

Key West International Airport
Ad-Hoc Committee on Airport Noise
Agenda for Tuesday, October 6th, 2015

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Review and Approval of Meeting Minutes
 - 1. For June 2nd, 2015
- B. New KWIA Website: EYW.COM
 - 1. Comment submitted by Nathaniel Harris
- C. Discussion of NCP Implementation Plan
 - 1. BOCC Presentation - July 15th, 2015
 - 2. KWBTTS Board of Directors Meeting - Oct 12th
- D. Other Reports:
 - 1. Noise Hotline and Contact Log
 - 2. Airport Noise Report
- E. Other Discussion
- F. Next meeting: December 1st, 2015

Meeting Schedule for 2015

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

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

**KWIA Ad-Hoc Committee on Noise
June 2, 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:

Thomas Henderson, Monroe County Assistant Director of Airports
Deborah Lagos, DML & Associates
Brian Bradley, Resident of Linda Avenue

A quorum was present.

Review and Approval of Meeting Minutes for the April 7th, 2015 Ad Hoc Committee Meetings

Commissioner Kolhage asked if there were any comments or corrections to the February 3rd, 2015 minutes. Kay Miller and Marlene Durazo suggested several corrections to the minutes, which Deborah indicated she would incorporate. Kay Miller made a motion to approve the minutes with the corrections and Marlene Durazo seconded the motion. The minutes were approved as corrected.

In addition, the Committee suggested that the minutes could be less detailed in the future.

Mayor Kolhage introduced Thomas Henderson, Assistant Director of Airports, who is with us today because Don DeGraw is traveling.

KWIA Ad-Hoc Committee on Noise

June 2, 2015 Meeting Minutes

Final NEM and NCP Documents

Deborah confirmed that everyone received a CD in their Agenda Package, which contains the Final NEM and NCP documents. These documents have been posted to the Ad-Hoc Committee's website.

Discussion of NCP Implementation Plan

The Scope of Work for the NIP Implementation Plan is included in the Agenda Package. This Scope of Work provides details of how the process will proceed, once the funding has been received from the FAA. Deborah will be working closely with THC to implement the NIP.

Deborah reported that she had new information for the Committee, based upon a visit to the FAA Orlando Airports District Office (ADO) on April 21, 2015. The purpose of the meeting was to discuss how the FAA would like us to proceed. Highlights of the discussion are as follows:

- The FAA agreed that KWBTS should be the first priority for the NIP
- The FAA was 100% supportive of focusing on KWBTS getting it done in the shortest time possible
- The FAA said not to limit ourselves based on the levels of funding we've received in the past, but rather, ask for as much money as we need to get it done as quickly as we can, before conditions change.
- The FAA suggested designing the NIP modifications for all 206 units (assuming they are all eligible) at once, rather than by phase.
- The FAA suggested bidding the construction for all 206 units at one time, with a base bid (Building C) and bid alternates (Building A and Building B). This would allow the same contractor to construct the whole project, over multiple years, as funding was made available. This will also allow the contractor to keep working continuously, rather than mobilizing and de-mobilizing over several years.
- The FAA indicated that the four (4) houses located within the DNL 70 dB should be contacted and invited to participate again. These homes were eligible in the previous NIP, but declined to participate at that time. However, because they are located in a higher noise contour, they need to be given another opportunity prior to homes in the DNL 65 dB contour.

KWIA Ad-Hoc Committee on Noise June 2, 2015 Meeting Minutes

- The FAA indicated that we should select the sample of units to be tested from those that are located within the DNL 65 dB contour, and apply the results to the entire. This was what we were hoping for, and we were very happy that the FAA suggested this.

The progress of the previous NIP was constrained by two factors: (1) limited availability of FAA grant money, and (2) limited availability for the local matching share (which the airport paid for using PFCs). This will still be the case to some extent. The airport is reviewing their ability to pay for a matching share based on a much larger FAA grant.

Several questions were asked and answered regarding THC's Scope of Work, including:

- Who pulls the building permits? Answer: the building contractor.
- Are "As-Built" drawings available for KWBTs? Answer: yes.
- Are all previous building permits going to be reviewed in detail? Answer: probably not in detail, but just a cursory review to identify major renovations, such as window replacement.
- When will this work begin? Answer: probably September or October, as soon as funding is available from the FAA and the BOCC awards the contract.
- When will the testing begin? Answer: probably December or January.

Deborah mentioned Task 13 of the Scope of Work, which is the purchase of an Avigation Easement from the owner of the property located at the corner of Flagler Avenue and 11th Street. She emphasized that time was of the essence in trying to purchase this easement as soon as possible, before the homes are constructed. The Committee suggested that Deborah should consider contacting the property owner to make them aware of this situation and offer assistance in meeting the City's requirement to "sound-proof" the buildings. Deborah indicated she would also contact the City.

In summary, THC's Scope of Work is being submitted to the FAA in a grant application this month. Funding should be forthcoming in August or September.

KWIA Ad-Hoc Committee on Noise June 2, 2015 Meeting Minutes

Other Reports

Noise Hotline and Contact Log

There were seven calls to the hotline, four of which were from KWBTs. Deborah mentioned her conversation with the first caller; he was quite angry and indicated he and his neighbors had hired an attorney because the noise was so bad.

Marlene Durazo mentioned that there was a period of about a week and a half where the traffic was flowing east to west, rather than the typical west to east. Nick Pontecorvo responded that the winds were at about 330° which required them to take off to the west. The Committee discussed that people may not be aware that this is an unusual situation, which only occurs about 20% of the time.

Airport Noise Report

Deborah asked if anyone read any articles of particular interest. Kay Miller mentioned that we had finally "made the paper" in Volume 27, Number 13. Several other articles were discussed.

Any Other Discussion

Next meeting August 4th, 2015.

Amy Kehoe moved to adjourn the meeting, and Sonny Knowles seconded the motion. The meeting adjourned at 2:55 p.m.

Hello,

Below is the information from a recent form submission.

Form Name: KWIA Contact Form

Name	Value
Name	Nathaniel Harris
Email	[REDACTED]
Message	<p>I am a resident of La Brisa Assoc at 1901 S. Roosevelt Blvd. I am also a retired pilot. I'm sure it has been brought to your attention before but here it is again. We, most residents of La Brisa, do not like for small aircraft flying directly over La Brisa. In particular this past Sunday afternoon between 4 and 5 PM. One of EYW's commercial float planes turned final only 200 to 300 feet over La Brisa. This float plane was followed a few minutes later by a single engine private aircraft, most likely a Piper, at the same altitude. Not only is this a dangerous practice, it is highly disturbing to the Turns who nest on the North and East buildings of La Brisa. There have also been many other "final Turns" over La Brisa by the UPS and FEDX delivery planes but at a little higher altitude. It would seem to us pilots at La Brisa that when approaching EYW on a Right Hand pattern for an East landing they should execute their Base turn over the White Street Pier. We understand that it saves a little time and fuel but it is not in the best interests of many residents at La Brisa or 1800 Atlantic.</p>
SecurityAnswer	5
HasAttachments	False
Submit Date	7/20/2015
Person Name	

Thank you!
- Converge



Aircraft Over La Brisa

1 message

Deborah Lagos

Mon, Aug 24, 2015 at 10:42 AM

To:

Cc: DeGraw-Donald

Sweeting-Angelica

Good Morning Mr. Harris,

I am in receipt of your comment regarding low altitude flights over La Brisa Condos, and I have discussed your concerns with the Airport Director, Don DeGraw.

I have served as the Airport's Noise Program Coordinator for many years, and this subject has come up previously (although not frequently). A similar concern has been expressed by residents of Key West by the Sea.

Mr. DeGraw is going to speak to the ATCT Manager about your concern. Mr. DeGraw said that if you would like to discuss this with him, please feel free to call him at 809-5200.

In addition, we'd like to invite you to attend the next meeting of Monroe County's Ad-Hoc Committee on Noise. I will put this item on the agenda for discussion.

The next meeting is scheduled for Tuesday, October 6, at 2:00 pm, second floor of the Harvey Government Center in the room where the BOCC meets. In case you're not familiar with the Harvey Gov't Center, it is located at 1200 Truman Avenue, which is at the corner of Truman and White St.

The Ad-Hoc Committee has been meeting for over 20 years to discuss aircraft noise related to the operation of Key West International Airport. The committee is made up of "noise makers" and "noise takers" (i.e. representatives from both aviation and the community). The chairman of the committee is Mayor Danny Kolhage, and I believe he lives at La Brisa as well.

I hope you can attend the Ad-Hoc Committee meeting. I look forward to meeting you so we can further discuss your concerns.

Best Regards,
Deborah Lagos

Deborah Murphy Lagos & Associates, LLC
4635 Alisa Circle NE
Saint Petersburg, FL 33703
[727.631.1553](tel:727.631.1553)



FW: KWIA Web Inquiry/Noise Complaint

Deborah Lagos [REDACTED]
To: DeGraw-Donald [REDACTED]

Fri, Aug 21, 2015 at 11:03 AM

Hi Don,

Welcome back! I hope you had a nice trip.

I appreciate that Angelica kept on top of this, because it seemed a little like it was going to fall between the cracks because no one was responding to her requests for input. My primary concern was that someone responded to Mr Harris in a timely manner (just to let him know we heard him, and are working on a solution), and she assured me that she had taken care of that.

Beyond, that I suggest that we put this on the agenda for the next Ad-Hoc Committee Meeting for discussion.

In advance of the Ad-Hoc Committee meeting, I (or someone else) could do one or both of the following:

1. Call the ATCT Manager and ask whether or not they can direct pilots to turn over the White Street Pier rather than over La Brisa,
2. Call and talk to the seaplane operators and ask them if they can try to turn over the White Street Pier rather than over La Brisa.

If you want to discuss, I'm available today or Monday morning. I'll be in the field the rest of the week, so my availability will be limited.

THANKS!
Deborah

Deborah Murphy Lagos & Associates, LLC
4635 Alisa Circle NE
Saint Petersburg, FL 33703
[727.631.1553](tel:727.631.1553)
[REDACTED]

[Quoted text hidden]

Key West International Airport
Director's Report
Noise Insulation Program

Board of County Commissioners Meeting
July 15, 2015

Noise Insulation Overview

“ What is Noise insulation?

“ reducing aircraft noise levels inside homes

“ Common noise insulation methods are -

“ window and door replacement

“ caulking, weather-stripping

“ installing central air conditioning units so that the windows can be kept closed if the structure does not already have a central air system.

“ The Noise Insulation Program (NIP) is administered through the FAA Airport Improvement Program (AIP) 90% - FAA 10% - Local Match

NIP Eligibility Requirements

- “ Must utilize an approved set of Noise Exposure Maps (NEM) that are no more than five (5) years old for this eligibility calculation.
 - “ NEMs were accepted by the FAA December 19, 2013
 - “ NCP was approved by the FAA March 12, 2015

- “ Must use the **“2-Tier” eligibility rule** to determine if a property is eligible to participate in a sound insulation program.
 - “ **Property must be located within an approved 65 DNL NEM boundary.**
 - “ **Property must be tested and 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 sound insulation program.

Previous/**Current** - Noise Insulation Program

- “ 1st Noise Compatibility Program (NCP) approved by the FAA in May 1999
Current NCP was approved March 12, 2015
- “ 1st NIP was completed in 7 phases
Current NIP is scheduled for 3 phases
- “ 1st NIP time period to complete was 2001 through 2010 (9 years)
Current NIP proposed time period 2016 – 2029 (14 years)
- “ 1st NIP - 297 housing units completed
Current NIP 324 potentially eligible units
- “ 1st NIP Total Cost - \$22,455,216 (11 FAA AIP Grants)
Current - \$34,600,000 (TBD)

Potentially-Eligible in Key West

- “ As a result of FAA-approved “Block Rounding” a total of **322 residential units** and **2 institutional facilities** have been identified as potentially eligible to participate.

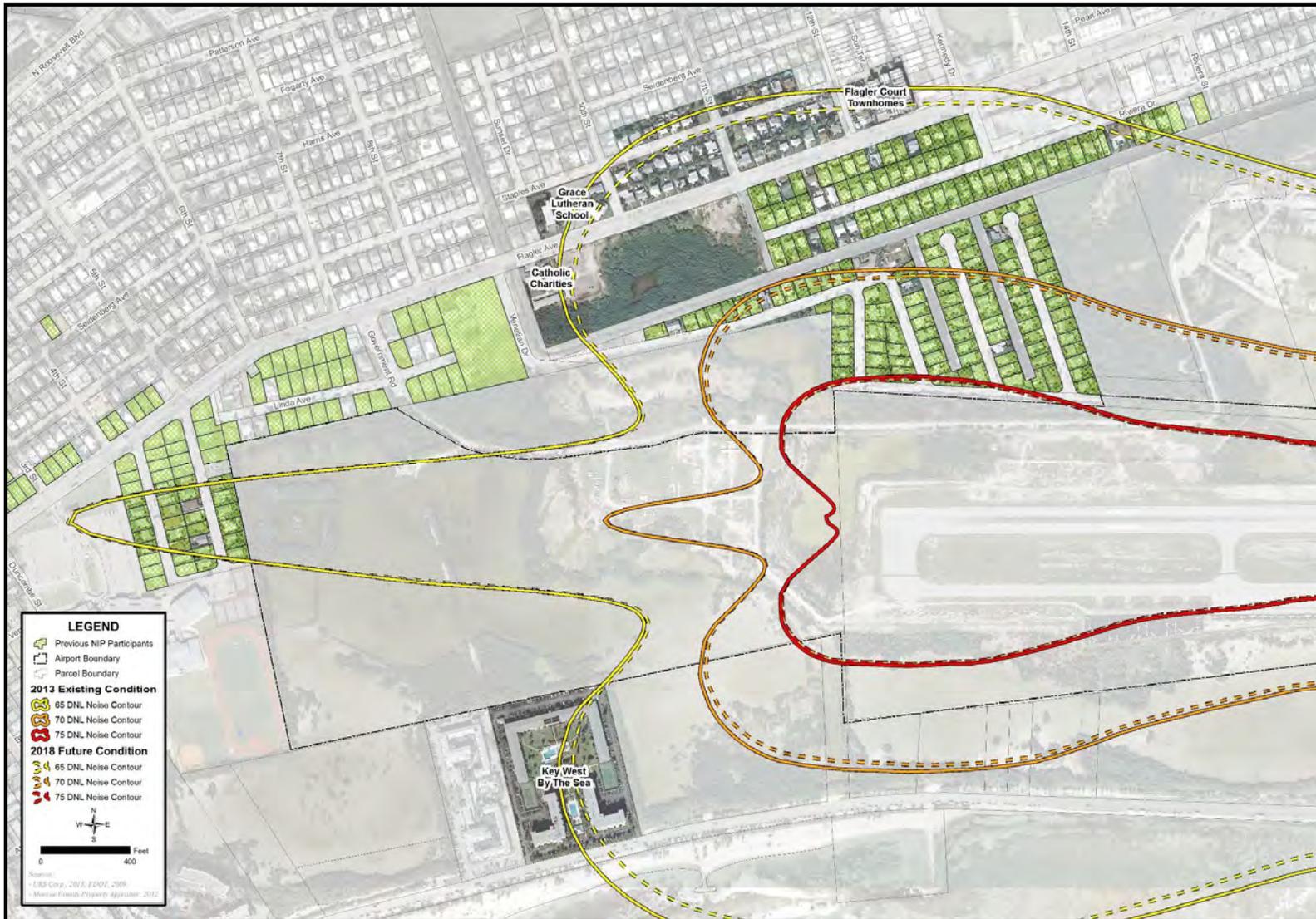
- “ As described in KWIA's Noise Compatibility Program (NCP), the following residential and non-residential buildings are potentially eligible for participation:
 - “ **206 condominium units in three buildings at Key West by the Sea (KW BTS)**
 - “ 67 detached single-family units,
 - “ 15 multi-family units in seven (7) buildings (i.e., 6 duplexes and 1 triplex),
 - “ 8 attached multi-story single-family units on 12th Street (i.e., 1427-1441 12th Street),
 - “ 26 multi-story townhome units in seven (7) elevated buildings at Flagler Court Townhomes,
 - “ 2 buildings containing multiple residential units at the Catholic Charities facility
 - “ Parish Hall and four (4) classroom buildings at Grace Lutheran Church and School.

Noise Exposure Maps

Areas shaded green were previously insulated.

Unshaded areas within the contours are potentially eligible for the NIP.

