationship between aircraft noise exposure and its effects on communities around airports in today's context of quieter aircraft, but with more aircraft operations than in the 1980s and 1990s and heightened environmental awareness."

"In summary," Huerta told the trade groups, "the FAA is taking the necessary steps to review and update the scientific underpinnings that guide the selection of the appropriate noise metric threshold, and we are strongly committed to continuing to reduce aircraft noise impacts while realizing the benefits of NextGen operational procedures, like PBN."

NASA

TESTS OF SHAPE-CHANGE WING ARE COMPLETED SUCCESSFULLY

NASA researchers – working in concert with the Air Force Research Laboratory (AFRL) and FlexSys Inc., of Ann Arbor, MI – successfully completed initial flight tests of a new morphing wing technology that has the potential to save millions of dollars annually in fuel costs, reduce airframe weight, and decrease aircraft noise during takeoffs and landings, the agency said April 28.

The test team at NASA's Armstrong Flight Research Center in Edwards, CA, flew 22 research flights during the past six months with experimental Adaptive Compliant Trailing Edge (ACTE) flight control surfaces that offer significant improvements over conventional flaps used on existing aircraft.

"Armstrong's work with ACTE is a great example of how NASA works with our government and industry partners to develop innovative technologies that make big leaps in efficiency and environmental performance," said Jaiwon Shin, associate administrator for NASA's Aeronautics Research Mission Directorate at the agency's headquarters in Washington.

"This is consistent with the agency's goal to support the nation's leadership in the aviation sector."

AFRL began work with FlexSys in 1998 through the Small Business Innovative Research (SBIR) program. AFRL and FlexSys developed and wind tunnel tested several wing leading and trailing edge designs for various aircraft configurations through 2006.

In 2009, AFRL and NASA's Environmentally Responsible Aviation (ERA) project agreed to equip a Gulfstream III jet with ACTE flaps designed and built by FlexSys, incorporating its proprietary technology.

ACTE technology, which can be retrofitted to existing airplane wings or integrated into entirely new airframes, enables engineers to reduce wing structural weight and to aerodynamically tailor the wings to promote improved fuel economy and more efficient operations while also reducing environmental and noise impacts, NASA explained.

"The completion of this flight test campaign at Armstrong is a big step for NASA's Environmentally Responsible Avia-

tion Project,” said ERA project manager Fay Collier.

“This is the first of eight large-scale integrated technology demonstrations ERA is finishing up this year that are designed to reduce the impact of aviation on the environment.”

Flight testing was key to proving the concept’s airworthiness. The test aircraft was flown with its experimental control surfaces at flap angles ranging from -2 degrees up to 30 degrees. Although the flexible ACTE flaps were designed to morph throughout the entire range of motion, each test was conducted at a single fixed setting in order to collect incremental data with a minimum of risk.

“We are thrilled to have accomplished all of our flight test goals without encountering any significant technical issues,” said AFRL Program Manager Pete Flick, from Wright-Patterson Air Force Base in Ohio.

“These flights cap 17 years of technology maturation, beginning with AFRL’s initial Phase 1 SBIR contract with FlexSys, and the technology now is ready to dramatically improve aircraft efficiency for the Air Force and the commercial aviation industry.”

All the primary and secondary objectives for the test were successfully completed on schedule and within budget. The results of these flight tests will be included in design trade studies performed at NASA’s Langley Research Center in Hampton, VA, for designing future large transport aircraft.

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sentatives, Phoenix City Manager Ed Zuercher told Regional Administrator for FAA’s Western Pacific Region Glen Martin in an April 24 letter.

“We believed Administrator Huerta when he invited the City to join the PBN Working Group in order to explore “potential adjustments to the [RNAV] procedures to better manage noise issues.”

“Unfortunately,” Zuercher wrote, “the PBN Working Group was not tasked with anything of the sort. The FAA limited the scope of the PBN Working Group to *avoid* examining noise relief as an objective and precluded the ability of the PBN Working Group to move routes more than 0.3 miles.

“From the beginning, this scope foreclosed any option that could have significant noise effect. Further, FAA excluded the City from PBN Working Group meetings in which alternatives were developed and evaluated.”

“The FAA’s implementation of the PBN working group was inconsistent with the kind of genuine evaluation that Administrator Huerta promised. Given this flawed process, it should not be surprising that FAA did not fairly consider the City’s proposed alternatives.”

The Phoenix City Manager told Martin that FAA “has not provided any convincing reasons” why it prematurely ruled out the City’s recommendation that the FAA drop the new RNAV departures that so upset the community and return to the original departure routes employing NextGen technology on them.

“Not only would the City’s proposed alternatives retain almost all of the benefits of FAA’s RNAV package, but the City’s alternatives would greatly reduce the number of persons exposed to noise levels high enough to interfere with conversations and other communication,” Zuercher wrote.

Changing the two routes back to the original tracks would correct the 69 percent increase in population exposed to SEL 75 dB caused by FAA’s new RNAV departure procedures, he said.

“The City’s preferred routes are both viable and serve the program’s purpose and need from a safety and efficiency perspective and provide substantial noise benefits,” Zuercher asserted.

“The City does not accept FAA’s rejection of the City’s alternative before the process even started. That is not the kind of inclusive, open, and objective process that we were promised. We have not found or been presented an option by FAA that provides a better balance between noise mitigation and efficiency than our recommended alternative,” the Phoenix official told FAA.

‘Corrective Steps’ Needed

Zuercher defined the following “corrective steps” that FAA must make to the scope and structure of the Sky Harbor PBN Working Group in order for the City of Phoenix to re-join it:

- Bring the scope of work for the current PBN Working Group process to a close;
- Reconstitute the Working Group or another forum that would include the City’s representative and the airlines to allow a fair and reasonable process to consider alternatives;
- Commit to provide a fair, thorough, and transparent consideration of the City’s alternatives as options;
- Commit to start an Environmental Assessment process to examine the noise, historic, park, and other effects of the Sept. 18, 2014, routes and possible alternatives;
- Immediately provide the City the rest of the TARGETS (Terminal Area Route Generation Evaluation and Traffic Simulation) files for the Sept. 18, 2014, RNAV routes; and
- Commit to ensure that the [upcoming Phoenix] Metroplex process provides public engagement and transparency that has been absent in FAA’s implementation of the Sept. 18, 2014, RNAV routes;

In a companion letter, Chad Makovsky, assistant aviation director, Phoenix Aviation Department, told FAA’s Martin that FAA also “must establish a single point of contact with the FAA who has the authority to make decisions, to provide documents, and to communicate all FAA tentative decisions with the City. The person must be responsible for ensuring that the City is a true partner going forward in all matters concerning NextGen implementation in the airspace over the City.”

Look for other cities and communities to follow Phoenix’s lead in setting conditions for their participation on FAA PBN Working Groups.

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Litigation

NBAA JOINS LAWSUIT CHALLENGING RESTRICTIONS AT E. HAMPTON AIRPORT

The National Business Aviation Association (NBAA) announced April 29 that it has joined a federal lawsuit challenging three noise restrictions adopted by the Town of East Hampton, NY, for East Hampton Airport.

NBAA said it also is considering “additional measures,” which it did not define, to ensure that its members and other general aviation operators continue to have “reasonable and reliable” access to the airport.

On April 21, a coalition of helicopter operators and their supporters filed suit in U.S. District Court seeking to strike down the new restrictions at East Hampton Airport (a mandatory nighttime curfew; an extended night curfew for “noisy” aircraft, and a one trip per week limit during the summer season on aircraft defined as “noisy” (27 ANR 58).

“Despite repeated warnings to town officials from NBAA and other aviation interests that local airports do not have the authority to regulate the types of aircraft that can operate at that airport, East Hampton is setting the stage for years of costly litigation by attempting to implement severe operating restrictions at HTO,” said Steve Brown, NBAA chief operating officer. “As a public-use airport receiving federal funds, East Hampton is bound by grant assurances and other regulations that require it to operate within compliance with federal aviation law and policy.”

NBAA said that the Town of East Hampton released “an original and unique list” of aircraft that fall into its “noisy” category and many types of jet aircraft flown by NBAA members — in addition to most helicopters — would fall into that category. Small jet aircraft, such as the Learjet 31A and 35A and the Beechjet 400 are included, as well as aircraft such as the Falcon 900EX and Bombardier CL-600, NBAA said.

The restrictions on operations, especially during the summer months, will have an irreparable economic impact on airport businesses, as well as the jobs, investments and revenue that East Hampton Airport provides to the local area, said Brown.

“East Hampton is part of a national system of airports, and operational restrictions like those under consideration present a threat to the national air transportation system that transcends local communities,” noted Brown and other aviation groups in an earlier letter to the town council. “This is a critical element in the survival of our nation’s system of airports and one the town can expect will be vigorously defended.”

Brown said that NBAA is considering other options in its efforts to keep East Hampton from implementing the airport noise and access restrictions, and that the association will keep its members advised as the situation at the airport continues to unfold.

AIRPORT NOISE REPORT

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Airport Noise Report



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Boston Logan Int'l

FAA TO BEGIN TESTING SECOND COMPONENT OF POTENTIAL BOS RUNWAY USE PROGRAM

On May 11, the Federal Aviation Administration (FAA) will begin testing the second component of a potential runway use program at Boston Logan International Airport.

It is part of the Boston Logan Airport Noise Study's third phase, which will evaluate whether changes in runway use at Boston Logan Airport can further reduce aircraft noise in the communities surrounding the airport.

Tests of the first component of the potential runway use program at Logan began on Nov. 12, 2014, and will end on May 10 (26 ANR 185).

The results of both sets of tests will be used to develop a potential runway use program at the airport, which is nestled among closely surrounding communities on Boston Bay. The Massachusetts Port Authority (Massport) supports this noise abatement effort and asked the FAA to conduct the testing.

The first test was designed to evaluate whether air traffic controllers could switch the runway configuration at the airport overnight, so the direction of arriving and departing flights on a given morning would be different than it was the pre-
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O'Hare Int'l Airport

NOISE COMPLAINTS FILED WITH NEW APP ON CITIZEN WEBSITE QUICKLY TOP 1 MILLION

A new app developed by an anti-noise coalition that makes it very easy to file aircraft noise complaints has resulted in residents in Chicago and its suburbs filing over one million complaints about aircraft noise from O'Hare International Airport since Feb. 1.

However, the data show that 37 percent of the 352,846 noise complaints filed in March came from just eight addresses.

The app, developed by a member of Fair Allocation in Runways Coalition (FAiR), has resulted in such a spike in noise complaints that it crashed the City of Chicago's noise complaint site, according to local press reports.

O'Hare noise complaint data compiled by the City of Chicago and released to the O'Hare Noise Compatibility Commission (ONCC) on May 1 is the first to include complaints filed at chicagonoise.complaint.com, which allows residents to log a noise complaint with one click rather than by filling out a long complaint form.

The dramatic spike in noise complaints comes as state and federal lawmakers representing the Chicago area are guiding legislation through the Illinois Legislature that would bar the City of Chicago from decommissioning any of O'Hare's

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In This Issue...

Boston Logan Int'l ... FAA will soon begin testing the second component of a possible runway use program at Logan under phase three of the Boston Logan Airport Noise Study - p. 66

Chicago O'Hare Int'l ... Over one million complaints about O'Hare aircraft noise are filed in three months by Chicago area residents using a new app that makes it very easy to file complaints; many people filed multiple complaints however - p. 66

EPA ... Rep. Grace Meng (D-NY) asks EPA Administrator to revive the long-dormant EPA Office of Noise Abatement and Control and to include aircraft flight noise in EPA's jurisdiction - p. 67

Research ... The German Aerospace Center is working with Airbus to investigate low-speed characteristics of commercial aircraft in order to design wings that will allow slower – and thus quieter – approaches - p. 68

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vious night.

The second test is designed to evaluate whether FAA air traffic controllers can switch runway configurations at two specific points during daytime operations: after the morning peak operational period, which ends at approximately 9:30 a.m., and before the evening peak operational period, which starts at around 2:30 p.m., FAA explained in a statement issued on May 6.

FAA said the second test is expected to run for at least three months but will not exceed six months. Massport and the Logan Airport Community Advisory Committee (CAC) developed the list of priorities for each runway change, based on the ability to change the primary landing runway, or the primary departure runways, or both.

The CAC also designed the second scenario, with the technical assistance of an independent consultant (Landrum & Brown). The CAC also will design any remaining test scenarios, FAA said.