NEMs were accepted by the FAA on December 19, 2013

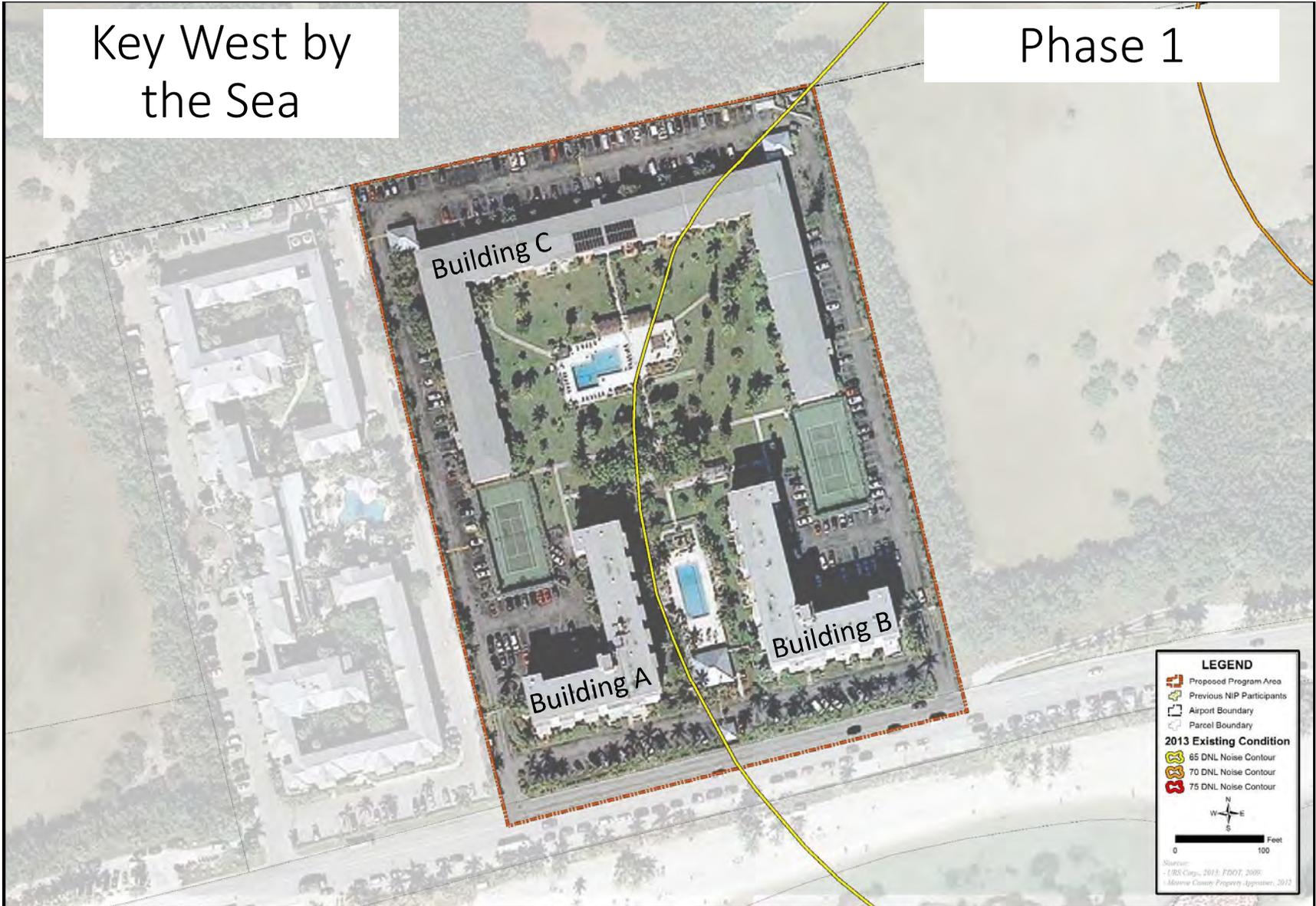


NIP Implementation Plan Phase 1

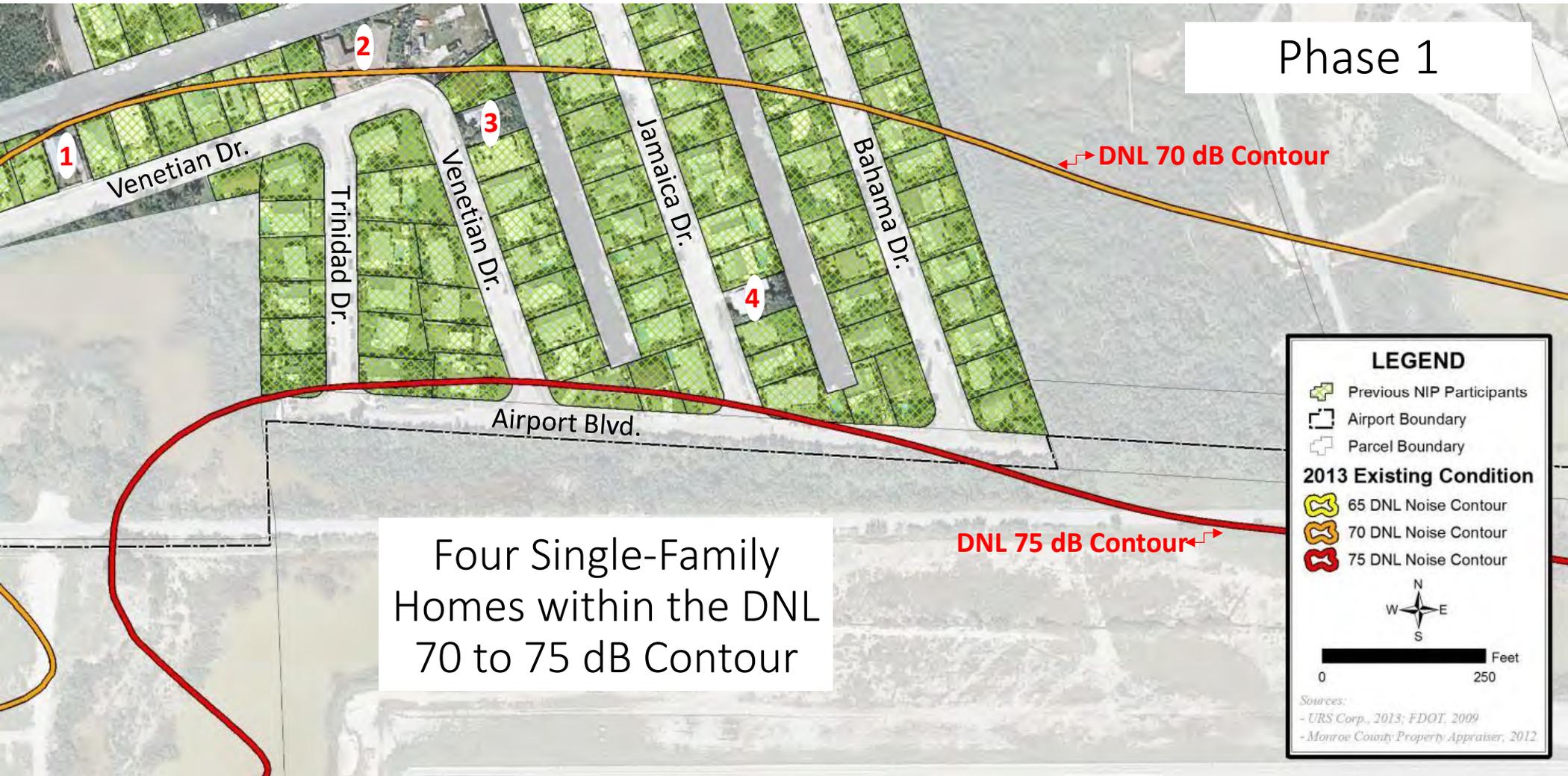
- “ Key West by the Sea Condominiums (206 units)**
 - “ Building A – six (6) stories; 65 units
 - “ Building B – six (6) stories; 65 units
 - “ Building C – three (3) stories; 76 units
- “ 4 Single-Family Homes within the DNL 70 dB Contour**
- “ Estimated Design & Construction Cost: \$20.2 million**
- “ Estimated Timeframe: 2016 through 2022 (7 years)**

Key West by the Sea

Phase 1



Phase 1



NIP Implementation Plan Phase 2

- “ Single Family Homes (DNL 65 dB) 71 units**
- “ Low Density Multi-Family Residential 15 units**
- “ Lime Grove House 1 unit**
- “ Estimated Design & Construction Costs: \$10 million**
- “ Estimated Timeframe: 2023 through 2026 (4 years)**

Phase 2
Flagler Avenue, Staples Avenue, 12th Street,
Riviera Drive, Bahama Drive



5th Street
adjacent to Key
West High
School

Phase 2



DNL 65 dB Contour

LEGEND

- Proposed Program Area
- Previous NIP Participants
- Airport Boundary
- Parcel Boundary

2013 Existing Condition

- 65 DNL Noise Contour
- 70 DNL Noise Contour
- 75 DNL Noise Contour

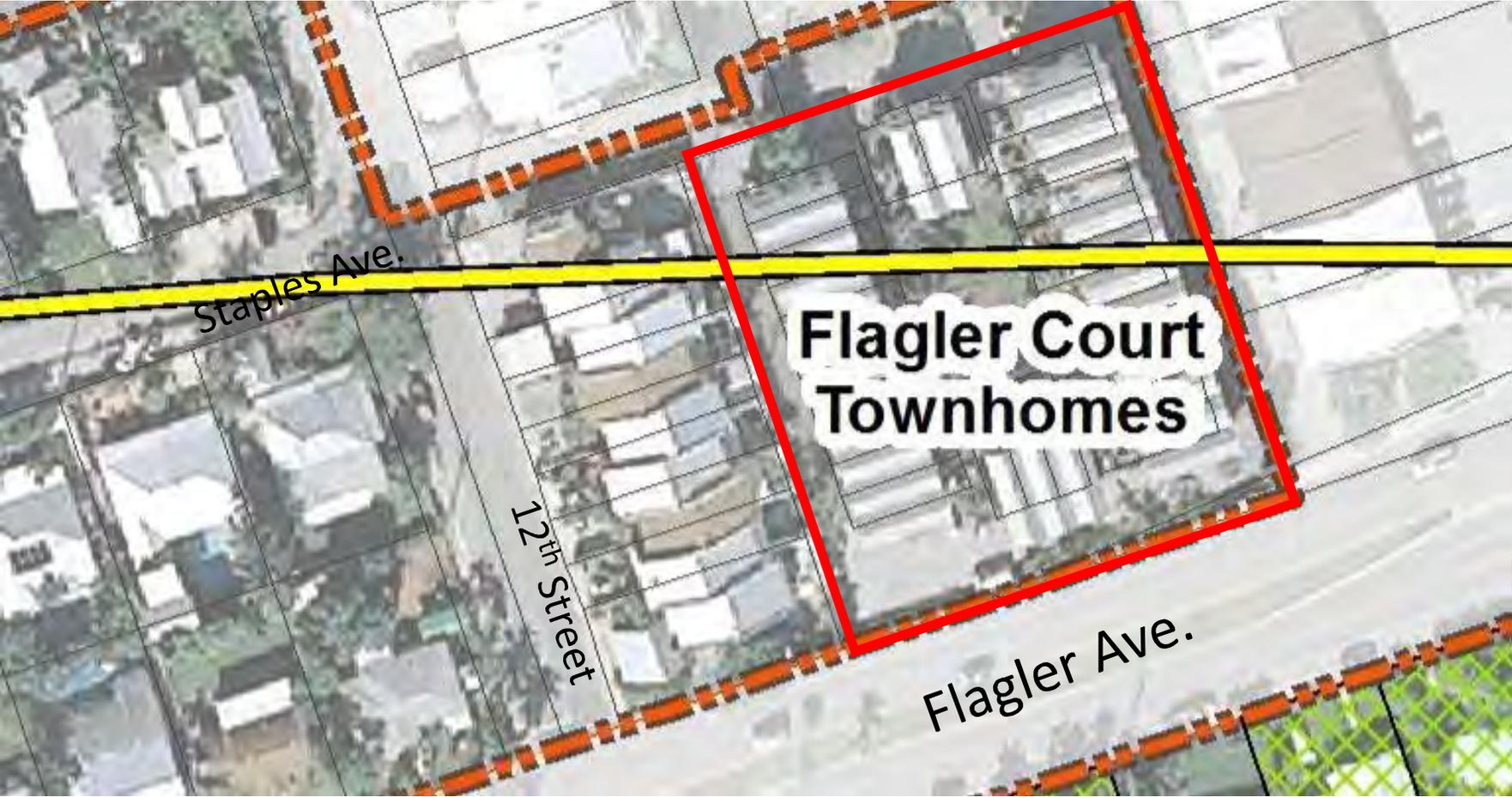
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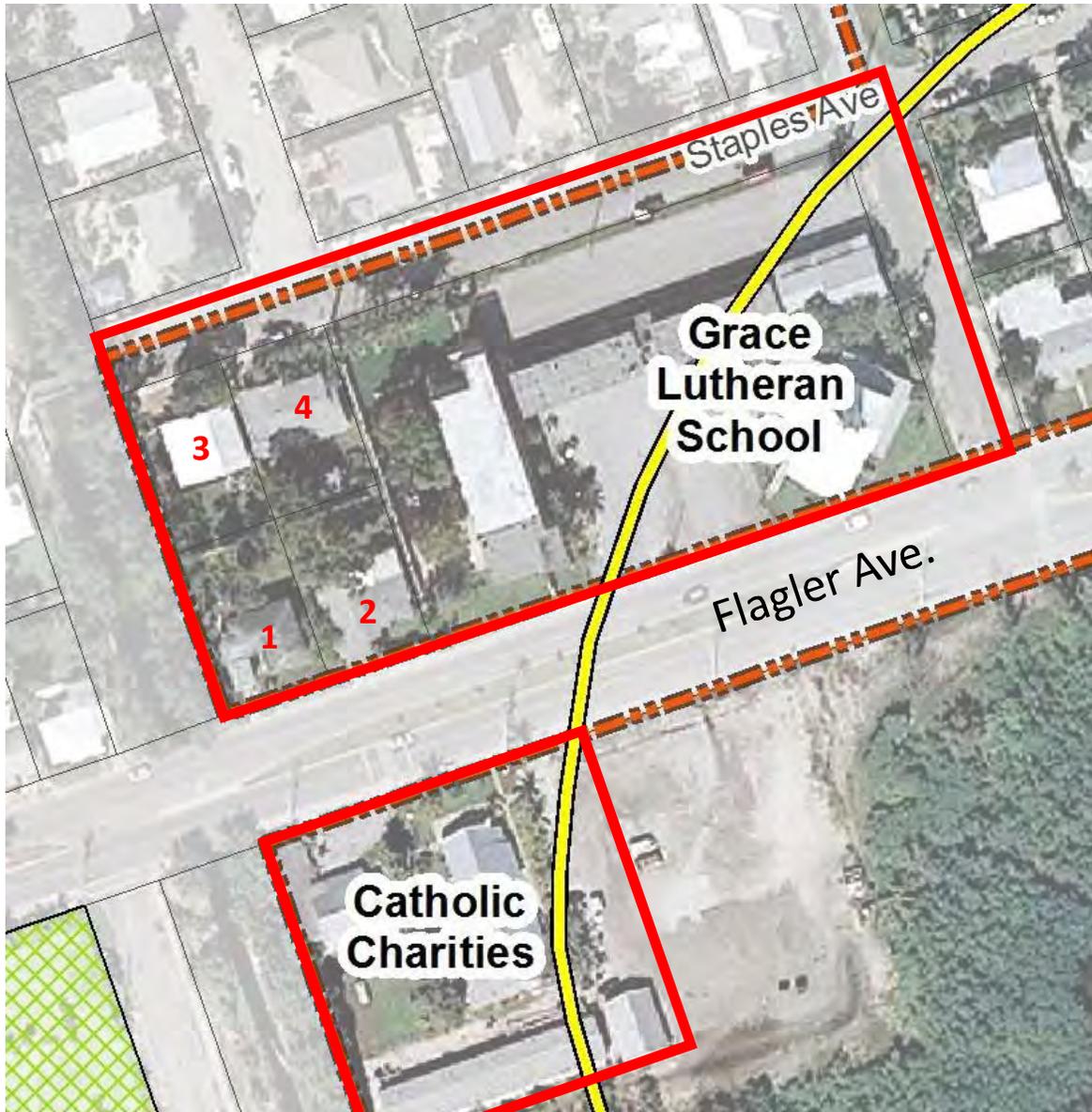
Source:
FRS Corp., 2013; FDOT, 2009;
Morse Construction, 2012

NIP Implementation Plan Phase 3

- “ **Flagler Court Townhomes** **26 units**
- “ **Grace Lutheran Church and School** **5 units**
- “ **Parsonages** **2 units**
- “ **Single-Family Homes behind parsonages** **2 units**
- “ **Catholic Charities** **23 units**
- “ **Estimated Design & Construction Costs: \$4.2 million**
- “ **Estimated Timeframe: 2027 through 2029 (3 years)**

Phase 3 Flagler Court Townhomes





Phase 3

- “ Grace Lutheran School & Church
- “ Parsonages (2)
- “ Single-Family Homes (2)
- “ Catholic Charities Facility

Overview of Eligibility Requirements & Noise Testing Process

Key West By the Sea Condominiums

Federal Aviation Administration (FAA) Eligibility Rules

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 decibels (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.

Eligibility Noise Testing Process Summary

In a condominium complex, testing of all condominium units to determine eligibility is not necessary or practical. Instead, the Consultant will group units into ~~like~~+unit floor plan types.

Within each identified unit floor plan type, the Consultant is required to select and test a representative sample of units in an effort to develop an average existing interior noise level for each floor plan type defined. Of the units selected for testing, the Consultant will test and average all habitable rooms to calculate an existing interior noise level for each unit.

For each unit floor plan identified, a minimum 10% testing sample will most likely be required by FAA to determine average interior noise levels

Noise testing will be performed using an artificial noise source to provide consistency and fairness in the testing process. It should be noted that his process is designed to measure the difference between exterior and interior noise levels within each property.

Determination of KWBTS Unit Floor Plan Types

KWBTS (Building A, B, C) - 206 total units and 17 floor plan styles:

<i>Studio Floor Plan</i>	<i>(3 styles)</i>
<i>1 Bedroom Floor Plan</i>	<i>(4 styles)</i>
<i>2 Bedroom Floor Plan</i>	<i>(4 styles)</i>
<i>3 Bedroom Floor Plan</i>	<i>(6 styles)</i>

KWBTS (Building A, B, C) - define number of remodeled unit cases:

<i>Units with Replacement Windows</i>	<i>(quantity & styles)</i>
<i>Units with Replacement Doors</i>	<i>(quantity & styles)</i>
<i>Units with Replacement Windows & Doors</i>	<i>(quantity & styles)</i>
<i>Units with Ductless AC</i>	<i>(quantity & styles)</i>
<i>Units with all of the above conditions</i>	<i>(quantity & styles)</i>

Development of KWBTS Acoustical Test Plan

Test 10% of the 17 floor plan unit styles (approximately 33 units) in Building B & the portion of Building C that is within the DNL 65 noise contour boundary

Studio Floor Plan

<i>Style 1 (2 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>
<i>Style 2 (1 unit)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>
<i>Style 3 (1 unit)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>

1 Bedroom Floor Plan

<i>Style 1 (22 units)</i>	<i>Bldg. A&B</i>	<i>10% = 3 units</i>
<i>Style 2 (24 units)</i>	<i>Bldg. A&B</i>	<i>10% = 3 units</i>
<i>Style 3 (3 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>
<i>Style 4 (3 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>

2 Bedroom Floor Plan

<i>Style 1 (48 units)</i>	<i>Bldg. A&B</i>	<i>10% = 5 units</i>
<i>Style 2 (12 units)</i>	<i>Bldg. A&B</i>	<i>10% = 2 units</i>
<i>Style 3 (6 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>
<i>Style 4 (6 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>

3 Bedroom Floor Plan

<i>Style 1 (12 units)</i>	<i>Bldg. A&B</i>	<i>10% = 2 units</i>
<i>Style 2 (12 units)</i>	<i>Bldg. A&B</i>	<i>10% = 2 units</i>
<i>Style 3 (6 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>
<i>Style 4 (6 units)</i>	<i>Bldg. C</i>	<i>10% = 1 unit</i>
<i>Style 5 (21 units)</i>	<i>Bldg. C</i>	<i>10% = 3 unit</i>
<i>Style 6 (21 units)</i>	<i>Bldg. C</i>	<i>10% = 3 unit</i>

Test 10% of all defined remodeled unit cases (to be determined)

Development of KWBTS Final Eligibility Determinations

Determine eligibility of each of the 17 defined floor plan unit styles

Determine eligibility of each of the defined remodeled unit cases

Unit floor plan styles that are deemed eligible will apply to similar floor plan units in the entire complex (buildings A, B & C)

Preliminary KWBTS Phasing Plan

2016-17	Building B Design and Bid
2017-18	Building B Construction
2018-19	Building C Design and Bid
2019-20	Building C Construction
2020-21	Building A Design and Bid
2021-22	Building A Construction

Acoustic Treatment Summary

Properties that are deemed eligible to participate will receive acoustic treatments that will provide a minimum 5 decibel reduction.

Depending on the calculated average interior noise level for each condominium unit, treatments may include:

- New acoustic windows (to replace existing windows)
- New acoustic prime door(s) (to replace existing doors)
- New acoustic sliding patio doors (to replace existing sliding patio doors)
- Removal and infill of all through-wall and/or window AC units
- Removal of all hurricane shutters
- New ductless AC split system (1-3 zones)
- Electrical panel upgrade
- Touch-up painting (exterior and interior) to match existing

2015 – 2016 Next Steps

Property Site Survey

Property Survey Report Development and submission to FAA

Development of Acoustical Test Plan (ATP) and submission to FAA

Conduct Noise Testing

Development of Final Report of Eligibility Findings and submission to FAA

**Key West International Airport
Estimated Schedule for NIP**

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
KWBTS Bldg B Design & Bid							
KWBTS Bldg B Construction							
KWBTS Bldg C Design & Bid							
KWBTS Bldg C Construction							
KWBTS Bldg A Design & Bid							
KWBTS Bldg A Construction							

Key West International Airport

Estimated Cost of Future Noise Compatibility Program Implementation

<u>Year</u>	<u>FAA Share</u>	<u>Local Share</u>	<u>Total</u>	<u>Description</u>
FY 2016	\$ 1,350,000.00	\$ 150,000.00	\$ 1,500,000.00	KWBTS Bldg B Design & Bid
FY 2017	\$ 4,140,000.00	\$ 460,000.00	\$ 4,600,000.00	KWBTS Bldg B Construction
FY 2018	\$ 1,507,500.00	\$ 167,500.00	\$ 1,675,000.00	KWBTS Bldg C Design & Bid
FY 2019	\$ 5,355,000.00	\$ 595,000.00	\$ 5,950,000.00	KWBTS Bldg C Construction
FY 2020	\$ 1,575,000.00	\$ 175,000.00	\$ 1,750,000.00	KWBTS Bldg A Design & Bid
FY 2021	\$ 3,915,000.00	\$ 435,000.00	\$ 4,350,000.00	KWBTS Bldg A Construction
<u>Total</u>	\$ 17,842,500.00	\$ 1,982,500.00	\$ 19,825,000.00	
<u>Average</u>	\$ 2,973,750.00	\$ 330,416.67	\$ 3,304,166.67	



City of San Antonio Aviation Department

CONDOMINIUM OWNER / APARTMENT TENANT NOISE TESTING PROCESS INFORMATION

What to Expect During the Noise Testing Process:

- On the day of your scheduled appointment, the noise testing process will take approximately one (1) hour in your apartment/condominium unit.
- Noise testing will take place in only habitable rooms such as living rooms, dining rooms and bedrooms.
- The purpose of the noise testing process is to measure differences in noise between the interior of your apartment/condominium unit and the outside of the building.
- While amplified artificial noise is being transmitted (via a loudspeaker) from the exterior of the building, interior and exterior microphones will measure noise levels.

What Can I Do to Assist?

- Please ensure that all windows and doors are in the ~~closed~~+position and window coverings (drapes, curtains, blinds, etc.) are in an ~~open~~+position, allowing as much open glass as possible.
- Please ensure that there is a clear pathway to all windows and doors.
- Please ensure that all pets are secured at all times during the testing process, as we will be entering and re-entering your unit several times throughout the testing process.
- Please maintain a ~~quiet~~+noise level throughout the testing process, preventing noise that can contaminate test data such as noise caused by conversation, barking, televisions, radios, stereos, CD players, ceiling fans and/or air conditioner units.

Our Mission:

To innovatively manage our airports to provide a positive customer experience while supporting economic development.



City of San Antonio Aviation Department

CAPISTRANO CONDOMINIUMS NOISE TESTING INFORMATION

Testing will occur on Wednesday, September 30, 2015
Between 8:00 am and 6:00 pm

The purpose of the noise testing is to determine eligibility for participation in the San Antonio International Airport's Residential Acoustical Treatment Program (RATP).

Condos that are deemed eligible for RATP participation will receive acoustical treatments which will greatly reduce interior noise levels in the condo units. The acoustical treatments will be provided at no cost to the condo owners.

Acoustical treatments may include replacement of existing windows, exterior doors, and sliding glass patio doors with new acoustical products.

What to Expect During the Noise Testing Process:

- The purpose of the noise testing process is to measure differences in noise between the interior of and the exterior of the building.
- Testing of all units is not necessary or practical. Instead the units have been grouped into like-building categories based on floor plan, architectural features, existing conditions, and types and number of window and door openings. Approximately ten percent of each category will be tested.
- A total of twelve (12) individual units will be tested in various buildings.
- The noise testing process will take up to 45 minutes in each unit.
- While amplified artificial noise is being transmitted (via a loudspeaker) from the exterior of the building, interior and exterior microphones will measure noise levels.
- Testing noise may be heard throughout the entire day by residents in the complex, not just in the units being tested.
- A bucket truck or crane will be used to elevate the loudspeaker over the roof of Buildings 100, 200, and possibly 300, between 8:00 am and noon. **There will be no access via the entrance road off Old Blanco Road and to garages for Buildings 100, 200, 300 & 400 during this time. Cars parked along the entrance road off Old Blanco Road should be removed prior to 8:00 am on the morning of testing.** We apologize for the inconvenience.
- The service providers will be wearing badges issued by the City of San Antonio's Residential Acoustical Treatment Program, and will be escorted by a member of the Capistrano Condominiums staff.

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EXAMPLES OF WHAT THE NOISE TESTING MAY LOOK LIKE:



**Key West International Airport
Noise Hotline Log**

Date of call	Time of call	Caller	Contact information	Date rec'd	Message	Response	Date
		Carin Beam	1624 Rose Street at corner of Ashby		Ms. Beam was interested in the NIP because the noise is loud in her house.	DML spoke to Ms Beam and explained her house was not eligible for the NIP. DML also told her about the Ad-Hoc Committee.	
9/5/2015	6:00 PM	Paul Shifler	KWBTS 205-A; 571-296-2610	9/14/2015	Departure of an American Airlines jet (maybe) made a lot of noise, causing rumbling at KWBTS	No return call requested.	
9/7/2015	7:07 AM	Sarah	KWBTS	9/14/2015	The whole house shook	DML spoke to Sarah and explained that the NIP is about to begin at KWBTS. She just moved in and is a renter, not an owner. She saw a request for people to call the hotline posted on the bulletin board, so she decided to participate. She works for Konk Life news, and would be interested if the airport has any news releases they would like to share or potential stories, such as about the NIP. She was thrilled to hear that KWBTS was in the NIP. She said she never realized the aircraft noise was a problem for people living near the airport, until she moved into KWBTS.	9/23/2015
9/7/2015	7:55 AM	Sarah	KWBTS	9/14/2015	The whole building is shaking. The noise is so loud. The Condo Association said we should call to report these events.		
9/10/2015	6:14 PM	Sarah	KWBTS	9/14/2015	The entire building just shook. The Condo Association said you were replacing the windows. I'm calling to let you know the noise is bothersome.		
9/10/2015	6:16 PM	Sarah	KWBTS	9/14/2015	There were back-to-back aircraft events. This was even louder than the previous.		
9/14/2015	10:40 AM	Sarah Sandness	KWBTS 305-731-3223	9/14/2015	The whole buidling just shook		
9/15/2015	7:07 AM	Sarah	KWBTS	9/15/2015	I don't know what kind of plane just woke me out of a dead sleep. It sounded like the windows were going to blow out. I hope you give KWBTS new windows. I am just a renter.		
9/15/2015	7:09 AM	Sandy Thomas	KWBTS 305-509-2433	9/15/2015	We just heard dome kind of plane take off. It woke everyone up. The whole house shook. We need new windows or doors so we don't hear it anymore.	Left a message acknowledging calls and telling them that KWBTS was in the NIP.	9/23/2015
9/16/2015	12:15 PM	Jamie	KWBTS 305-509-2433	9/16/2015	There have been two loud planes in the past 15 minutes, and we have the windows closed and the AC on. There was also one around 7 AM. It was the same yesterday; first thing in the morning and around noon; every day is the same. We would like something to be done.		

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 27, Number 20

May 29, 2015

East Hampton

NBAA FILES PART 16 COMPLAINT; ASSERTS RESTRICTIONS VIOLATE GRANT ASSURANCES

The National Business Aviation Association and 11 of its members filed a formal Part 16 complaint with the Federal Aviation Administration on May 20 asserting that aircraft operating restrictions adopted by the Town of East Hampton, NY, at its public-use airport violate federal grant assurances and must be revoked.

The complaint is the sixth lawsuit to be filed by members of the aviation industry against East Hampton's noise rules. Two actions are Part 16 complaints; the others are lawsuits filed in federal district court or state court.

There is likely to be little precedential value in the outcome of the litigation against East Hampton's noise restrictions because the circumstances under which they were adopted are so unique: an unrelated settlement agreement in 2005 exempted the airport from compliance with several federal airport grant assurances and an FAA legal opinion said the Airport Noise and Capacity Act of 1990 (ANCA) would not apply if the Town did not accept any more federal grants.

But the slate of litigation against East Hampton's noise restrictions demonstrates the scorched-earth legal tactic that much of the general aviation industry is
(Continued on p. 79)

Research

SWEDISH STUDY LINKS TRAFFIC, AIRCRAFT NOISE EXPOSURE TO CENTRAL OBESITY

Last year, researchers at Sweden's Karolinska Institute reported – in a study of over 5,100 residents near Stockholm Arlanda Airport – that long-term exposure to aircraft noise may be linked to metabolic outcomes, in particular increased waist size (26 ANR 60).

The study found that the average increase in the size of the waistline was 1.5 centimeters (0.59 inches) after factoring in stress and lifestyle choices. The researchers speculated that the increase in waist size was due to chronically high levels of stress hormones, primarily cortisol, that may have led to alterations in adipose tissue metabolism.

Now, in a follow-up to that study using the same population, the Karolinska researchers reported May 25 in the *British Medical Journal* that road traffic noise also was significantly related to waist circumference with a 0.21 cm (0.08 inch) increase per 5 dB(A) rise in Lden. They also found a high risk of central obesity for those exposed to combined exposures to traffic noise, railway noise, and aircraft noise.

“Our findings show relationships between traffic noise exposure and markers

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In This Issue...

East Hampton ... NBAA files Part 16 complaint with FAA asserting that noise restrictions at East Hampton Airport violate federal grant assurances - p. 78

Health Effects ... Swedish researchers report link between traffic noise and central obesity but strongest link is with aircraft noise - p. 78

Heathrow Airport ... British Airways is testing a steeper approach into Heathrow to minimize noise disturbance to residents under the airport's flight path - p. 79

Aircraft Engines ... Pratt & Whitney's PurePower PW814GA engine successfully powers first flight of new Gulfstream G500 long-range business jet - p. 80

Skydiving ... A Colorado District Court judge rejects claims by residents near Vance Brand Municipal Airport that noise from aircraft operated by company providing skydiving operations constitutes nuisance - p. 81

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employing against any new airport noise restrictions.

NBAA's Part 16 complaint requests that the FAA issue an immediate cease-and-desist order regarding the airport restrictions and take corrective action as necessary – including the withholding of federal transportation funds from the Town.

“The restrictions that the Town has adopted, by its own calculations, would prohibit a significant share of all airport operations – up to 23 percent of operations at East Hampton Airport (HTO), according to a study performed for the Town – and are likely to permanently cripple the airport by driving existing tenants out of business and undercutting the airport budget,” NBAA Chief Operating Officer Steve Brown wrote in the complaint.

The Part 16 complaint seeks to overturn three noise restrictions adopted by the East Hampton Town Council last month. They impose a mandatory nighttime curfew, an extended curfew on so-called “noisy” aircraft, and a limit on “noisy” aircraft of one trip per week to HTO during the summer.

“There are multiple reasons why the adoption of these resolutions by the town is impermissible,” wrote Brown in the complaint to the FAA. He warned the FAA that without an expedited cease-and-desist order, “there is a significant risk that an ultimate ruling by the FAA in favor of the Complainants ... would be a pyrrhic victory,” as the restrictions could have an immediate and devastating impact on airport tenants and the many users of the airport.

According to Brown, the unlawful restrictions that the town has adopted on aircraft operations – especially during the summer months – will have an irreparable economic impact on airport businesses, as well as the significant number of jobs, investments and revenue that East Hampton Airport provides to the local area and eastern Long Island.

Non-‘Noisy’ Aircraft Given Exclusive Rights

In its complaint to the FAA, NBAA maintains that the resolutions adopted by the Town are incompatible with the federal grant assurances that the town has received for the airport, which prohibit East Hampton from providing “exclusive rights” to any category of airport user. NBAA argues that the Town's noise restrictions give “exclusive rights” to operate at its airport to aircraft that do not fall within the “noisy” category set in its new restrictions.