Ultimately, the FAA, Massport, and the CAC may use the results of the first two tests and any additional planned tests to develop a runway use program that is consistent with FAA safety and operational requirements. Together with the noise relief measures already in place from Phase 1 and 2 of the noise study, the runway use program could lead to a quieter environment in the neighborhoods around the airport.

FAA said its ability to change runways is dependent on safety, wind, weather, volume, runway availability, and other operational factors. No existing procedures, flight paths, or altitudes will change but the frequency of those procedures or the use of flight paths may vary. With the assistance of project consultants, Massport will conduct a noise analysis at the end of each test.

A link to additional details on the second test and the outline of the runway use plan is available on the homepage of the Boston Logan Airport Noise Study website: <http://bostonoverflightnoisestudy.com>

Airport Logan Airport Noise Study

When the FAA issued the 2002 Environmental Record of Decision for the Boston Logan Airside Improvements Planning Project, the agency required the Boston Logan Airport Noise Study as part of the project mitigation. The Record of Decision required the FAA, Massport, and the CAC to work together to develop a noise study scope that included enhancing existing noise abatement measures and developing new measures that could apply to aircraft overflights.

Phase 1 identified safe and efficient noise abatement measures that would not adversely affect other communities within the noise study area and that could be implemented before the study's completion.

That effort produced several modified arrival and departure flight procedures that raised aircraft altitudes over communities or maximized the use of over-water flight routes when conditions permitted. These measures notably reduced

noise levels over land.

Phase 1 was completed in November 2010.

Phase 2 identified and implemented other potential measures to reduce noise impacts to communities surrounding Boston Logan Airport. The FAA evaluated dozens of potential noise abatement measures for ground operations, arrivals, departures and local aircraft traffic over a three-year period and implemented two ground measures.

Those measures established an area for engine run-ups and a location for holding aircraft that are delayed before departure. Several other measures included encouraging airlines to use a single engine while taxiing, and establishing and maintaining communications with helicopters and propeller aircraft to maintain altitudes of 2,000 feet over downtown Boston.

EPA**REP. MENG URGES EPA CHIEF TO RE-ESTABLISH NOISE OFFICE**

Asserting that the Federal Aviation Administration has failed to reduce an increase in airplane noise over her constituents, Rep. Grace Meng (D-NY) asked the head of the U.S. Environmental Protection Agency on May 5 to re-establish the agency's long-dormant Office of Noise Abatement and Control (ONAC).

"In order to properly protect human health and the environment from excessive noise, the EPA must fully include flight noise in its jurisdiction," Meng told EPA Administrator Gina McCarthy in an April 30 letter.

The congresswoman asked the EPA administrator "to inform me on the types of actions you are able to take under existing authority, and the practical effect on my constituents resulting from the FAA's lack of noise pollution reduction and mitigation. Please specify how re-establishing ONAC would broaden your authority and resources."

Congress discontinued funding for ONAC in 1981 at the beginning of the Reagan Administration.

But Meng told McCarthy that EPA still retains authority under the Noise Control Act of 1972 and the Quiet Communities Act of 1978 "to investigate and study noise and its effect; disseminate information to the public regarding noise pollution and its adverse health effects; respond to inquiries on matters related to noise; and evaluate the effectiveness of existing regulations for protecting public health and welfare."

"I have witnessed an inconceivable lack of coordination between airport operators and the FAA regarding noise control," Meng told the EPA administrator.

"While the airport operators are deemed responsible for noise, the FAA is responsible for flight paths and regulating the airline industry. The FAA neither has the resources or mission priorities to adequately address intolerable levels of noise in the best interests of my constituents.

"I fully support the necessity of creating an efficient and

safe airspace, and the FAA continues to take tremendous strides to improve those areas,” Meng wrote. “However, it has failed to convince me and the public that it can objectively handle the problems caused by noise pollution. The EPA is better suited to study the consequences of noise pollution and propose measures to ameliorate this ongoing problem.”

Meng represents residents in the Borough of Queens, NY, seeking to mitigate the noise impact of an RNAV departure procedure at LaGuardia Airport put into effect in 2012 that has resulted in widespread noise complaints and the formation of Queens Quiet Skies, a well-organized anti-noise group.

The congresswoman noted that she has secured additional noise monitors for Queens, has helped establish the new airport/community roundtable and the Congressional Quiet Skies Caucus, and has repeatedly called on the FAA to mitigate the excessive noise. However, she said, the FAA “has been virtually unresponsive.”

Research

DLR TEST FLIGHTS WILL ALLOW QUIETER APPROACHES IN FUTURE

The German Aerospace Center (DLR) is working with Airbus to investigate low-speed flight characteristics of commercial aircraft in order to allow lighter future wing designs and to optimize them for slower – and thus quieter – approaches.

On March 16-19, the DLR’s Advanced Technology Research Aircraft (ATRA) flew at the limits of its capabilities in four flights during which the test pilots flew the specially-instrumented A320 passenger jet at extremely low speeds.

The goal of the flights was to explore details of the air-flow over the wings and flap systems with unprecedented accuracy.

During each of the four test flights, DLR and airbus test pilots conducted 30 stall maneuvers with the DLR research aircraft in specially reserved airspace.

“We slowly pulled the nose of the ATRA up at reduced thrust, so that we achieved maximum lift,” said DLR Test Pilot Hans-Jürgen Berns. “Exceeding maximum lift causes a significant loss of altitude while the aircraft nose drops again before we recover the aircraft.”

The particular challenge for the cockpit crew, the DLR said, was to carry out the maneuver in as controlled a way as possible in order to minimize any lateral movements.

“As a result of numerous certification flights, we at Airbus are very familiar with this maneuver,” said Test Pilot Eckhard Hausser. “Thus, we could perform the ATRA stall without major difficulties.”

To pave the way for the researchers to follow detailed computer simulations of the air flow features on the wings, a sophisticated package of dedicated measurement technology

was installed on both wings of the ATRA during several weeks of test flight preparations, DLR explained.

Some 25 flat, fist-sized ‘hot films’ were installed on the wings to measure friction effects on the wing surface. In addition, nine associated calibration probes and four boundary layer rakes were installed for flow velocity measurements. Four devices developed in-house also were installed to measure the unsteady flow field over the wing. They were referred to as ‘boundary layer mice’ because of their shape.