In addition, the complaint states that the Town's stated intent to use airport revenue to support the restrictions in legal proceedings is also incompatible with federal grant assurances that bar revenue diversion.

NBAA requests that the FAA direct the Town to “take corrective action subject to the suspension of further AIP [Airport Improvement Program] grants and other enforcement measures, and all other relief that is necessary and proper.”

In a related development, the Town of East Hampton said

on May 18 it would not enforce the restrictions for at least three more weeks to give a federal district court judge time to consider a request for a Temporary Restraining Order (TRO) on the noise restrictions sought by NBAA and others. An opinion on the TRO request is expected by June 8.

Zeldin Warns FAA to Keep Its Promise

In related news, Rep. Lee Zeldin (R-NY), Vice Chairman of the House Subcommittee on Aviation, released a statement on May 21 calling on the FAA to stand by specific assurances it had made in 2012 to not oppose efforts by East Hampton to reduce aircraft noise.

The FAA indicated at the May 18 court hearing on the TRO that the agency might go back on that agreement, the congressman said.

In 2012, the FAA told Zeldin's predecessor – former Rep. Tim Bishop (D-NY) – that the agency would take no action against the Town if it imposed reasonable airport restrictions.

“I am extremely disappointed by the seeming reversal of the FAA's long standing position that they would not oppose the Town of East Hampton's effort to protect quality of life and reduce noise,” Rep. Zeldin said in his statement.

“Though they have not officially taken a position on the merits of East Hampton's proposals, the FAA's support for a Temporary Restraining Order speaks volumes as the residents of the East End [of Long Island] once again brace for another travel season.

“The FAA must stand by its assurances previously made in writing that the Town of East Hampton would not face negative action from the FAA if they chose to enact reasonable restrictions, as long as the Town agreed to not take any new FAA funding.

“The people of East Hampton, through their democratically elected Town Board, have chosen this path because they believed the FAA would stand by its word.

“I intend to pursue what is necessary to hold the FAA to its assurances and to work with all interested parties on an effective solution that reduces helicopter noise on the East End this high season and in the long term. Reaching a real solution is more important than politics or bureaucracy.”

Heathrow

BA TESTING STEEPER APPROACH TO MINIMIZE NOISE ANNOYANCE

British Airways (BA) is testing new landing procedures at Heathrow Airport as it seeks to minimize noise disturbance to residents on the glide path, the Transportation Research Board's AV030 Committee on Environmental Impacts of Aviation announced May 26.

Heathrow's proximity to London—it lies 15 miles west of the city center—and the prevailing westerly wind means that most landings are over densely populated suburbs and there is an active anti-noise lobby, the Committee announcement ex-

plained. It continued:

Of particular concern to both the airline and residents are a small number of long-haul flights that arrive before 6 a.m., shortly after the airport opens for the day. □

BA announced at an Airbus environmental briefing in Toulouse that the airline will conduct four trial flights with an A380 using a slightly steeper approach to the runway, 3.2 degrees rather than the normal three degrees.

At 10 miles out, this means the aircraft will be 300-500 feet higher. Combined with other procedural changes, such as later lowering of the undercarriage, this is predicted to lower noise by up to five decibels, the level at which people detect a perceptible difference in noise levels.

At lower speeds, with engines throttled back for landing, airframe noise becomes a major component of what is heard on the ground; the turbulence created by the air rushing past the irregular shapes of piping around the main undercarriage legs is a significant cause of this noise.

BA will conduct further trials early next year to experiment with a two-stage approach to Heathrow, with the earlier part of the descent at four degrees. This would put the aircraft 1000 ft. higher at the 10-mile mark. It will intercept the 3.2 degree glide path at 1500 feet and follow that descent rate to landing. □

BA has a company target of aiming to reduce flight noise by 15 percent by 2018, compared to a 2013 baseline.

Aircraft Engines

P&W ENGINE POWERS GULFSTREAM G500'S FIRST FLIGHT

On May 20, Pratt & Whitney Canada announced that its PurePower PW814GA engine has achieved another key milestone by successfully powering the first flight of the new Gulfstream G500 long-range business jet.

The PurePower PW800 turboprop engine raises the bar on performance and economics for next-generation large business jets in the 10,000- to 20,000-lb thrust class, the firm said. "Using the most environmentally sustainable, high-performance technologies, the engine offers double-digit improvements in fuel burn, emissions, noise, and maintenance times."

The first flight of Gulfstream's new G500 business jet is considered a leap forward in the future of high-flying, fast, long-range business jet travel.

"We are thrilled to shape the future of business aviation with cutting-edge design technologies, advanced manufacturing processes, and new levels of customer service," said John Saabas, president, P&WC.

"This success is made possible because of the hard work and dedication of P&WC employees around the world as well as our close collaboration with Gulfstream."

The PurePower PW814GA and PW815GA engines, which respectively power the new Gulfstream G500 (range of

5,000 nautical miles) and G600 (range of 6,200 nautical miles) business jets, received Transport Canada type certification this past February.

Research, from p. 78

for central obesity. Associations were indicated for noise from different sources, including road, railway, and aircraft traffic but appeared strongest for aircraft noise," Andrei Pyko and colleagues reported in their study "Exposure to traffic noise and markers of obesity."

"There is only limited evidence from epidemiological studies linking noise exposure to overweight or obesity," the researchers noted in their study.

"However," they added, "noise may be an important stressor, inducing cortisol production and other stress reactions. Elevated levels of cortisol can lead to storage of fat in visceral depots, contributing to central rather than generalized obesity. This may explain why the effects of noise were mainly seen for markers of central obesity, such as waist circumference and waist-hip ratio, rather than for generalized obesity measured by Body Mass Index (BMI)."

The researchers speculated that traffic noise may influence metabolic and cardiovascular functions through sleep disturbances and chronic stress.

"Sleep is an important modulator of hormonal release, glucose regulation and cardiovascular function. Sleep disturbances may affect immune functions, influence the central control of appetite and energy expenditure as well as increase circulating levels of the stress hormone cortisol.

"For example, short sleep duration is associated with a reduction of serum leptin and an elevation of ghrelin, leading to an increased appetite and reduced energy expenditure. Furthermore, noise exposure may induce a stress response through activation of the sympathetic nervous system and the endocrine system.

"A long-lasting activation of the hypothalamic-pituitary-adrenal axis is detrimental to health and may lead to elevated levels of cortisol, thereby promoting central fat deposition and impaired glucose regulations. Recent evidence suggests that combined exposure to several stressors, including different noise sources and job strain, is particularly harmful."

However, in their 2014 study focusing on aircraft noise exposure, the researchers said that sleep disturbance did not appear to modify the association of waist size with aircraft noise.

The 2015 study on traffic noise exposure and exposure to multiple transportation noise sources can be downloaded at <http://oem.bmj.com/content/early/2015/04/28/oemed-2014-102516.full>

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Vance Brand Municipal Airport

JUDGE REJECTS CLAIMS THAT NOISE FROM SKYDIVING OPS CAUSES NUISANCE

On May 21, a Colorado District Court judge rejected nuisance and negligence claims by residents near Vance Brand Municipal Airport in Longmont, CO, regarding noise from aircraft owned by a company providing skydiving services.

She also ruled that evidence was insufficient to demonstrate that skydiving operations conducted by Mile-Hi Skydiving Center, Inc., caused any diminution in the value of the plaintiffs' homes.

In April 2007, Mile-Hi entered into an agreement with the Federal Aviation Administration authorizing the company to conduct parachute jumping at the airport. The agreement requires Mile-Hi to confine parachute jumping to a two nautical mile radius "jump box" and to keep its aircraft within a designated "flight box" surrounding the general aviation airport to avoid entering approach and departure corridors to nearby Denver International Airport.

Mile-Hi's parachuting operations run all day and into the evening and some involve continuous spiral circles on ascent within the flight box, which extends to 17,900 feet above the airport.

Boulder County District Court Judge Judith LaBuda held that "the noise produced by Mile-Hi's operations is not offensive, annoying, or inconvenient to a degree significant enough that a normal person in the community would consider it unreasonable for those individuals who choose to reside in close proximity to an airport."

The judge said she gave considerable weight to testimony by Jack Freytag of Freytag & Associates – Mile-Hi's aircraft noise expert – who testified that the noise level from flyover events was 30.2 dB DNL to 32.2 dB DNL.

She also found credible a study done by Terracon Consultants, Inc., for the City of Longmont, the airport proprietor, which concluded that "noise levels attributable specifically to Mile-Hi's Twin Otter and Beechcraft King Air aircraft were not, in general, significantly higher than the background noise sources except in very specific, short duration instances."

The case is *Citizens for Quiet Skies, et al v. Mile-Hi Skydiving Center, Inc.* (Case No. 13CV31563).

In related news, the City of Longmont has hired John Putnam of the Denver law firm Kaplan Kirsch & Rockwell as its special counsel to provide legal advice and analysis on airport issues.

Putnam will speak and answer questions at a June 3 public meeting on the legal limitations of regulating noise at Vance Brand Municipal Airport that will be hosted by the City.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Litigation

CITY OF PHOENIX SUES FAA OVER NEXTGEN FLIGHT PATH CHANGES AT SKY HARBOR INT'L

On June 1, the City of Phoenix gave up on its attempts to work with the Federal Aviation Administration to revise RNAV departure paths at Sky Harbor International Airport to reduce their noise impact and filed suit against the FAA in a federal appeals court.

The City petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review the FAA's denial of the City's request to modify or cease implementation of certain RNAV departure routes out of Sky Harbor that moved flight paths away from the locations where they had been effective in reducing noise impact and over an historic district and other densely populated areas.

The City also asked the Court to review FAA's failure to reopen consultation on the flight path changes or to conduct an environmental review of the City's requested RNAV departure routes.

"For the past eight months, the City of Phoenix has pleaded with the FAA to reduce the residential noise impact of changed flight paths in the Phoenix area" that

(Continued on p. 80)

NASA

NASA FUNDING PROJECTS TO OVERCOME REMAINING BARRIERS TO COMMERCIAL SST

Quieter, greener supersonic travel is the focus of eight studies selected by NASA's Commercial Supersonic Technology Project to receive more than \$2.3 million in funding for research that may help overcome the remaining barriers to commercial supersonic flight.

The research, announced on June 3, will be conducted by universities and industry and will address sonic booms and high-altitude emissions from supersonic jets.

The titles of the studies and details of the awards are:

- Global Environmental Impact of Supersonic Cruise Aircraft in the Stratosphere: \$1.2 million over four years; Massachusetts Institute of Technology, Cambridge, MA; Principal Investigator: Steven Barrett.
- The Influence of Turbulence on Shaped Sonic Booms: \$1.2 million over three years; Wyle Laboratories, Arlington, VA; Principal Investigator: Kenneth Plotkin.
- Sonic Boom Display: \$698,000; Rockwell Collins, Columbia, MD; Principal Investigator: Laura Smith-Velazquez.
- Pilot Interface for Mitigating Sonic Boom: \$686,000 over two years; Honey-

(Continued on p. 85)

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Litigation ... City of Phoenix takes FAA to court over implementation of RNAV departures at Sky Harbor International Airport; tells FAA administrator that agency's rearrangement of flight paths upended decades of land-use compatibility planning and hundreds of millions of dollars of noise mitigation efforts - p. 82

SSTs ... NASA spending over \$2.3 million on 8 projects to overcome remaining barriers to commercial SSTs - p. 82

Business Ventures ... B&K announces partnership with BridgeNet International to deliver more innovative, diverse products - p. 83

Air Traffic Control ... TRB sponsoring July 7 symposium on organizational reform options for FAA's air traffic control service - p. 84

Modeling ... FAA releasing guidance on using Version 2b of the Aviation Environmental Design Tool - p. 84

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were implemented on Sept. 18, 2014, the City said in a June 1 press release.

“After significant public outcry over the FAA having not held any public process about the changes, the FAA convened a working group earlier this year to find options for noise relief. But no real options were considered by the FAA. Last week the FAA and key airlines met to discuss options directly with Sky Harbor, however per a letter from FAA Regional Administrator Glen Martin today, no changes will be made to provide meaningful and comprehensive noise relief.

“Therefore, the City of Phoenix, on behalf of its residents, is filing a lawsuit against the FAA, alleging that the agency has created a negative impact on the Phoenix community without proper due process, notification, and consideration.”

In his letter to Phoenix, FAA’s Martin characterized the city’s meeting with FAA and airline officials last week as “productive” and said it “identified a number of adjustments that could provide some relief to the community,” including slight adjustments to northbound and westbound departures.

Balance between Airport, Quality of Life Upset

“For decades we have struck the right balance between operating an urban airport and protecting the quality of life of our nearby residents,” said Phoenix Mayor Greg Stanton.

“The FAA upset that balance when they – without notice – changed the departure routes at Sky Harbor. Despite numerous attempts to resolve this, the FAA has not proposed any meaningful changes. Therefore we’re left with no choice but to sue.”

While the City of Phoenix does not regulate flight paths, it said it has attempted to propose multiple alternative solutions that would dramatically reduce the number of residents affected while retaining 80 percent of the desired fuel and efficiency benefits of the controversial new routing. None of these options will be entertained by the FAA, however.

Phoenix Councilman Michael Nowakowski vowed to actively pursue collaboration with other cities that have been affected in similar ways due to the FAA’s RNAV flight changes as well as to work with the Phoenix’s federal delegation “to affect legislation that would reverse this type of action and prevent future actions by the FAA that have such unacceptable outcomes to our communities.”

The City noted that “FAA told Arizona’s Historic Preservation Office that noise from the new routes would not interfere with hearing people talking, television, radio, etc.,” but added, “That has proven untrue.”

“Transparency and fairness should be standards by which government functions so as to be accountable to the people. The FAA has not functioned openly, and as a result, Phoenix residents would be burdened further by unreasonably requiring them to replace windows in their historic homes to mitigate noise. It simply is not fair nor just,” said Councilwoman Laura Pastor.

Decades of Land Use Planning Upended

In a June 1 letter to FAA Administrator Michael Huerta informing him of the litigation, Phoenix City Manager Ed Zuercher said, “FAA’s rearrangement of flight routes since Sept. 18, 2014, upended decades of land-use compatibility planning that directed billions of dollars of private investment while the city invested hundreds of millions of dollars of noise mitigation efforts all based on the previous, stable flight tracks.

“FAA’s RNAV route changes have exposed tens of thousands of Phoenix residents to intolerable levels of noise that affect sleep, conversation and daily life. These residents were never given an opportunity to have a voice in the very process that has destroyed their quality of life.”

Zuercher told the FAA administrator that the city officials see “a similar pattern occurring with the FAA’s [Phoenix] Metroplex implementation process and are compelled to ask you to halt that process until you can guarantee proper airport operator and community involvement. The FAA is excluding the City from route design meetings and keeping the nature of airspace changes a secret to both airports and the community. This is completely inconsistent with the testimony provided in the last few months to Congress stating that airports are partners in the development of Metroplex PBN procedures.

“Partners are not excluded from discussions about changes that fundamentally affect people’s lives, land use, noise and airport capacity. While the FAA is partnering with the airlines to implement PBN, its policy in Phoenix, Los Angeles, and other cities is to otherwise keep secret the actual route changes until some future unspecified date.

“These actions by the FAA are unacceptable, and after eight months of patiently attempting to work with the FAA, it is clear at this point that no meaningful changes are planned to reduce noise impacts. We are now left with no choice but to file a petition with the Court to seek review of FAA’s unlawful process.”

FAA had no comment on the lawsuit, which is *City of Phoenix, Arizona v. Michael Huerta, Administrator of the Federal Aviation Administration and Federal Aviation Administration*. ANR does not yet have the case number.

Monitoring

B&K ANNOUNCES PARTNERSHIP WITH CA-BASED BRIDGENET INT’L

On June 3, Denmark-based Brüel & Kjær announced a partnership with California-based BridgeNet International to deliver more innovative and diverse products for airport customers.

B&K said the alliance is the first in its new ANOMS Business Partner Network and will expand BridgeNet’s global reach while capitalizing on the two companies’ strengths.

Brüel & Kjær's ANOMS (Airport Noise and Operations Monitoring System) currently assists more than 250 airports around the world with noise abatement processes and effective community relations to better manage their impact on neighboring communities, B&K said.

Incorporated into ANOMS, WebTrak delivers online real-time flight and noise information to the public for improved communication.

The first offering from BridgeNet is Flight 3D, which works with WebTrak to display flight tracks in three dimensions to make it easier for the public to visualize a plane's flight path relative to their location. Webtrak also makes it easier for users to understand airport-related information, such as noise and weather. Further offerings are in development and will be available later this year, B&K said.

"By providing enhanced information, our customers can build trust and strengthen engagement with surrounding communities," said Brüel & Kjær Global Sales Director Robert Brodecky. "We expect the partnership to spark new innovations and strengthen our ability help airports keep and grow their business."

"Our relationship with Brüel & Kjær will significantly help develop our business globally," said BridgeNet President Paul Dunholter. "This alliance will enable us to make the most of our individual abilities and provide customers with access to pioneering solutions."

ANOMS is an open and extensible platform for airport noise and operations management, B&K explained, adding that its ANOMS Business Partner Network "enables Brüel & Kjær to connect leading-edge solution providers with our customers."

ATC

TRB HOLDING SYMPOSIUM ON POTENTIAL ATC REFORMS

The Transportation Research Board (TRB) is sponsoring an event entitled "Air Traffic Control: A Symposium on Organizational Reform Options" on July 7 in Washington, DC, at the National Academy of Science, Engineering, and Medicine Lecture Hall.

Attendance at the event is by invitation only but it will be open to the public via a webcast from 9:00 a.m. to 5:30 p.m. EDT. Information about joining the webcast will be forthcoming. A brief summary of the presentations and discussions at the symposium will be prepared after the event.

The symposium will explore potential reform options for the Federal Aviation Administration's Air Traffic Control services.

Rep. Bill Shuster (R-PA), chairman of the House Transportation & Infrastructure Committee, wants the FAA's ATC services taken out of the agency and moved into a private corporation, although he has not defined what kind of corporation he would endorse.

Shuster has presided over several hearings on ATC privatization, which the airlines strongly support and FAA Administrator Michael Huerta says his agency is open to but warns that ATC privatization could have unintended consequences and may not be suitable for an air traffic system as complex as that in the United States.

Over 50 countries have privatized air traffic services but their traffic mix and total air traffic do not compare to that in the U.S.

It is unclear whether a provision to privatize FAA air traffic services will be included in legislation reauthorizing FAA's programs that Congress currently is working on and hopes to pass by the end of fy 2015 (Sept. 30). If it is, however, communities and airports will be very interested in who manages environmental matters in a privatized ATC system.

TRB said that panelists at its symposium "will share experiences with Air Navigation Service Providers (ANSPPs) in other nations. Aviation stakeholders will discuss the pros and cons of reform options on the aviation industry, as well as the impact of maintaining the status quo."

For questions regarding the symposium, please contact Jon Williams at JWilliams@nas.edu.

Modeling

FAA PROVIDING GUIDANCE ON HOW TO USE AEDT VERSION 2B

[Following is an announcement by Dr. Lourdes Maurice, executive director of FAA's Office of Environment and Energy, on FAA's issuance of Version 2B of the Aviation Environmental Design Tool (AEDT) and guidance on using it.]

The FAA's Office of Environment and Energy (AEE) is pleased to announce the public release of the Aviation Environmental Design Tool (AEDT) version 2b.

AEDT is a software system that models aircraft performance in space and time to estimate fuel consumption, emissions, noise, and air quality consequences. AEDT 2b is the comprehensive tool that officially replaces the Integrated Noise Model (INM – single airport noise analysis), the Emissions and Dispersion Modeling System (EDMS – single airport emissions analysis), and AEDT 2a (regional noise analysis) as the single required model for environmental compliance of airport actions as well as air traffic airspace and procedure actions.

AEDT is the result of a 10-year development effort to create a platform that streamlines the modeling of aviation's environmental consequences and allows the assessment of their interdependences.

Its ability to address studies ranging in scope from a single flight at an airport to scenarios at the regional, national, and global levels supports the needs of both compliance assessment and advanced research. Its software is based on the latest accepted modeling methodologies and its infrastructure,

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which is based on geographic information system (GIS) and relational database technologies, provides unprecedented presentation, integration, and scalability opportunities.

Along with the release of the software, AEE is also pleased to announce the release of the Guidance on Using the Aviation Environmental Design Tool (AEDT) 2b to Conduct Environmental Modeling for FAA Actions Subject to NEPA.

The guidance accompanies today's release of AEDT 2b as FAA's approved tool for use in NEPA analysis.

With the upcoming issuance of FAA Order 1050.1F and its Desk Reference, this guidance will be updated to reference the most current policy (i.e., FAA Order 1050.1F) and integrated into the FAA Order 1050.1F Desk Reference as an appendix.

Further information on AEDT and on how it can be obtained can be found on the AEDT website (<https://aedt.faa.gov/>). The updated guidance will also be posted on the AEDT Support Website for ease of reference.

NASA, from p. 82

well, Golden Valley, MN; Principal Investigator: Olu Olofinboba.

- Quiet Nozzle Concepts for Low Boom Aircraft: \$575,000 over two years; University of California, Irvine; Principal Investigator: Dimitri Pappamoschou.

- Evaluation of Low Noise Integration Concepts and Propulsion Technologies for Future Supersonic Civil Transports: \$599,000 over two years; GE Global Research, Niskayuna, NY; Principal Investigator: Kishore Ramakrishnan.

- Waveforms and Sonic Boom Perception and Response Risk Reduction: \$337,000 for one year; Applied Physical Sciences, Groton, CT; Principal Investigator: Jeffrey Allanach.

- Risk Reduction for Future Community Testing with a Low-Boom-Flight Demonstration Vehicle: \$393,000 over one year; Fidell Associates, Woodland Hills, CA; Principal Investigator: Sanford Fidell.

NASA said the awards to Applied Physical Sciences and Fidell Associates are guaranteed only for the first year. One of the two firms will be selected to receive about \$450,000 a year for two more years.

In the recently-released 20-year research roadmap for its Aeronautics Program, NASA said it hopes to see the introduction of supersonic civil air transportation in the 2025-2035 timeframe (27 ANR 70).

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

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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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June 12, 2015

Appropriations Bill

AMENDMENTS AID PHOENIX, E. HAMPTON; FAA SHARPLY CRITICIZED ON HOUSE FLOOR

Amid biting criticism of the Federal Aviation Administration's implementation of NextGen PBN procedures, the U.S. House of Representatives approved amendments to the Department of Transportation, Housing and Urban Development (THUD) FY 2016 appropriations bill this week that would aid Phoenix and East Hampton in their efforts to mitigate aircraft noise.

But the House also rejected amendments, strongly opposed by the aviation industry, that would have allowed nighttime curfews at Washington Reagan National Airport and Bob Hope Airport.

The funding bill passed the House June 9 on a vote of 216 to 210. It still must be passed by the Senate and signed by President Obama for its provisions to have the force of law. It is unclear when the Senate will take action on its own THUD appropriations bill.

The House approved a floor amendment to the THUD bill by Arizona Rep. Ruben Gallego (D) that would bar the FAA from moving forward with its Phoenix Metroplex Plan – the redesign of the regional airspace in the Phoenix area – while
(Continued on p. 87)

NextGen

FAA INITIATES COMMUNITY INVOLVEMENT EFFORTS IN RESPONSE TO NAC 'BLUEPRINT'

The Federal Aviation Administration concurs with the NextGen Advisory Committee's recommendation that affected communities and local political jurisdictions should be involved at the outset in implementing NextGen Performance Based Navigation procedures, Joshua Gustin, FAA's program manager for Performance-based Navigation, told the NAC at its June 5 meeting in Washington, DC.

The FAA official presented the agency's formal response to the NAC's "Blueprint for Success to Implementing Performance Based Navigation," which recommends, among other things, that community organizations, non-government organizations, community advisory groups, airport/community roundtables, and similar "non-technical" stakeholders be involved in the initial planning and development of PBN procedures.

"RTCA is highly commended" for its recommendations in the area of community involvement, FAA told the NAC. As a result of these recommendations and FAA's internal review of community issues, FAA said it has initiated the following three new and expanded efforts in the area of community involvement to complement and enhance other FAA efforts: (1) a revision of FAA's 25-year old Commu-

(Continued on p. 88)

In This Issue...

Legislation ... FAA's "arrogant vanity" is derided on the House floor as amendments are approved to THUD appropriations bill that would:

- Bar FAA from moving on its metroplex plan for the Phoenix area until it resolves noise problems caused by flight path changes;
- Bar FAA from using funds to take administrative, legal action against or to impose penalties against East Hampton for its adoption of airport noise restrictions - p. 86

PBN ... FAA tells the NextGen Advisory Committee that it has initiated three new efforts to improve, enhance community involvement in the implementation of PBN procedures - p. 86

Airspace Redesign ... FAA seeks public comment on the Draft EA for the Southern California Metroplex project, which includes 109 new NextGen arrival and departure procedures, affects 21 airports, and will have no significant noise impact, FAA says - p. 88

Amendments, from p. 86

serious noise issues resulting from last September's changes to departure paths at Phoenix Sky Harbor International Airport remain unresolved.

Last September the FAA implemented NextGen RNAV departure procedures at Sky Harbor that altered long-standing flight paths at the airport.

"The changes were made without meaningful input or consultation with community members or civic leaders in the Phoenix area, and have caused severe noise disruption for the citizens of Phoenix and lowered their quality of life," said Rep. Gallego.

He said his amendment "will ensure that the FAA does not proceed with changes to the regional airspace until the issues in Phoenix are resolved. It will also set a precedent regarding aircraft noise and its impact on local communities, as the NextGen program moves forward across the nation."

Added Rep. David Schweikert (R-AZ), "It is time the FAA works with local stakeholders in a meaningful manner, as equal partners, in order to mitigate the noise impact the new NextGen flight paths have caused on our communities. By preventing the FAA from moving forward with the Phoenix Metroplex program, this amendment ensures that the FAA is responsive to the citizens of Arizona whose lives have been disrupted by the flight path changes implemented at Phoenix Sky Harbor."

Gallego's amendment came just three days after the City of Phoenix filed suit against the FAA in federal appeals court seeking to force FAA to reopen its consultation on the RNAV departure procedures implemented at Sky Harbor and to conduct an environmental review of the City's proposal to revert to the original departure paths employing NextGen technology on them (27 ANR 82).

Zeldin Amendment

The House also approved a floor amendment by Rep. Lee Zeldin (R-NY) that would prohibit the FAA administrator from using funds to take administrative or legal action or to impose penalties against the Town of East Hampton for its adoption of noise restrictions at East Hampton Airport.

It is unclear what impact the amendment would have on the Part 16 complaints and lawsuits aviation interests filed with the FAA and in the courts challenging the restrictions.

Zeldin said his amendment was needed because FAA had recently begun to waiver on assurances it made in 2012 that the Town of East Hampton could adopt restrictions on the use of its airport without FAA approval after certain federal grant assurances expired at the end of 2014.

Schiff Amendment

The House voted down an amendment by Rep. Adam Schiff (D-CA) that would have prohibited the use of DOT funds to enforce Section 47524 of Title 49 of the US Code [FAA's Part 161 regulations] with regard to noise or access restrictions at Bob Hope Airport.

In 2009, the FAA rejected the airport's Part 161 study supporting a nighttime curfew. Schiff's amendment would have provided a way for the airport to skirt the Part 161 regulations.

The amendment, which was defeated by a vote of 266 to 157, was strongly opposed by aviation trade groups led by the Aircraft Owners and Pilots Association (AOPA).

AOPA and seven other GA and airline groups sent a joint letter to House Appropriation Committee leaders on June 5, urging them not to restrict operations at Bob Hope Airport. In the letter, the groups pointed out that proposed restrictions "would have a devastating impact on communities, travelers, and local businesses" as well as the national aviation system.

The aviation groups also told the Appropriations Committee leaders that the amendment and others like it would circumvent the requirements of the Airport Noise and Capacity Act of 1990, "setting a dangerous precedent."

"We appreciate the strong no vote on this amendment from members of the House," said Scott Verstandig, AOPA director of legislative affairs. "The aviation community is happy to work with airport neighbors to manage noise but proposals that could lead to a patchwork of local requirements at airports around the country are not the best way to address noise concerns."

In addition to AOPA, the letter was signed by representatives of Airlines for America, the Air Line Pilots Association, the Cargo Airline Association, the General Aviation Manufacturers Association, the Helicopter Association International, the National Air Transportation Association, and the National Business Aviation Association.

Norton Amendment

The House also voted down a floor amendment by Rep. Eleanor Holmes Norton (D-DC) that would have barred night flights at Washington Reagan National Airport from midnight to 6 a.m.

Norton, who is a member of the House Transportation & Infrastructure Committee and its Aviation Subcommittee, said she will bring the matter up with those bodies.

Under the House bill, the FAA would receive \$15.9 billion in fy 2016, a \$137 million increase compared to fy 2015. The bill would provide \$3.35 billion for the Airport Improvement Program. It also would allocate \$9.85 billion for the FAA's Operations account, \$2.5 billion for Facilities and Equipment, and \$156.8 million for the Research, Engineering, and Development.

FAA's 'Arrogant Vanity'

Most striking in the House debate of the FY 2016 THUD appropriations bill was the harsh criticism the FAA was subjected to on the House floor by some members of Congress venting anger over their efforts to work with the agency to mitigate the noise impact of NextGen flight path changes.

An exasperated Rep. Schweikert (R-AZ), whose district includes parts of Phoenix, told his House colleagues: "I have a downtown airport, and then the FAA goes and starts to

change the flight patterns. When it becomes one of the biggest issues of all at our congressional offices, [the FAA] is arrogant; they don't return calls. We point out the fact that they are violating last year's law [requiring FAA to report to Congress on its progress in mitigating noise from NextGen flight path changes out of Sky Harbor International Airport], and they just grin at you and then walk out of the meeting with this sort of arrogant vanity."

Schweikert offered this warning to other members of Congress: "For those of you who think this is exclusively a Phoenix problem, just wait because your city could be next and then you will be dealing exactly with the same FAA relationship that we are dealing with right now, [an agency] that is not responsive to the concerns of the local politicians, the Members of Congress, and the citizens."

'FAA Needs to Be Accountable'

Noting the various amendments concerning aircraft noise that were offered during the course of the House debate on the THUD appropriations bill, Rep. David Price (D-NC), Ranking Member of the Transportation THUD appropriations subcommittee, said "FAA must be more proactive in responding to concerns that are raised by communities. These are legitimate concerns and the FAA needs to be accountable."

He also noted that he was aware that the agency had missed the deadline for submitting the congressionally-ordered report on FAA's progress mitigating the noise problem caused by flight path changes at Phoenix.

Said one observer to ANR, "I'd be very worried if I were [FAA Administrator Michael] Huerta."

NAC, from p. 86

nity Involvement Manual, (2) development of a community involvement plan, and (3) formation of a Noise Complaint Initiative working group.

- **Revision of Community Involvement Manual:** FAA said it is undertaking an agency-wide effort to revise its Community Involvement Manual (FAA-EE-90-03), issued in 1990, "to provide a high-level document that serves as a guide for a broad range of community involvement efforts."

FAA's Office of Environment and Energy will lead the effort in collaboration with a working group of representatives from FAA lines of business and staff offices. "The working group will identify stakeholders and subject matter experts to provide input on effective approaches and practices, as well as lessons learned," FAA said.

- **Community Involvement Plan:** FAA's Environmental Policy Team in the Airspace Services Directorate is developing a community involvement plan "that will examine community outreach practices and seek methods to improve on inclusivity and transparency," FAA explained in its response to the NAC.

FAA will use the goals and tasks contained in its 1995

Community Involvement Policy Statement (included as Appendix 10 in FAA Order 7400.2, *Procedures for Handling Airspace Matters*, issued in February 2014).

"A short-term focus of the Community Involvement Plan is to implement additional measures within the framework of FAA Order 7100.41, *PBN Implementation Process*, and supporting guidance documents to ensure the application of and consistency with good community involvement practices," FAA told the NAC.

FAA also stressed that it concurs that participation of airport authority representatives "is a critical component" of successfully implementing new PBN initiatives and procedures.

The FAA PBN Program Office "believes the contribution of the airport authority is essential to this process, and will notify the FAA Office of Airports when the decision is made to investigate the development of any new PBN procedure for that airport. The FAA Office of Airports will work with the PBN Program Office to identify the key executive/individuals at airport authorities who should be aware of new PBN procedures," FAA told the NAC.

The identified airport officials will be notified and invited to participate in the PBN work group throughout the process by the responsible FAA Service Center, FAA said.

The agency also stressed that, regardless of the level of National Environmental Policy Act review completed for a PBN procedure, "the FAA will utilize its expanded community involvement strategy for all PBN implementations, as appropriate." It's unclear what the qualifier "as appropriate" at the end of the sentence means, however.

- **Noise Complaint Initiative (NCI):** FAA told the NAC that it also has formed a NCI working group "to identify how FAA can more efficiently and effectively address noise complaints in a clear, consistent, and repeatable manner that is responsive to the public and applies the best use of FAA resources."

FAA's formal response to the NAC's "Blueprint for Success in Implementing PBN" Recommendations can be downloaded at <http://www.rtca.org/nac> (Scroll down to 2015 meetings.)