The air flowing immediately above the wing is called the boundary layer, and its behavior is decisive for optimum low speed airflow.

Low-Speed Flight to Prevent Noise

Under the High Lift Inflight Validation (HINVA) joint project, the DLR and Airbus researchers are investigating with unmatched accuracy and detail how the air flow behaves on the wing and flaps during low-speed flight, particularly in the areas near the engine nacelles, DLR said.

“We strive to better understand the aerodynamic limits during low flight speed conditions, to take full advantage of this knowledge for future high lift designs,” explained project leader Ralf Rudnik of the DLR Institute of Aerodynamics and Flow Technology.

The longer-term objective, he added, is to enable commercial aircraft to fly slower during their final approach, which makes them quieter and allows the use of shorter runways.

“Together with the results of previous complementary flight tests and wind tunnel measurements, the flight test data now acquired will contribute to the improvement of computer-aided flow simulations. At DLR, we run these simulations on high performance computers of the Center for Computer Applications in Aerospace Science and Engineering (C²A²S²E), which is the largest computing centre dedicated to aircraft research in Europe,” said Rudnik.

“This will enable the development of wings and flap systems that are further adapted to low-speed flight, saving weight and fuel and reducing the speeds and noise emissions around airports in the long term.”

Because the accurate prediction of air flow processes during take-off and landing will make an important contribution to the improvement of future aircraft development, joint partner Airbus is very actively supporting the HINVA project as part of its research activities.

The first ATRA flight tests for the HINVA project were conducted at Airbus in Toulouse in 2012. Unlike the initial test flights in 2012, DLR took the overall responsibility for approval and implementation of the present flight test campaign.

The HINVA project is funded as part of the German Federal Ministry for Economic Affairs and Energy’s aviation research program.

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four diagonal runways and would increase the cap on the number of runways in the O'Hare Modernization Plan (OMP) from eight to 10.

The FAiR coalition and local elected leaders of communities hit by the noise from a major runway realignment and opening of a new runway at O'Hare two years ago under the OMP want the diagonal runways preserved and used to distribute takeoffs and landings over a wider geographic area to spread the noise impact, especially at night.

Some local elected leaders on the ONCC are calling for the City of Chicago to impose mandatory flight restrictions under O'Hare's nighttime Fly Quiet Program.

The City of Chicago would consider changes to the O'Hare Fly Quiet Program, Aaron Frame, assistant commissioner in the CDA's Environment Division, told ONCC members in response to questions posed during a panel discussion on nighttime noise abatement at O'Hare.

But the *Chicago Tribune* reported that "Chicago aviation officials, FAA, and the airlines [participating in the ONCC panel discussion] attempted to douse any talk of implementing fines for violations of the guidelines or dictating to the FAA and airlines the specific runways that can be used during overnight hours.

"Chicago deputy aviation commissioner Aaron Frame said the voluntary fly-quiet standards are followed 'when feasible' – and only if they do not compromise safety. Factors leading to a deviation of the preferred nighttime procedures range from weather to airfield construction."

Elliott Black, director of Planning and Programming in FAA's Office of Airports in Washington, DC, told the panel, "We get concerned with financial penalties. Safety has to be the paramount concern for the traveling public and for people and property on the ground," the *Chicago Tribune* reported.

Black said the the 2005 FAA Record of Decision on the OMP does allow modifications to the O'Hare Fly Quiet Program but only if needed.

The fact that FAA headquarters sent such a high-ranking official to the ONCC meeting – it was Black's first visit with the ONCC – indicates that the agency is trying to guide as best it can at this point the local political forces that were put in action by the anger of residents impacted by the runway realignment noise.

Unable to provide any other noise relief, local, state, and congressional representatives are focusing on retaining the diagonal runways, especially one slated to be closed, that directs aircraft over non-residential areas.

Noting that the complaint data shows that jet noise at O'Hare is affecting residents' sleep, Rep. Mike Quigley (D-IL) said the new flight paths have become "a public health problem."

AIRPORT NOISE REPORT

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FAA

FAA CHIEF SAYS AGENCY WILL EXPEDITE SURVEY OF AIRCRAFT NOISE ANNOYANCE

[With public anger over NextGen noise impact boiling over and community groups around major airports in New York, Chicago, and Phoenix demanding the rollback of PBN procedures, the FAA issued the following press release on May 7.]

The U.S. Department of Transportation's Federal Aviation Administration (FAA) will soon begin work on the next step in a multi-year effort to update the scientific evidence on the relationship between aircraft noise exposure and its effects on communities around airports.

"The FAA is sensitive to public concerns about aircraft noise. We understand the interest in expediting this research, and we will complete this work as quickly as possible," said FAA Administrator Michael Huerta.

"This Administration takes its responsibility to be responsive to communities' concerns over air noise seriously. Our work is intended to give the public an opportunity to provide perspective and viewpoints on a very important issue."

Beginning in the next two to three months, the FAA will contact residents

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Research

FIRST AERONAUTICS ROADMAP LAYS OUT NASA RESEARCH GOALS FOR NEXT 20 YEARS

In its first-ever research roadmap for its Aeronautics Program, the National Aeronautics and Space Administration plans over the next 20 years to develop technologies that will allow:

- Private industry to develop a viable commercial supersonic aircraft that will reduce sonic boom by 25 perceived level decibels (PLdB) and reduce the community noise level to 10 dB below ICAO and FAA Stage 4 noise standards with a 50 percent improvement in fuel efficiency;

- Development of ultra-efficient subsonic commercial aircraft that will enable the simultaneous attainment of NASA's subsonic fixed-wing transport 2035 goals of a 52 dB (cumulative) reduction in community noise relative to ICAO and FAA stage 4 levels, an 80 percent reduction in emissions of nitrogen oxides (NOx) relative to Committee on Aviation Environmental Protection (CAEP6) standards, and a 60 percent reduction in fuel burn compared with 2005 best-in-class aircraft levels; and;

- Mature engine and drive system concepts for improved vertical lift aircraft to enable a 14 dB perceived noise level reduction in noise and a 60 percent reduction

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In This Issue...