NextGen

FAA SEEKS COMMENT ON DRAFT EA ON S. CALIF. METROPLEX PLAN

The Federal Aviation Administration announced June 10 that it is seeking public comment on the Draft Environmental Assessment (Draft EA) for the Southern California Metroplex project, a comprehensive proposal to improve the flow of air traffic into and out of Southern California from Santa Barbara in the north to San Diego in the south, and to Palm Springs in the east.

The project proposes to replace dozens of existing con-

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ventional air traffic procedures with new satellite-based procedures, which are a key component of the FAA's Next Generation Air Transportation System (NextGen). The Metroplex proposal encompasses most of Southern California and six major airports.

The public has 30 days to comment on the Draft EA. The FAA will hold 11 public workshops on the document between June 16 and July 1. After evaluating and responding to all substantive public comments, the FAA said could adopt the entire proposal, adopt portions of it, or modify it.

"Public engagement and participation in the Southern California Metroplex process is critical," said FAA Administrator Michael Huerta. "We take public input very seriously, and we strongly encourage people, agencies and officials to learn about, and weigh in on, this proposal."

In all, the proposed Southern California Metroplex project includes 109 new satellite-based procedures – 50 departures, 37 arrivals and 22 approach procedures that guide aircraft down until they're very close to their destination airports. The project also expands the number of entry and exit points into and out of the Southern California airspace.

Noise modeling for the project was conducted using FAA's Noise Integrated Routing System (NIRS) Version 6.1. The modeling calculated noise at more than 175,000 points throughout the study area. It indicates the proposed action would not result in any significant or reportable noise impacts.

Comments on the project can be submitted by email (9-ANM-SoCalOAPM@faa.gov), in person at the public workshops, and by writing to: SoCal Metroplex EA, FAA Western Service Center – Operations Support Group, 1601 Lind Avenue SW, Renton, WA 98057.

The Draft EA is available online at: http://www.metroplexenvironmental.com/socal_metroplex/socal_introduction.html.

Affected Airports

FAA said the SoCal Project would improve the efficiency of airspace in the Southern California Metroplex by optimizing aircraft arrival and departure procedures at Bob Hope (Burbank) Airport (BUR), Camarillo Airport (CMA), McClellan-Palomar Airport (Carlsbad) (CRQ), Fullerton Municipal Airport (FUL), Los Angeles International Airport (LAX), Long Beach Airport (Daugherty Field) (LGB), Camp Pendleton MCAS (Munn Field) Airport (NFG), Point Mugu Naval Air Station (NTD), North Island Naval Air Station (NZY), Ontario International Airport (ONT), Oxnard Airport (OXR), Palm Springs International Airport (PSP), San Diego International Airport (SAN), Santa Barbara Municipal Airport (SBA), Brown Field Municipal Airport (SDM), Santa Monica Municipal Airport (SMO), John Wayne-Orange County Airport (SNA), Jacqueline Cochran Regional Airport (TRM), Bermuda Dunes (UDD), Miramar Marine Corps Air Station (NKX) and Van Nuys Airport (VNY).

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Legislation

SHUSTER HOPES TO INTRODUCE BILL BY END OF JUNE TO PRIVATIZE FAA'S ATC

Asserting that “it’s time for a transformational change” of the U.S. aviation system, the Chairman of the House Transportation & Infrastructure Committee Bill Shuster (R-PA) said he hopes to introduce legislation to privatize the Federal Aviation Administration’s air traffic control services by the end of June.

Shuster expects the T&I Committee to consider the FAA reauthorization bill “soon after that” and believes the legislation could be on the House floor in July.

“What we need is a U.S. aviation system that’s built for the future. And now we need to move forward,” Shuster told the Aero Club of Washington, DC, June 15.

It will likely become clear when Shuster’s bill is introduced what impact it will have on the development and implementation of NextGen Performance-based Navigation (PBN) procedures and the assessment and mitigation of their environmental impacts.

ANR asked the T&I Committee if the bill specifies whether the FAA or the privatized ATC corporation would develop new PBN procedures and asses their envi-

(Continued on p. 91)

Chicago O’Hare Int’l

NEW AVIATION COMMISSIONER DEVELOPING GOOD NEIGHBOR POLICY, ‘NOISE ACTION LIST’

Chicago’s new Aviation Commissioner Ginger Evans told the City Council’s Aviation Committee June 16 that she is in the process of developing a “good neighbor policy” for O’Hare International Airport.

Asked by several City Council aldermen about her commitment to finding ways to mitigate the noise impact of a major runway realignment at O’Hare that has caused an uproar in communities newly exposed to aircraft noise, the new commissioner told the committee that she has a “noise task action list” but did not elaborate, the *Chicago Tribune* reported.

Evans, an engineer with 30 years experience in managing airport projects, comes from the Washington, DC, Metropolitan Washington Airports Authority, which manages Dulles International Airport and Regan National Airport.

She steps into the role of leading O’Hare International Airport at a moment when local elected leaders and legislators – frustrated by Chicago Mayor Rahm Emanuel’s inaction – have begun moving on their own to find ways to mitigate the noise impact caused in late 2013 when a new runway opened at O’Hare and the airport transitioned to an east-west runway alignment to improve airspace efficiency.

(Continued on p. 93)

In This Issue...

Legislation ... House T&I Committee’s FAA reauthorization bill expected to be introduced by the end of June; will include provisions to privatize FAA’s air traffic control services - p. 90

Chicago O’Hare Int’l ... New aviation commissioner tells City Council’s Aviation Committee she is developing good neighbor policy, noise action list for O’Hare - p. 90

Research ... NASA and its German counterpart agree in MOU to work together on research to reduce aircraft noise - p. 91

... GE will explore new methods to reduce engine noise during takeoff, landing of supersonic aircraft - p. 91

... UK researchers looking at bringing back seaplanes to reduce noise, take pressure off airports to grow - p. 92

News Briefs ... FAA reviewing proposed Part 150 program for Lafayette, LA, Regional Airport - p. 93

FAA Reauthorization, from p. 90

ronmental impact. The Committee did not respond to that inquiry.

Shuster said his legislation will:

- Ensure safety remains the highest priority of our aviation system – FAA will retain its safety oversight and regulatory missions;
- Establish a federally chartered, fully independent, not-for-profit corporation to operate and modernize the ATC system, “free from the volatile funding uncertainty, political meddling, and bureaucratic inertia that have plagued FAA and our ATC system in years past”;
- Establish a “stable, self-sustaining, fair user fee structure, insulated from the federal budget process and threats of related sequesters, furloughs, agency closures, and shutdowns”;
- Establish a board of aviation system users to govern the corporation and set priorities, with fair representation of users and the public interest, and with steps to ensure the board has no conflicts of interest and is not dominated by any one group;
- Ensure fair treatment of current ATC employees, and enhance their involvement in modernization.
- Sever ATC and modernization from the “highly inefficient” federal procurement system.
- Prioritize avoiding any adverse effects on safety, and maintaining the day-to-day function of the ATC system and NextGen implementation during transition.
- Result in operating efficiencies that will save taxpayers billions of dollars annually, plus prevent the waste of billions more on failed modernization efforts.

Shuster’s bill also would give FAA greater authority to delegate certain aviation technology certification functions to private industry.

Research

NASA, GERMANY’S DLR SIGN MOU ON AIRCRAFT NOISE RESEARCH

The National Aeronautics and Space Administration (NASA) and the German Aerospace Center (DLR) have signed agreements to work together to reduce aircraft noise and advance research into rotorcraft, NASA said June 16.

The agreements were signed this week at the Paris Air Show during a bilateral meeting between Jaiwon Shin, associate administrator for NASA’s Aeronautics Research Mission Directorate in Washington, and Rolf Henke, of DLR’s Executive Board Member for Aeronautics Research.

“NASA and DLR have had a successful research relationship for many years now,” said Shin. “These agreements will ensure that productive collaboration continues as we work together solving challenges that will benefit a global aviation community and flyers worldwide.”

“In recent years, we have brought our scientific strengths together in several projects, including joint research flights for more efficient and environment-friendly aircraft.” said Henke. “We are now expanding this successful collaboration into the research areas of aircraft noise and rotor craft.”

NASA said that, under the first agreement, “NASA and DLR will research advanced methods for predicting aircraft system noise and establish validation guidelines for comparison. Developing aircraft noise reduction technologies that don’t adversely affect the environment and increasing efficiency in the aviation sector are major challenges that need to be solved to enable sustainable growth in air transportation in the face of more stringent environmental regulations.”

Each agency will run high-fidelity noise predictions on two virtual aircraft configurations – a model of an aircraft with overwing turbofans and another with turbofans under the wings. As the basis for noise prediction, scientists will use acoustic measurement data acquired by DLR in previous scientific flights.

NASA and DLR will partner under the second agreement to develop a new blade imaging technique that will allow the study of airflow over helicopter blades while in flight. Scientists want to determine at what point the smooth, or laminar, airflow goes turbulent as the blades change pitch within the airstream causing a loss of lift. Blade imaging also can help characterize how and when the rotors cause turbulent airflow during forward flight.

SSTs

GE SEEKS TO REDUCE SST ENGINE NOISE DURING TAKEOFF, LANDING

Scientists at GE Global Research will explore new methods for reducing jet engine noise during takeoffs and landings of supersonic aircraft under a two-year, \$599,000 research project funded by the National Aeronautics and Space Administration.

On June 3, NASA announced that it will spend \$2.3 million to fund eight studies selected by its Commercial Supersonic Technology Project to overcome the remaining barriers to commercial supersonic flight (27 ANR 82). The GE study is one of those.

Using high fidelity models, noise characteristics can be studied and design solutions identified to make supersonic aircraft quieter, GE Global Research – the hub of technology for all of GE’s businesses – explained.

While achieving an acceptable sonic boom level is viewed as the key barrier to future supersonic overland flight, noise around airports during takeoff and landing of high-speed aircraft also would be a challenge, GE Global Research said. Reducing noise is one of the research priorities of NASA’s vision to develop commercially viable supersonic transport.

“As a manufacturer of jet engines, wind turbines, and

other powerful machines, we're always looking for new and better ways to make them run as quietly as possible," said Kishore Ramakrishnan, principal investigator on the NASA program and member of the Aerodynamics and Acoustics Lab at GE Global Research.

"GE has developed extensive high fidelity simulation tools and design concepts for noise reduction in our commercial and military engines, and we now plan to leverage that technology to reduce propulsion noise for this application. We also are teaming with Lockheed Martin to understand the impact of these concepts on overall aircraft performance and sonic boom characteristics."

With the retirement of the Concorde in 2003, supersonic air travel has ceased to exist in the commercial airline world. Aircraft like the Concorde were capable of flying at twice the speed of sound. Today, a typical subsonic commercial flight at cruising altitudes flies in the 500-600 mph range, GE Global Research noted.

The primary sources of aircraft noise affecting communities around airports are the engine and the aerodynamics of the aircraft itself as it flies through the air. As part of this research project, GE scientists will build upon past work with NASA and Lockheed Martin and focus on optimizing engine integration with the aircraft in addition to technologies to reduce fan and jet noise from the engine itself.

Back to the Future

RETURN TO SEAPLANES COULD REDUCE NOISE IMPACT

Researchers from the UK's Imperial College of London Department of Aeronautics have developed a design concept for a medium- to long-range seaplane, which they say may reduce the pressure on airports to expand and would reduce aircraft noise impact.

The design takes its inspiration from the flying boat airplanes of the 1940s, which had a V shape hull, giving the plane buoyancy and navigability when landing and taking off from the water.

The seaplane has a 'blended wing body' configuration, where its hull slopes upwards to blend seamlessly into the underside of the aircraft's wide wings, lending it a more streamlined appearance. This design has the advantage of reducing air resistance, or drag, when it is in the air, which could make it more fuel efficient.

The team said their largest concept seaplane design would have the capacity to carry up to 2,000 passengers at a time. This is compared to the world's largest passenger airliner currently in operation, the Airbus A380, which can hold only to 800 passengers in a trip.

In a study published by the Royal Aeronautical Society, the researchers assessed the possibility of using highly advanced waterborne aircraft as an alternative to conventional planes for trans-Atlantic travel. The team showed that such a

radical design could be feasible, although further design refinements would be needed.

Dr. Errikos Levis, from the Department of Aeronautics at Imperial, said: "For many people the majestic seaplanes of the 1940s evoke a more romantic era in aviation history. However, when it came to efficiency and the sheer volume of people that they needed to carry, these planes couldn't compete with the newer passenger aircraft coming on to the market in the 1950s and they quickly lost their appeal.

"In the Twenty First Century, the aviation industry is facing new challenges and we wanted to show a radical approach to the constraints on land-based airports, and look at how advanced seaplanes, using today's technology, could once again become an alternative mode of travel for long-haul flights."

However, the study has shown the team that while the seaplane concept has its advantages, there are a number of challenges that would need to be ironed out before these planes could be used by the aviation industry.

One of the issues the team faced when designing their seaplane concept was the lack of data available for them to factor in the constraints of using the ocean as a runway. When designing a conventional plane, engineers take into account various characteristics of the aircraft, ensuring it will be able to take off and land safely within the confines of a regular runway. The Imperial team had little or no data about factors such as the impact of shipping lanes and coastal geology.

To overcome this challenge the researchers used similar formulas to those used in designing conventional aircraft, and with a very conservative estimate of the aircraft's potential weight, the engineers were able to calculate the size of the wings needed to produce the correct amount of lift, and the necessary power needed to take off within a set distance.

Dr. Levis experimented with different seaplane configurations, studying their hull shapes and wing sizes, and concluded that the largest plane design was the most efficient in terms of fuel consumption and stability in rough seas. However, the fuel efficiency achieved still falls short compared with conventional aircraft of comparable size. With further modifications to the design of the hull shape and a reduction in the structural weight of the plane, Dr. Levis suggests that a modified design may be able to compete with the fuel efficiencies of conventional aircraft.

The colossal size of the seaplane design could have another advantage say the team, enabling it to use environmentally friendly hydrogen fuel, which has no harmful emissions. Hydrogen fuel takes up four times the amount of space of traditional kerosene fuel and is currently impractical for conventional aircraft to store.

However, given the huge financial constraints on developing a fleet of aquatic aircraft and the associated infrastructure needed to operate them, the team said that it would be difficult to envisage these aircraft taking to the skies in the near future. Nevertheless, the next step for Dr. Levis and his team will be to refine existing formulas and prepare the designs for much more detailed modeling.

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O'Hare, from p. 90

In early June, the Chicago Department of Aviation signed a memorandum of understanding with 13 members of the IL General Assembly under which it agreed to hold off from decommissioning two diagonal runways at O'Hare slated for closure until it holds at least three meetings with members of Fair Allocation in Runways (FAiR) community coalition.

The goal of the meetings is to find a way to reduce the noise impact of the east-west runway realignment.

FAiR – which boasts that it now has 2,200 members and is still growing – wants the diagonal runways kept open and used to spread the air traffic east-west direction.

Both chambers of the Illinois Legislature also voted overwhelmingly to support Senate Bill 636 which raises the allowable number of runways at O'Hare from eight to ten, which would allow preservation of the diagonal runways. Illinois Gov. Bruce Rauner has not yet signed the bill.

In related action, aviation experts hired by the Suburban O'Hare Commission (SOC), which represents 11 governmental entities around O'Hare, concluded that more new runways will not be needed at the airport until 2034 because FAA's air traffic forecasts for the airport have fallen so short of projections.

Joseph Del Balzo, of Maryland-based JDA Aviation Technology Solution, told SOC that the two diagonal runways scheduled for demolition should be preserved and used to reduce air traffic noise concentrations east and west of the airport and for use in certain wind conditions.

Chicago needs to spend money on gates, not runways, Del Balzo told SOC. Adding more runway at O'Hare at this point would only increase delays on O'Hare's overtaxed terminals and gates, he contended.

Former Chicago Aviation Commissioner Rosemarie Andolino stepped down in November 2014 under pressure from FAiR and political leaders who wanted more done to address aircraft noise impact.

In Brief...

Lafayette Part 150 under Review

FAA announced June 5 that it is reviewing a proposed Part 150 airport noise compatibility program for Lafayette Regional Airport in Lafayette, Louisiana.

The agency will complete its review of the proposed program on or before Nov. 24.

For further information, contact Tim Tandy in FAA's Southwest Region; tel: (817) 222-5644.

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 27, Number 24

July 1, 2015

East Hampton Airport

JUDGE UPHOLDS CURFEWS; PRELIMINARILY ENJOINS ONE-TRIP-PER-WEEK RESTRICTION

On June 26, a federal district court judge affirmed the Town of East Hampton's legal right to impose two nighttime curfews on operations at East Hampton Airport, saying "it cannot be argued that the Town lacked the data to support a finding of a noise problem at the airport."

However, U.S. District Judge Joanna Seybert preliminarily enjoined the Town from enforcing a third use restriction – a one-trip-per-week limit on noisy aircraft during the summer season – on the ground that it is unreasonable.