FAA ... Administrator Huerta says FAA will expedite its airport noise annoyance survey, which will determine whether sound insulation programs will be expanded beyond the 65 DNL contour boundary - p. 70

NASA ... In a 20-year research roadmap for its Aeronautics Program, NASA defines environmental and technology goals for supersonic, subsonic, and vertical lift aircraft - p. 70

Sound Insulation ... ACRP report providing guidance to airports on evaluating methods for determining compliance with FAA's new 45 dB DNL interior noise level requirement for SIPs will not be issued until late Dec. or early Jan. 2016 - p. 72

AEDT ... FAA announces that, effective on May 29, AEDT 2b replaces AEDT 2a, INM, and EDMS as the required tool for noise, fuel burn, and emissions modeling of FAA actions - p. 73

FAA, from p. 70

around selected U.S. airports through mail and telephone to survey public perceptions of aviation noise throughout the course of a year. This will be the most comprehensive study using a single noise survey ever undertaken in the United States, polling communities surrounding 20 airports nationwide. To preserve the scientific integrity of the study, the FAA cannot disclose which communities will be polled.

The FAA obtained approval from the Office of Management and Budget last week to conduct the survey and hopes to finish gathering data by the end of 2016. The agency will then analyze the results to determine whether to update its methods for determining exposure to noise.

The framework for this study was developed through the Airports Cooperative Research Program (ACRP), which is operated by the Transportation Research Board of the National Academies of Sciences. This methodology will be used to determine whether to change the FAA's current approach, as well as consideration of compatible land uses and justification for federal expenditures for areas that are not compatible with airport noise.

Aircraft noise is currently measured on a scale that averages all community noise during a 24-hour period, with a ten-fold penalty on noise that occurs during night and early morning hours. The scientific underpinnings for this measurement, known as the Day-Night Average Sound Level (DNL), were the result of social surveys of transportation noise in the 1970s.

In 1981, the FAA established DNL 65 decibels as the guideline at which federal funding is available for soundproofing or other noise mitigation. This method was reaffirmed in studies conducted during the late 1980s and early 1990s.

During the ensuing years, aircraft manufacturers incorporated technologies that resulted in dramatically quieter aircraft. However, residents around many of the largest U.S. airports have expressed concerns about aircraft noise associated with the continuing growth of the aviation industry. The FAA is taking an updated look at its approach for measuring noise as part of an ongoing dialogue with stakeholders, including communities and leaders of a number of cities across the nation.

If changes are warranted, the FAA will propose revised policy and related guidance and regulations, subject to interagency coordination, as well as public review and comment.

Expansion of Sound Insulation Eligibility

Chicago Mayor Rahm Emanuel called FAA's survey "a major step forward that can benefit thousands of residents struggling with jet noise while also maintaining a driver of Chicago's economy. While we have made important investments in soundproofing homes near O'Hare over the past four years, this study has the potential to expand that opportunity to more homeowners in more Chicago neighborhoods," Emanuel said in a statement.

While Mayor Emanuel believes that the expansion of sound insulation is the solution to the noise impact of a major east-west runway realignment at O'Hare and opening of a new runway in 2013, the community coalition fighting the change in flight paths rejects that idea.

"The true path to meaningful relief for residents is an equitable distribution of air traffic and that can only happen if all of the existing diagonal runways are preserved and used. Legislation currently in the Illinois House would do that," the Fair Allocation in Runways (FAiR) community coalition said in a statement issued in response to Emanuel's comments.

IL State Sen. John Mulroe (D) introduced legislation in early April that would increase the total permitted number of runways at O'Hare from eight to 10 and would prohibit the destruction of any diagonal runways so that they may be used to equitably distribute air traffic.

The two bills, SB 636 and SB 637, have passed the Illinois Senate and were the subject of a May 13 hearing by the IL House Transportation Committee.

The bills' chief sponsor in the state House, Rep. Barbara Flynn Currie (D), said she will allow the Committee to vote on the bills but has not said when that vote will occur "because conversations are still happening to try to balance competing interests, one of which allegedly is the FAA," FAiR told its members in an e-mail sent following the hearing.

"The window to take decisive action that would preserve options for both short- and long-term solutions [to the noise problem] is closing fast," said Jac Charlier, cofounder of FAiR. "If the diagonals are decommissioned, the noise and pollution are going to be concentrated in the same narrow areas where we all already know – without a lengthy study and at no cost to taxpayers – there is an enormous problem.

"The legislators who allow that to happen are going to have to own that just as Mayor [Emanuel] owns this issue. Soundproofing and noise studies mean nothing to people whose quality of life has been taken from them."

NASA, from p. 70

in fuel consumption over 2005 levels.

On May 11, NASA released 15 technology roadmaps laying out the promising new technologies that will help the agency achieve its aeronautics, science, and human exploration missions for the next 20 years (2015-2035). The Aeronautics roadmap was part of that release.

The agency is seeking public comment on its draft roadmaps. Public input will be accepted until June 10. To submit a comment, go to

<https://2015nasatechroadmaps.taurigroup.com>

The draft 2015 roadmaps expand and update NASA's 2012 roadmaps. They are a key part of NASA's Strategic Technology Investment Plan and lay out the strategy, guiding principles, and priorities for developing technologies that are essential to NASA's mission and help achieve national goals.

To read the draft 2015 NASA technology roadmaps, go to

<http://go.nasa.gov/1KmX5qg>.

Supersonic Overland Noise Standards

“Viability of commercial supersonic service depends on permissible supersonic flight overland and meeting the environmental constraints imposed on subsonic aircraft,” NASA said in its Aeronautics roadmap.

The agency said its technical focus, therefore, “is on determining the sonic boom level acceptable to the public, enabling vehicle designs that achieve it, and delivering methods and technologies that industry could use to produce a viable supersonic transport.”

Over the next decade (2015-2025), NASA said its research will focus on development of supersonic overland certification standards based on acceptable sonic boom noise levels.

The agency will develop and validate methodologies for a field study of community response to sonic boom to enable the development of overland sonic boom standards. It also will develop and validate analysis tools and technologies that will enable the low sonic boom design of supersonic aircraft.

In the subsequent decade (2025- 2035), building on success in 2015-2025, NASA said its research will focus on the additional challenges of landing and take-off noise, high-altitude emissions, and fuel efficiency that will enable affordable, low-boom, low-noise, and low-emission supersonic transportation that will be accessible to a broader range of the traveling public.

Introduction of supersonic civil air transportation in 2025-2035 timeframe will provide the impetus for further research and development that can ultimately yield additional benefits for air travelers, the U.S. economy, and global connectivity, NASA said.