Calling the one-trip-per-week restriction "drastic," the judge said "there is no indication that a less restrictive measure would not also satisfactorily alleviate the Airport's noise problem."

The two curfews (one from 11 p.m. to 7 a.m. on all aircraft and the other from 8 p.m. to 9 a.m. on "noisy" aircraft) will go into effect on July 2 at 12:01 a.m.

The one-trip-per-week limit is now enjoined until the judge issues a final ruling in the lawsuit, which was filed by a coalition of helicopter operators and their sup-

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Canada

PROTOCOL SEEKS TO IMPROVE PUBLIC ENGAGEMENT ON CHANGES TO FLIGHT PATHS

In an effort to improve consultation with communities affected by flight path changes around major Canadian airports, NAV CANADA and the Canadian Airports Council on June 17 issued an Airspace Change Communications and Consultation Protocol.

The protocol outlines a strong commitment by Canada's air sector to improve consultation with communities affected when flight path changes are proposed around major airports. It also will provide better coordination and management of noise concerns from the community.

"Together with airlines and airports we are committed to engaging with communities. This new protocol provides a framework for improved dialogue and better consideration of community noise issues in the flight path design process," said John Crichton, President and CEO, NAV CANADA.

"We will not always be able to eliminate the impacts of aviation activity but we are committed to meaningful dialogue with communities in order to achieve as much as possible, consistent with safety and overall environmental considerations.

"Canada's airports appreciate that the vital social and economic roles they serve

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porters just days after the Town adopted its airport use restrictions on April 16.

Judge Seybert's current ruling, which is expected to be appealed by the plaintiffs, stems from their motion for a temporary restraining order (TRO) barring the Town from enforcing its restrictions pending the outcome of the litigation. The FAA told the Court that it supports the TRO motion.

But in a June 25 letter to FAA Administrator Michael Huerta, Sen. Charles Schumer (D-NY) urged the agency to "withdraw from the legal fight over the East Hampton Airport noise ordinances and to allow the community to implement the rules they feel are necessary to maintain their quality of life."

"Previously, the FAA indicated it would not take or support legal actions against the Town of Easthampton if it established reasonable airport use regulations, so the FAA decision to support the temporary restraining order (TRO) was disappointing and inconsistent," the senator wrote.

He urged the FAA "to refrain from joining in any further legal action in this matter, especially as it relates to the underlying merits of the case."

All three airport use restrictions are aimed at reducing the increasing numbers of helicopter operations ferrying vacationers to the Hamptons on summer weekends. The number of such operations increased almost 50 percent in 2014 compared to the previous year causing noise complaints – and residents' demands that their elected officials act – to increase.

Ruling Provides Roadmap

The most important thing about the ruling is that it provides the Town and others with a pretty clear roadmap on how to enact airport use restrictions in a lawful manner, Peter Kirsch of the Denver law firm Kaplan Kirsch & Rockwell, who represents the Town in the litigation, told ANR.

The judge's ruling provides a thorough discussion of the law as it applies to airport use restrictions and clarifies the law in a number of critical areas that will be useful to airport authorities, Kirsch said.

For instance, Judge Seybert rejected the plaintiffs' argument that the Airport Noise and Capacity Act of 1990 (ANCA) displaced the so-called "proprietor exception" in federal court rulings, which allows airport authorities to impose noise restrictions that are "reasonable, non-arbitrary, and non-discriminatory" in order to reduce their liability for noise damages.

"Plaintiffs are correct that ANCA directed the Secretary of Transportation to "establish by regulation a national program for reviewing airport noise and access restrictions on the operation of stage 2 and stage 3 aircraft 49 U.S.C. § 47524(a)," Judge Seybert wrote.

"However, under Section 47526 of ANCA, entitled, "Limitations for noncomplying airport noise and access restrictions," the only consequences for failing to comply with

ANCA's review program are that the "airport may not: (1) receive money under [the Airport and Airways Improvement Act]; or (2) impose a passenger facility charge under [49 U.S.C. § 40117]."

"This provision raises an obvious question. If Congress intended to preempt all airport proprietors from enacting noise regulations without first complying with ANCA, why would it also include an enforcement provision mandating the loss of eligibility for federal funding and the ability to impose passenger facility charges?"

"The logical answer is that Congress intended to use grant and passenger facility charge restrictions to encourage, but not require, compliance with ANCA," the judge wrote.

Waiting for FAA Response

Part of Judge Seybert's ruling that does concern Kirsch – and has the potential to invalidate East Hampton's use restrictions – is her statement that she is "sorely tempted" to issue a ruling that the FAA is statutorily obligated to enforce the Town's grant assurances notwithstanding the FAA's commitment not to enforce three grant assurances in a 2005 legal settlement agreement.

The Town of East Hampton enacted its use restrictions based on that settlement agreement, which ended FAA's enforcement of several grant assurances at the end of 2014 rather than in 2021 when their 20-year term expires.

Among the grant assurances that expired at the end of 2014 under the settlement was Grant Assurance 22(a), which requires the Town to make its airport available for public use "on reasonable terms and without unjust discrimination to all types, kinds, and classes of aeronautical activities ..."

In an unsigned informal legal opinion sent to former Rep. Tim Bishop (D-NY) in 2012, someone at FAA told East Hampton that the agency would not, as of Dec. 31, 2014, "initiate or commence an administrative grant enforcement proceeding in response to a complaint from aircraft operators ... or seek specific performance of Grant Assurances 22a, 22h, and 29" unless and until the FAA awarded a new AIP grant to the Town.

The helicopter operators asserted that the FAA is statutorily obligated to ensure that the Town complies with Grant Assurance 22(a) until September 2021 and neither the 2005 settlement agreement nor FAA's response to Rep. Bishop relieve the FAA from carrying out that duty.

Judge Seybert appears to agree with plaintiffs, noting in her ruling that the agency, in its own Part 16 administrative rulings, has stated that the "FAA can neither bargain away the rights of access to public-use taxiways and movement areas nor waive ... grant assurances."

Judge Seybert said she will not rule on the scope of FAA's duties to enforce grant assurances without first providing the FAA an opportunity to be heard.

Town Officials Pleased

East Hampton Supervisor Larry Cantwell said, "We're pleased the judge has acknowledged that the Town was justi-

fied in adopting restrictions to provide relief to the growing number of people who are negatively affected by aircraft noise. Although we regret that one of the key laws cannot be enforced for the time being, we are gratified that the Court recognized that the law allows the kind of restrictions that are essential to protect the residents of the Town.”

Town Councilwoman Kathee Burke-Gonzalez called the judge’s decision an important first step, but added, “we must recognize that our opponents are well funded and will not give up easily. This will be a long process, not just for the pending case in federal court but also for the many other actions filed against operations at the Airport.

ANR is seeking comment from the plaintiffs.

Mather

QUIETER FLIGHT PATHS WILL BE SOUGHT UNDER SETTLEMENT

Quieter flight paths will be sought under a legal settlement agreement announced June 24 by the City of Folsom, CA, and Sacramento County that ends litigation challenging Sacramento County’s adoption of the Mather Airport Master Plan and related environmental documents.

Under the terms of the agreement, the City of Folsom, with the technical assistance of Sacramento County, will explore alternative flight paths into Mather Airport that have the potential to reduce noise impacts in the City.

The County has agreed to cooperate with the City as it explores alternative flight paths with the FAA, the cargo carriers, and surrounding communities while informing air cargo carriers that noise issues are a priority of the City of Folsom.

The City of Folsom also will identify improved nighttime noise abatement procedures to reduce noise exposure for flights into Mather Airport during nighttime and early morning hours.

In addition, the County of Sacramento has agreed to not sue the City of Folsom based on Mather-related issues – including the planned development south of Highway 50 – provided aviation easements remain in place in the newly annexed area of Folsom.

“The City and County will work cooperatively and in good faith to reduce noise impacts, identify alternative flight paths into Mather Airport and to reexamine the nighttime noise abatement procedures,” said Mayor Andy Morin.

“The settlement strikes a balance, with the mutual goals of minimizing noise impacts in the City from cargo jets and offering relief for Folsom residents who are impacted by noise while recognizing the County’s desire to implement the approved Mather Airport Master Plan.”

“It’s satisfying to know that local governments, including the City of Folsom and County of Sacramento, can work to resolve our differences without costly litigation,” said Phil Serna, Chairman of the Sacramento Board of Supervisors.

Business Jets

NBAA ISSUES UPDATED BIZ JET NOISE ABATEMENT PROGRAM

On June 25, the National Business Aviation Association (NBAA) released an updated Noise Abatement Program (NAP), which provides business aviation operators and airport authorities with recommended guidelines for reducing aircraft noise impacts to communities surrounding airports.

The safe, standardized, and straightforward operating procedures were developed for today’s business jet aircraft, which are quieter, climb faster and often operate at airports that are far more congested than when the NAP was first launched in 1967.

“NBAA is proud to offer the business aviation community – and the many airports across the country which have recommended use of our NAP over the years – a completely updated program that is the result of several years of hard work, technical studies and vetting by NBAA staff and committee members and our partner consultant, HMMH,” said Ed Bolen, NBAA president and CEO.

“Even though the U.S. has the quietest jet aircraft fleet in the world, NBAA believes that it is of paramount importance for business aviation operators to do everything possible to minimize noise impact whenever and wherever feasible.”

Information on the updated NAP was presented today at NBAA’s Regional Forum in Teterboro, NJ by Gabriel Andino, NBAA Access Committee chairman and noise expert with AvPORTS at Teterboro Airport (TEB).

“The revised guidelines help reduce overall noise levels to communities surrounding airports, while still meeting new ATC requirements,” said Andino.

He noted that the NBAA procedures should be used in the absence of recommended noise abatement procedures from the aircraft’s manufacturer.

The revised NAP retains the recommendations for the existing standard departure procedure but includes a new option for high-density airports. According to Andino, the high-traffic option – which allows for a shorter thrust cutback area – may allow the procedure to be used at busy airports where it was not feasible before.

The new guidelines do not include the former “close-in” departure procedure, which was found to have no significant impact on noise reduction for today’s Stage 3 and 4 aircraft, which climb so fast that they reduce power while over airport property, reducing the benefit to communities outside the airport boundary.

The updated NAP also includes recommendations for approach and landing procedures (VFR and IFR). As with the departure procedure, updated safety information and data on best practices is presented. “NBAA’s Safety Committee played a significant role in helping to update the entire Noise Abatement Program,” said Andino.

UK

COMMISSION RECOMMENDS 3RD RUNWAY BE ADDED AT HEATHROW

The UK Airports Commission unanimously recommended July 1 that adding a third runway at London Heathrow Airport is the best way to expand airport capacity in Britain.

However, the Commission stressed that Heathrow should be expanded only if the following stringent environmental and compensation conditions are met:

- A ban on all scheduled night flights from 11:30 p.m. to 6 a.m.
- Legally-binding caps on air pollution and noise and a legally-binding “noise envelope”;
- A Government commitment to never add a fourth runway at Heathrow;
- A noise levy on airport users to compensate local communities;
- A community engagement board be set up to allow local residents to have input on the airport;
- An independent UK aviation noise authority be established to be consulted on flight paths and operating procedures at airports; and
- Training and apprenticeships be provided for residents near the airport.

The Airports Commission said that Heathrow Airport also should be held to its promise to spend more than £1bn (\$1.4 billion) on community compensation, including £700m (\$984.4 million) on insulating homes under the flight paths.

Heathrow has proposed to spend an estimated \$1.056 billion to insulate over 160,000 homes around the airport if selected as the site for the new runway (27 ANR 19).

The UK Government will now consider the Airports Commission’s recommendation and decide whether to go ahead with the addition of a third runway at Heathrow, which is expected to cost £17bn (\$23.9 billion), allow 250,000 more flights per year, and provide 70,000 new jobs and a £150 billion (\$210.9 billion) boost to the British GDP over 60 years.

However, the project also would require the demolition of 783 homes near Heathrow, including most of the village of Harmondsworth.

The airlines and business community strongly support adding a new runway at Heathrow but there are many vehement opponents, including several members of Parliament and Government cabinet members, London Mayor Boris Johnson, environmental groups, and communities near the airport.

“I don’t think this is going to happen,” London’s mayor told the *BBC*. “This is the sort of thing that you could have possibly have gotten away with in China in the 1950s. The impact on London, the impact on the city, the environmental cost, the whole human rights, legal challenges ... will be so great. I don’t think it’s deliverable.”

Neither do officials of Gatwick Airport, who lost out to

Heathrow in their quest to be selected as the site for a new UK runway. “Gatwick is still very much in the race,” Gatwick Chief Executive Stewart Wingate told the UK’s *Guardian* newspaper. “The Commission’s report makes clear that expansion at Gatwick is deliverable.”

“Heathrow will face the mother of all challenges to meet the conditions for a third runway set down by [the Airports Commission] and key members of the Cabinet remain opposed to Heathrow’s expansion,” John Stewart of HACAN, which represents residents under Heathrow’s flight path, told the *Associated Press*.

Heathrow officials welcomed the Airport Commission’s decision and said their new expansion plan addresses concerns raised by local communities and by politicians.

They said the Commission confirmed that Heathrow’s new plan “can be delivered while reducing its local and environmental impacts. It confirms that it can be delivered within carbon and air quality limits and with significantly fewer people impacted by aircraft noise than today.”

Research**BOEING, EMBRAER TO COLLABORATE ON ECO-DEMONSTRATOR**

Boeing and Embraer announced June 30 that they intend to collaborate to test environment-focused technologies through the ecoDemonstrator Program in a joint effort to improve aviation’s environmental performance.

This expands ongoing cooperation between two of the world’s largest airplane manufacturers.

Frederico Curado, president and CEO of Embraer, and Marc Allen, president of Boeing International, signed a Memorandum of Understanding at the Brazil-U.S. Business Summit organized by the Brazil-U.S. Business Council.

Boeing launched its ecoDemonstrator Program in 2011 to accelerate testing and use of new technologies that can reduce fuel use, carbon emissions, and noise. The company has so far tested more than 50 technologies with a Next-Generation 737-800, 787 Dreamliner and, currently, a 757. Through their collaboration, Boeing and Embraer are planning to conduct ecoDemonstrator tests with an Embraer airplane in 2016.

“Innovation is a key pillar of Embraer’s strategy, and we are pleased to continue our work with Boeing to support the long-term sustainable growth of our industry,” said Curado. “The ecoDemonstrator Program offers a new and valuable opportunity for collaboration between our companies to boost environmental development tests, benefiting customers, our industry and the society.”

“Industry leadership in today’s world requires creative and global collaborations that ignite progress on hard problems faster than ever,” said Allen. “Boeing and Embraer are both industry leaders committed to addressing aviation’s environmental goals through innovation and technology. Working together in this exciting new way, our companies will

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speed progress to improve aviation's efficiency and reduce environmental impact."

The ecoDemonstrator cooperation between Boeing and Embraer advances a relationship that began in 2012 when the manufacturers announced they would cooperate in ways that create value for both companies and their customers. Since then, the manufacturers have worked together to improve runway safety and support Embraer's KC-390 defense aircraft program.

In addition, in 2015, Boeing and Embraer opened a joint biofuel research center in São José dos Campos, Brazil, to perform biofuel research and coordinate research with Brazilian universities and other institutions.

Canada, from p. 94

as the 'front doors' to their communities also comes with the responsibility to be good neighbors," said Daniel Robert Gooch, president of the Canadian Airports Council (CAC).

"With our partners in air navigation and the air carrier community, our shared goal for this protocol is to improve engagement with local communities when there are flight path changes being considered that could impact residents and ensure that the organizations involved work together to consider community feedback in the flight path design process. Canada's airports look forward to playing a positive, central role in this process."

The protocol was developed by the CAC and NAV CANADA, with the participation of Canada's air carriers, following a request from the Honorable Lisa Raitt, Minister of Transport.

"Resident groups have raised concerns with me and the local Member of Parliament regarding flight paths and the consultation process that precedes their implementation" said Minister Raitt. "Several months ago I asked NAV CANADA and select airports to see what could be done to address these concerns. Today I'm pleased that they have responded with concrete measures that will ensure effective community engagement when changes to flight paths are being considered."

The Airspace Change Communications and Consultation Protocol outlines the roles of various organizations in the aircraft noise issue, what type of airspace changes will be subject to consultation and how that consultation will be undertaken.

The protocol applies to proposed changes at airports with more than 60,000 annual Instrument Flight Rules (IFR) movements annually.

The protocol can be viewed at: www.navcanada.ca/airspace

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FAA Reauthorization

HOUSE QUIET SKIES CAUCUS WANTS IMPACTS OF AIRCRAFT NOISE ADDRESSED IN FAA BILL

Some 16 members of the House Quiet Skies caucus sent a letter to leaders of the House Transportation and Infrastructure Committee urging them to include in the 2015 Federal Aviation Administration Reauthorization Act provisions that would help address the harmful impacts of aircraft noise on communities across the country.