Ultra-Efficient Commercial Aircraft

This strategic research thrust aims primarily at the generations of aircraft that will follow those now being developed, NASA explained.

“The community vision for this Strategic Thrust is based primarily on improved environmental performance to address growing public concerns over environmental sustainability, as well as increased efficiency and flexibility of future air vehicles to achieve better economics and reduced fuel use.

“These goals will be pursued through wing aspect ratio optimization, advanced composite research, advanced engine component development, improvement in computation fluid dynamics (CFD) modeling, and advanced configuration studies.

“These future vehicles will enable worldwide growth in aviation while providing lower noise and diminished impact on air quality and climate change,” the roadmap notes.

ACRP

REPORT ON INT. NOISE LEVEL DETERMINATION PUSHED BACK

The completion date for Airport Cooperative Research Program Project 02-51, “Evaluating Methods for Determining Interior Noise Levels Used in Airport Sound Insulation Programs,” has been pushed back to late December or early January 2016.

The original completion date for the project was next month.

A draft report will likely be submitted at the end of June for project panel review, Joseph Navarrete, ACRP senior program officer, told ANR. “The panel has a month to review it; then the contractor [CSDA Design Group] has two months to submit the final version. It is at that point that it goes into the editing/publication phase, which takes a few months.”

Airports are eagerly awaiting the report which will help them comply with Federal Aviation Administration Program Guidance Letter (PGL) 12-09, “Eligibility and Justification Requirements for Noise Insulation Projects,” issued in August 2012.

The PGL imposes a new two-step eligibility requirement for airport sound insulation programs (SIPs) funded by Airport Improvement Program grants or Passenger Facility Charge (PFC) revenue (24 ANR 98).

In addition to being within an airport’s 65 dB DNL noise contour to be eligible for inclusion in an airport SIP, homes now also must have interior noise levels of 45 dB DNL or greater to be eligible for AIP/PFC-funded SIPs.

The goals of ACRP Project 02-51 are to:

- Identify and evaluate the accuracy of noise level reduction (NLR) measurement methods for non-compatible structures;
- Propose procedures to minimize the measurement inaccuracies of each method; and
- Develop a matrix to help program sponsors identify the most appropriate methodology for determining interior noise levels for their airport sound insulation program.

“In the past, various acoustical methods for measuring noise level reduction have been used to ensure that acoustical treatments met the FAA’s noise reduction requirements,” the project summary notes.

It said that issuance of PGL 12-09 “has required a re-examination of the methods used to determine whether existing interior noise levels are greater or less than 45 dB DNL.

“Although the criteria for the design of dwelling modifications are fairly well-defined, there is no industry standard to guide measurement procedures to confirm a dwelling’s eligibility, which can result in inconsistencies when implementing airport sound insulation programs.

“Research is needed to gain a better understanding of the factors that lead to differences among measurement methods and to understand and minimize inaccuracies in estimating interior noise levels.”

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FAA Policy

ON MAY 29, AEDT 2b WILL BE REQUIRED FOR NOISE, EMISSIONS, FUEL MODELING

Effective May 29, Aviation Environmental Design Tool (AEDT) version 2b will replace AEDT 2a, the Integrated Noise Model (INM), and the Emissions and Dispersion Modeling System (EDMS) as the required tool for noise, fuel burn, and emissions modeling of Federal Aviation Administration actions, FAA announced today in a policy statement.

Following is FAA's May 15 policy statement:

"Effective May 29, 2015, AEDT 2b replaces AEDT 2a, INM, and EDMS as the required tool for noise, fuel burn, and emissions modeling of FAA actions. Consistent with current FAA policy and practice, the use of AEDT 2b is not required for projects whose analysis began before the effective date of this policy. In the event AEDT 2b is updated after the environmental analysis process is underway, the updated version may, but need not, be used to provide additional disclosure concerning noise, fuel burn, and emissions. This policy statement is issued to ensure consistency and quality of analysis performed to comply with requirements under the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 et seq."

For further information on the policy statement, contact Fabio Grandi, Office of Environment and Energy (AEE), Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; Telephone: (202) 267-9099.

FAA Order 1050.1, Environmental Impacts: Policies and Procedures, describes FAA policies and procedures for compliance with the National Environmental Policy Act (NEPA), FAA explained in its policy announcement.

Aircraft noise, air pollutant emissions, and fuel burn are interdependent and occur simultaneously throughout all phases of flight. AEDT 2b is a comprehensive software tool that provides information to FAA stakeholders on each of these specific environmental impacts, the agency said. AEDT 2b facilitates environmental review activities required under NEPA by consolidating the modeling of these environmental impacts in a single tool.

For air traffic airspace and procedure actions, AEDT 2b replaces AEDT 2a, which was released by the FAA in March 2012. For other FAA actions, AEDT 2b replaces the Integrated Noise Model (INM) for analyzing aircraft noise and the Emissions and Dispersion Modeling System (EDMS) for developing emissions inventories and modeling emissions dispersion. AEDT 2b applies to analyses initiated after May 29, 2015.

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East Hampton Airport

TOWN AGREES TO POSTPONE ENFORCEMENT OF NOISE RESTRICTIONS FOR THREE WEEKS

At the request of a federal district court judge, the Town of East Hampton, NY, agreed at a May 18 hearing not to enforce – for at least three more weeks – noise and access restrictions it adopted last month for East Hampton Airport.

U.S. District Court Judge Joanna Seybert said she needed the additional time to consider a request for a temporary restraining order (TRO) against the new restrictions filed by Friends of the East Hampton Airport and joined by the National Business Aviation Association and others.

They have challenged the legality of three airport noise and access restrictions at East Hampton Airport, which were adopted on April 16 and originally set to go into effect on May 19. The restrictions, aimed at reducing helicopter operations, impose a mandatory nighttime curfew, an extended curfew for “noisy” aircraft, and restrict “noisy” aircraft to one trip per week during May - September (27 ANR 54).

The Federal Aviation Administration supports the temporary restraining order. Assistant U.S. Attorney Robert Schumacher appeared on behalf of the FAA at the

(Continued on p. 75)

Chicago O’Hare Int’l

LANGUAGE ADDED TO FUNDING BILL ORDERS FAA TO SUBMIT REPORT ON NOISE MITIGATION

U.S. Rep. Mike Quigley (D-IL) added language to the fiscal year 2016 Transportation, Housing and Urban Development (THUD) funding bill, which passed the House Appropriations Committee last week, requiring the Federal Aviation Administration to submit a progress report to the Committee detailing the long- and short-term measures the agency will employ to mitigate excessive aircraft noise on communities around O’Hare International Airport.

The FAA report must be submitted 90 days after the House approves the funding bill, which currently is before the full House of Representative for a vote.

On May 14, Rep. Quigley, a member of the House Appropriations Committee, met with FAA Administrator Michael Huerta to notify him about the progress report and to continue the dialogue about ways the FAA can help alleviate community concerns.

“As an appropriator with direct oversight of the FAA, I am doing everything in my power to ensure that the FAA is not only responsive to my constituents but is also committed to finding solutions to the unprecedented level of noise pollution they’re experiencing every day,” Rep. Quigley said in a May 15 release.

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Chicago O’Hare Int’l ... Language added to funding bill requires FAA to report on short-, long-term measures to mitigate noise - p. 74

Santa Monica Airport ... City officials to meet with FAA Associate Administrator for Airports in July to discuss airport’s future - p. 75

N.O.I.S.E. ... Arlington County, VA, will soon join National Organization to Insure a Sound-controlled Environment - p. 75

Helicopters ... Airbus reaches milestone in more eco-friendly rotorcraft operations; demonstrates low-noise IFR approach - p. 76

Phoenix ... City, FAA, airlines agree to explore flight path options to mitigate noise impact of RNAV departure procedures - p. 77

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May 18 hearing on the TRO request and said the FAA also needed additional time for review of the restrictions.

The judge's ruling on the TRO request is expected on June 8.

"We are pleased that Judge Seybert recognizes the need to consider a temporary restraining order and will take the time to study the situation at East Hampton Airport," said Steve Brown, NBAA chief operating officer. "This airport is part of a national system of airports, and operational restrictions like those the town seeks would pose a threat to that national airport system."

NBAA noted that Kelly Currie, Acting U.S. Attorney, Eastern District of New York, also wrote to the District Court on behalf of FAA stating that a TRO is necessary in order to give the agency adequate time to study the overall issues and respond to the implications of a separate federal lawsuit that also questions whether the restrictions comply with federal law and FAA regulations (27 ANR 58).

"The FAA's engagement at HTO underscores the importance of the situation," said NBAA's Brown.

However, the Town of East Hampton Board stressed that the TRO hearing is limited to the opponents' arguments that they will be irreparably harmed in the short term while the case is in the courts.

In court filings in opposition to the TRO, the Town argued that the injuries the plaintiffs claim "are purely financial and can be mitigated by changing their way of business or through damages. On the other hand, the local laws serve to protect the truly irreplaceable qualities of peace and quiet in the East End – qualities which are the mainstay of the local economy."

Santa Monica Airport

CITY, FAA TO MEET IN JULY TO DISCUSS AIRPORT'S FUTURE

Rep. Ted Lieu (D-CA) has arranged a meeting between Santa Monica, CA, officials – who are moving to close Santa Monica Airport or severely restrict operations there due to concerns about safety and environmental impact – and Federal Aviation Administration Associate Administrator of Airports Eduardo Angeles.

The meeting will take place in July, although no date has been set.

Santa Monica Mayor Keven McKeown told Rep. Lieu's staff that he will attend the meeting but is disappointed that FAA will be only in "listening mode," which, he said, "suggests that the FAA will not be prepared to engage in meaningful dialogue about community concern or possible solutions."

The mayor said his goal for the meeting "is frank discussion and a sincere mutual effort to solve the serious problems resulting from adverse airport impacts [including] safety risks

to residents resulting from the close proximity of both runway ends to homes; health risks resulting from aircraft emissions; and degradation of residents' quality of life by excessive noise."

In earlier correspondence with Lieu's staff, Mayor McKeown said two presently pending proceedings (a lawsuit the City filed against FAA and an administrative proceeding filed by aviation interests against the City) "may well resolve questions about any remaining [grant] obligations and the City's authority to control future use of its land presently occupied by the Airport."

The City contends its federal grant obligations expired last year; the FAA believes they remain in effect until 2023.

Reagan National

ARLINGTON COUNTY, VA, WILL SOON JOIN N.O.I.S.E.

Arlington County, VA – one of the wealthiest and most politically powerful jurisdictions in the Washington, DC, metropolitan area – will soon join the National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E.), the organization announced.

The Arlington County Board will host a community meeting with the Federal Aviation Administration and the Metro Washington Airport Authority (MWAA), proprietor of Reagan National Airport and Dulles International Airport, on June 18.

The purpose of the meeting is to allow Arlington County residents to voice their concerns about aircraft noise and other issues to the FAA and MWAA, as well as to hear possible solutions from FAA and MWAA.

The Board invited Dennis McGrann, executive director of N.O.I.S.E., to attend the meeting.

Reagan National Airport sits within Arlington County, which straddles the south side of the Potomac River across from Washington, DC. The river serves as a noise abatement arrival and departure path for the airport but pilots frequently stray off the serpentine river path, causing noise complaints.

Noise problems are also being caused by increasing traffic at Reagan National Airport due, in part, to congressional representatives from Western states chipping away at the airport's 1,250 mile perimeter rule. It is much more convenient for them to catch a plane home from the in-town airport than to travel 30 miles west to Dulles International Airport on often grid-locked highways.

As the 2015 FAA reauthorization bill comes before Congress, Virginia Sens. Mark Warner (D-VA) and Tim Kaine (D-VA), along with Del. Eleanor Holmes Norton (D-DC) and Reps. Gerry Connolly (D-VA), Don Beyer (D-VA), and Barbara Comstock (R-VA), who represent Northern Virginia, urged the Congress not to exacerbate overburdened operations at Ronald Reagan Washington National Airport by adding more flight traffic.

In a May 5 letter, the members point out that when Congress established MWA in 1986, it was charged with operating, promoting, and protecting Reagan National and Dulles International together as primary airports serving the metropolitan Washington area, in addition to Baltimore/Washington International Thurgood Marshall Airport.

In order to maintain the balance of the two-airport system – and acknowledging the physical limitations of Reagan National, an airport one-fourteenth the size of Dulles – Congress has since 1986 restricted the number of non-stop flights that can originate out of Reagan National to airports on the west coast.

However, in the last three FAA reauthorization bills, Congress has made changes to these rules that have disrupted the balance in this two-airport system by adding additional flights from Reagan to destinations outside the 1,250-mile perimeter.

“Changes in flight activity resulting from legislative loosening of the slot and perimeter rules, combined with airline mergers and commercial transactions, have led to significant congestion and stress on Reagan National’s facilities,” the members wrote.

In their letter, the members noted that since 2000, domestic passengers at Reagan National have grown by 31 percent while declining 9 percent at Dulles. In 2014, nearly the same number of travelers used Dulles as Reagan, even though Dulles is many times larger.

N.O.I.S.E. is the leading advocacy group working on aviation noise issues. It is a coalition of locally elected officials and industry stakeholders working cooperatively with the federal and local governments to find workable solutions to the issue of excessive airport noise.

Helicopters

AIRBUS REACHES MILESTONE WITH LOW-NOISE IFR APPROACH

Airbus Helicopters said May 12 that it has achieved another key milestone in more eco-friendly rotorcraft operations by successfully demonstrating low-noise helicopter instrument (IFR) approaches at an airport with commercial airline traffic.

As the final outcome of a seven-year project devoted to environment-friendly helicopter approach procedures, Airbus Helicopters used an H175 helicopter to fly low-noise IFR approaches to the heliport of Toulouse-Blagnac airport in southwestern France.

The approach procedures were flown using accurate lateral and vertical guidance provided by EGNOS (European Geostationary Navigation Overlay Service), the European Satellite-Based Augmentation System (SBAS), and in the presence of airplane traffic simultaneously approaching and departing to/from airport runways, which proved the suitability of these helicopter-specific procedures to achieve Simulta-

neous Non Interfering (SNI) aircraft and rotorcraft IFR operations at a medium-size commercial airport, Airbus said.

“Airbus Helicopters is the world’s first helicopter manufacturer to demonstrate such helicopter-specific IFR procedures at a heliport located at an airport with commercial airline traffic,” said Tomasz Kryszynski, the Head of Innovation and Research at Airbus Helicopters.

“We are confident these environment-friendly IFR procedures will contribute to easing helicopter access at airports and remote sites in noise-sensitive areas, thus paving the way for the development of passenger transport with high-speed helicopters.

“The low-noise helicopter-specific IFR approach procedures are based on the noise optimized flight paths successfully validated in 2013 by Airbus Helicopters with an H155 and having demonstrated noise footprint reductions of up to 50 percent, which is one of the Clean Sky initiative’s high-level goals.

Detailed design and integration of the procedures in Toulouse airspace was achieved by GARDEN, a partner project with expertise in Air Traffic Management (ATM) that supports Airbus Helicopters in Clean Sky.

Airbus Helicopters performed this demonstration as part of Clean Sky’s Green Rotorcraft Integrated Technology Demonstrator program.

Clean Sky is Europe’s most ambitious aeronautical research program, with the goal of developing breakthrough technologies that significantly increase the air transport sector’s environmental performance – resulting in quieter, more fuel efficient aircraft and rotorcraft

O’Hare, from p. 74

“By mandating the FAA to investigate the increased noise that has resulted from the O’Hare Modernization Program and report to Congress on potential measures to alleviate local concerns, I’m holding the FAA accountable to Chicagoans who live beneath the flight paths of the world’s busiest airport.

“Administrator Huerta, and I had a productive meeting about the issues local communities are facing and look forward to continuing the dialogue to find both short and long-term solutions for the people in my district.”

The language Rep. Quigley secured in the THUD funding bill for 2016 states:

“The Committee directs the FAA to continue to work expeditiously to identify appropriate short and long term mitigation measures to address local concerns that have been raised as a result of the O’Hare Modernization Program at Chicago O’Hare International Airport. The FAA is expected to provide a progress report on these measures to the Committee within 90 days of enactment of this Act.”

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NextGen

PHOENIX, FAA, AIRLINES AGREE TO EXPLORE FLIGHT PATH OPTIONS

Officials of the City of Phoenix, the Federal Aviation Administration, and airlines agreed at a May 19 meeting “to meet as soon as possible to explore possible flight path options to address the noise concerns of airport neighbors,” the City announced May 20.

However, the City did not specify whether the possible flight path options that will be discussed include a return to those in effect at Sky Harbor International Airport prior to Sept. 18, 2014, when the FAA instituted RNAV departure procedures that moved flight paths over more densely populated neighborhoods and a renovated historic area.

To quell community outrage over the flight path changes, the City’s chief demand has been that FAA return to the original flight paths and employ RNAV technology on them. The City recently stepped down from an FAA PBN Working Group after it rejected returning to the original flight paths and has demanded that the original flight paths be considered as a condition of its return to the Working Group (27 ANR 62).

The City said that its meeting with FAA and airline officials was part of the six-point action plan directed by the Phoenix Mayor and Council in a special policy session on April 16 to address aircraft noise.

On May 8, Acting Aviation Director Tamie Fisher submitted an update on progress related to the six-point plan. It can be downloaded at <https://skyharbor.com/pdf/flightpaths/may%20RNAV%20Update%20final.pdf>

The update notes that the City has hired the Washington, DC, lawfirm Holland & Knight to lobby Congress on the City’s behalf.

Holland & Knight has contacted airport trade groups, including the American Association of Airport Executives and the Airports Council International - North America and representatives of Los Angeles International, Chicago O’Hare International, and Minneapolis-St. Paul International airports “to garner support from the airport community for potential legislation,” the update notes but does not discuss what the legislation would include.

The update also notes that airport staff will recommend that the City Council consider establishing an airport/community roundtable, that staff will be added to Sky Harbor’s noise program, and that the Aviation Department launched a public web-based flight tracking and complaint submission tool on April 30.

ACI-NA and AAAE are finalizing an industry letter to the FAA supporting the City of Phoenix’ disapproval of the RNAV implementation process at Sky Harbor which was done without community outreach, according to the update.

AIRPORT NOISE REPORT

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Commercial Passenger Aircraft that Fly Into Key West International Airport

US Airways EMB-175



American Eagle EMB-175



Delta B737-700



American Eagle EMB-145



Delta CRJ-700



Silver Airways SF-340B