They urged Committee Chairman Rep. Bill Shuster (R-PA) and Ranking Member Rep. Peter DeFazio (D-OR) to do the following in legislation reauthorizing the programs of the FAA:

- Mandate a robust community engagement process, including pre-decisional public hearings, for new flight paths or procedures or changes to existing flight paths and procedures;
- Require FAA to use supplemental noise metrics when considering the impact of aviation noise on affected communities and lower the acceptable noise threshold for affected homes and businesses. [Currently 65 dB DNL is the FAA's threshold

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O'Hare Int'l

NEW CHICAGO AVIATION CHIEF DEVELOPING OPTIONS TO REDUCE O'HARE NOISE IMPACT

By Aug. 1, Chicago's new Aviation Commissioner Ginger Evans plans to present "all solutions available" to mitigate the noise impact of a major runway realignment at O'Hare International Airport and opening of a new runway in 2013.

At a July 20 meeting with community groups and local elected officials, Evans said her staff has developed "12 to 15 options" that could be implemented by the City of Chicago without approval of the Federal Aviation Administration or the airlines but did not provide any details on the options, the Chicago *Tribune* reported.

The meeting was closed to the press but the community coalition Fair Allocation in Runways (FAiR) provided the press with the call-in telephone number that was meant for FAiR members unable to attend the meeting.

ANR confirmed with the Chicago Department of Aviation that the information presented below, based on the *Tribune's* story on the meeting, is accurate.

Evans "suggested that it is possible to make changes within the new airfield format so that planes 'depart over less-residential areas at night'," the *Tribune* reported.

But the paper reported that no headway was made at the meeting on FAiR's call

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FAA Order 1050.1F ... This morning, FAA issued a final order revising procedures for implementing NEPA. ANR will provide analysis next week. The Order is at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-24/pdf/2015-18084.pdf>

Caucus, from p. 99

for compatible residential use around airports];

- Clarify that airport operators are legally allowed to implement – and should strongly consider – noise mitigation options in communities experiencing aircraft noise levels below the current noise threshold;
- Reform Section 213(c)(2) of the FAA Modernization and Reform Act of 2012 [known as CatEx 2], “which allows FAA to short-circuit the environmental review process when implementing new flight paths” and:
- Mandate independent research on the health impacts of aviation noise.

East Hampton Airport**TOWN APPEALS BAR ON ENFORCEMENT OF LIMIT ON NOISY FLIGHTS**

On July 22, the Town of East Hampton, NY, appealed a federal district court ruling preliminarily enjoining enforcement a one-trip-per-week limit at East Hampton Airport on “noisy” aircraft operations during the summer season.

Calling the restriction “drastic,” U.S. District Judge Joanna Seybert held June 26 that the one-trip-per-week limit during May through September – which is aimed at reducing noisy helicopter operations – was unreasonable.

“There is no indication that a less restrictive measure would not also satisfactorily alleviate the Airport’s noise problem,” Judge Seybert wrote in a ruling.

The ruling also upheld two nighttime curfews the Town adopted in April; a mandatory curfew from 11 p.m. to 7 a.m. and an extended curfew from 8 p.m. to 9 a.m. on aircraft deemed “noisy” (27 ANR 94). Those noise restrictions went into effect on July 2.

“We believe all three laws are lawful and necessary to protect the quality of life on the East End [of Long Island],” East Hampton Town Supervisor Larry Cantwell said.

“These three laws are the result of careful, thoughtful and transparent balancing by the Town Board. We are hopeful that the Court of Appeals will recognize that all three laws are essential to address the problem of excessive aircraft noise.”

“The use restrictions were intended to work together to provide noise relief. The local law restricting noisy aircraft to one trip per week is an integral part of the Town’s plan to implement reasonable restrictions on the use of the Airport in its effort to address noise. The one trip per week restriction was designed to limit the noisiest aircraft during the summer season when resident and visitors naturally have a heightened expectation that they can enjoy the outdoor environment.

“The Town Board is committed to defending its legal right to adopt these reasonable, non-arbitrary, and carefully balanced restrictions at the airport. The Town has retained Kathleen M. Sullivan, one of the nation’s preeminent appellate attorneys, to assist the team in this appeal. Ms. Sullivan,

of Quinn Emanuel Urquhart & Sullivan, LLP, will work with the Town’s airport counsel Kaplan Kirsch Rockwell, LLP.”

The Town’s appeal is before the U.S. Court of Appeals for the Second Circuit.

Metroplex**FAA EXTENDS COMMENT PERIOD OF DRAFT SOCIAL METROPLEX EA**

At the request of much of the Southern California congressional delegation, the FAA has extended the public comment period on its Draft Environmental Assessment (EA) of the Southern California Metroplex project to Sept. 8 to allow for a full 90 days of comment.

The project is a comprehensive proposal to improve the flow of air traffic into and out of Southern California by making the airspace safer and more efficient.

The Draft EA is available online at: http://www.metroplexenvironmental.com/socal_metroplex/socal_docs.html

“I am delighted that the FAA granted my request to allow sufficient time for interested parties to read, analyze, and comment on a very complicated plan, which will hopefully result in a more efficient and environmentally friendly system of managing the arrivals and departures at the airports in our region,” said Rep. Maxine Waters (D-CA), who represented communities near Los Angeles International Airport.

In a June 18 letter to Transportation Secretary Anthony Foxx, Rep. Waters – and nine other members of the Southern California congressional delegation – stressed that the initial 30-day comment period announced by the FAA when the Draft Environmental Assessment was released on June 10 was not sufficient to allow community stakeholders to read and analyze how the SoCal Metroplex project will affect their communities.

Aircraft Noise Standards**JETS UNDER 75,000 LB MUST MEET STAGE 3 STANDARD AT END OF 2015**

The FAA issued a notice on July 16 reminding operators of jet aircraft weighing 75,000 lb. or less (mainly business jets) that after Dec., 31, 2015, their aircraft must comply with more stringent Stage 3 noise standards.

Operators failing to meet this requirement may be subject to civil penalties. Certain operations of aircraft not meeting Stage 3 standards may be conducted under “special flight authorizations” granted by FAA on a case-by-case basis.

For further information, contact Rebecca Cointin in FAA’s Office of Environment and Energy; tel: (202) 267-4770; e-mail: Rebecca.cointin@faa.gov.

Park Overflights

COMMENT SOUGHT PARK OVER-FLIGHT NOISE DOSE RESEARCH

The public has until Aug. 21 to comment on FAA's intention to request Office of Management and Budget (OMB) approval to renew an information collection that is critical for establishing the scientific basis for air tour management policy decisions in the national parks.

"The research expands on previous aircraft noise dose-response work by using a wider variety of survey methods, by including different site types and visitor experiences from those previously measured, and by increasing site type replication," FAA explained in its June 22 notice.

For information on how to submit comments, contact Ronda Thompson at tel: (202) 267-1416; e-mail: Ronda.Thompson@faa.gov. Reference OMB Control No. 2120-0744: Human Response to Aviation Noise in Protected Natural Areas Survey.

Chicago, from p. 99

for a "neighborhood-based" air traffic plan, a mandatory Fly Quiet program for late night aircraft operations (the current program is voluntary), or for the City to keep open two diagonal runways currently slated for closure.

FAiR wants the diagonal runways to be used to disperse aircraft over a wider geographic area, thus reducing their noise impact on any one community.

Evans said the Chicago Department of Aviation is meeting with the FAA and the airlines to discuss possible ways to mitigate aircraft noise and that the City "will formally request consideration of operational changes that go beyond existing procedures and the City's authority," the *Tribune* reported.

The paper stressed that Evans "did not budge" from Chicago Mayor Rahm Emanuel's position that the top priority is to maximize airspace safety and efficiency at O'Hare to keep Chicago competitive

Illinois State Rep. Rob Martwick (D), who attended the meeting, told the *Tribune*, that city officials were keeping their cards "close to the vest."

"To some extent I see some good-faith efforts by the city. I just don't know what the ultimate decision will be. The Diagonals are going to be a massive decision," said Martwick, whose district sits east of O'Hare.

The July 20 meeting was the second of three that Chicago aviation officials promised to have with FAiR. The final meeting is set for July 27.

FAiR asked its members to urge Illinois Gov. Bruce Rauner (R) to sign legislation passed by the state House and Senate (SB 636) that would allow the diagonal runways to remain open. The bill has been on the governor's desk for some weeks with no action taken on it yet.

O'Hare Noise Compatibility Chairwoman Arlene Juracek

reminded those attending the July 20 meeting that, according to the FAA's Record of Decision on the O'Hare Modernization Plan, ONCC is the official facilitating body with the responsibility to oversee O'Hare noise mitigation efforts, which include the Fly Quiet Program and the Sound Insulation Program.

"The ROD recognizes the importance of the Fly Quiet Program and specifically states that it will give consideration to suggestions for changes to the Fly Quiet Program developed by the ONCC and requested of the FAA by the City of Chicago," Juracek said in a press release issued following the meeting.

She said that ONCC "will determine a process to define an agreed-upon 'end game' for a revised Fly Quiet Program." She stressed that "mutually exclusive ideas (preferred nighttime runway use vs. spread the flights around) must be reconciled," suggesting that might occur through an ad hoc committee that includes the Chicago Department of Aviation and FAA as well as SOC and FAiR.

Phoenix Sky Harbor Int'l

SENATORS WILL ADDRESS NOISE IN FAA REAUTHORIZATION BILL

Arizona Republican Sens. John McCain and Jeff Flake sent a letter to Arizona congressman Ruben Gallego (D), David Schweikert (R), Ann Kirkpatrick (D), and Kyrsten Sinema (D) on July 7 in response to their request that the senators file an amendment to the 2016 Senate Transportation, Housing and Urban Development Appropriations (THUD) bill addressing the noise impact of recent flight path changes at Phoenix Sky Harbor International Airport.

In their letter, the senators emphasize that while they are committed to pursuing any legislative vehicle to address Phoenix area residents' concerns about the recent flight path changes, it appears unlikely that the legislation will move forward due to Senate Democrats blocking consideration of appropriation bills so far this Congress.

Sens. McCain and Flake pledged to continue working to include proposals in the upcoming Senate Federal Aviation Administration reauthorization bill that would enable Phoenix residents to engage with the FAA before it moves forward with permanent flight path changes.

"While we are more than willing to consider amending any available legislative vehicle to address the critical needs of our constituents, it appears that Senate Democrats remain committed to blocking consideration of appropriations bills this year," wrote Sens. McCain and Flake.

"Given that you seek inclusion of the House-passed language in the Senate version of the THUD appropriations bill, we suggest you consider writing to [Senate Democratic Leader Harry] Reid (D-NV) to ask him to lift his legislative strangle-hold on the Senate's Fiscal Year 2016 appropriations process," the senators wrote.

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In Brief...

Windsor Castle Could Qualify for Sound Insulation

900-year old Windsor Castle, which has about 1,000 room and sits on 13 acres of prime real estate in London, could be eligible for sound insulation if a third runway is added at London Heathrow Airport.

Several UK papers reported that Queen Elizabeth could receive millions of pounds to soundproof the castle, where she spends weekends.

The oldest glazed window in the Castle dates back to approximately 1236. It is thought to have been a wedding gift from King Henry III to his wife Eleanor of Provence. [Let's assume that window would not be replaced.]

FAA Dropping 'UFIRD DONLD TRMMP'

Add FAA to the list of organizations and companies dropping their affiliation with Donald Trump following his denigration of Mexicans in announcing his presidential bid.

Explaining that the agency selects names for navigational waypoints that are non-controversial, an FAA spokeswoman said the agency will drop the UFIRD, DONLD, TRMMP waypoints in the West Palm Beach International Airport airspace, which reference Trump's television show "The Apprentice."

HMMH Is Now Woman-Owned

The consulting firm HMMH announced recently that it is now a certified Woman-Owned Business.

Last December, two of the firm's current executive level managers – Mary Ellen Eagan (CEO) and Diana Wasiuk (COO) – acquired a controlling stake in the firm. Two of the original four founders – Nick Miller and Bob Miller – are still actively engaged at HMMH and will continue to be.

HMMH is recognized as an Economically Disadvantaged Woman-Owned Small Business (EDWOSB) by the U.S. Small Business Administration and is certified as both a Disadvantaged Business Enterprise (DBE) and a Woman-Owned Business Enterprise (WBE) in the Commonwealth of Massachusetts. D/W/SBE certifications in other states are pending.

Henry Young Dies

With sadness, ANR reports the death of airport noise consultant Henry Young of Young Environmental Sciences, Inc. He passed away on June 18.

Henry had been practicing land use planning and environmental consulting since 1974.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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July 31, 2015

FAA

UPDATED ENVIRONMENTAL ORDER REFLECTS GOAL OF IMPLEMENTING NEXTGEN QUICKLY

On July 24, the Federal Aviation Administration issued an updated environmental order that includes two new controversial legislative Categorical Exclusions (CatExs) designed to speed the implementation of NextGen RNAV/RNP procedures and reflects the agency's goal of "environmental protection that allows sustained aviation growth."

The updated order expresses the FAA's goal of ensuring "timely, effective, and efficient" environmental reviews to foster the implementation of NextGen.

FAA Order 1050.1F, Environmental Impact: Policies and Procedures became effective on July 16 and replaces the agency's previous order 1050.1E.

The updated Order moves the information in Appendix A of FAA Order 1050.1E, Analysis of Environmental Impact Categories, to the 1050.1F Desk Reference, which can be easily updated, as necessary.

FAA also restructured the Order to make environmental compliance more efficient and effective and to provide FAA NEPA practitioners with a more user-friendly and clearer document.

(Continued on p. 104)

Northern CA Metroplex

FAA AGREES TO EVALUATE SHORT, LONG TERM OPTIONS TO REDUCE NEW FLIGHT PATH NOISE

Federal Aviation Administration officials have agreed to evaluate potential short- and long-term options to address noise complaints that sharply spiked in coastal communities south of San Francisco International Airport following the introduction of new NextGen flight paths in March under FAA's Northern California Metroplex Plan.

FAA "clearly knows something has changed dramatically," Rep. Anna Eshoo (D-CA) said following a meeting between FAA Western-Pacific Regional Administrator Glen Martin and some of his staff and local city and county officials, congressional representatives, and leaders of community anti-noise groups that have formed in the wake of the flight path changes into and out of SFO.

Some 30 people attended the July 24 meeting at the Palo Alto City Hall, which was arranged by Rep. Eshoo. A similar meeting was held in Santa Cruz the same day and another meeting will be held in San Mateo County in August. The meetings are closed to the public and press but participants at the Palo Alto meeting offered comments following the event.

All parties attending the Palo Alto and Santa Cruz meetings considered them to

(Continued on p. 105)

In This Issue...

FAA Order 1050.1F ... FAA issues an updated environmental order that includes controversial legislative categorical exclusions aimed at speeding implementation of NextGen RNAV/RNP procedures - p. 103

NoCal Metroplex ... FAA agrees at meeting with Santa Cruz, Palo Alto officials to evaluate short- and long-term options to reduce noise from flight path changes made under Northern California Metroplex plan - p. 103

Chicago O'Hare ... Aviation Commissioner Ginger Evans will propose this evening to test the idea of rotating runways late at night at night – possibly on a weekly basis – to spread noise impact but she will reject community coalition's main goal of preserving two diagonal runways slated to close - p. 104

Long Beach ... Charter airline agrees to pay \$54,000 for airport noise ordinance violations under plea agreement - p. 104

FAA Order, from p. 103

Order 1050.1F and an accompanying Desk Reference are at http://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/faa_nepa_order/

CatEx 1 and CatEx 2 Added

Order 1050.1F includes in Chapter 5 (paragraph 5-6.6q and 5-6.6r) the two new legislative categorical exclusions for RNAV/RNP procedures that Congress provided in the FAA Reauthorization and Reform Act of 2012. They have been dubbed “CatEx 1” and “CatEx 2.”

Community groups and many local officials who are trying to address noise complaints about new NextGen flight paths are staunchly opposed both of them but particularly to CatEx 2, which can be applied even when “extraordinary circumstances,” such the project being highly controversial on environmental grounds, exist.

CatEx1 allows for a categorical exclusion for RNAV/RNP procedures proposed for core airports (large hubs) and any medium or small hub airports located within the same metropolitan area that are identified by the FAA Administrator, and for RNP procedures proposed at 35 non-core airports selected by the FAA Administrator, subject to extraordinary circumstances.

In December 2012, FAA issued a memorandum providing guidance on implementing CatEx1.

CatEx2 provides a categorical exclusion “for any navigation performance or other performance based navigation procedure developed, certified, published, or implemented that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise on a per flight basis as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace irrespective of the altitude.”

In March, FAA announced that it has decided to use a modified version of the NextGen Advisory Committee’s recommended Net Noise Reduction Method for determining compliance with the CatEx 2 provision.

Instead, FAA will base its determination of what constitutes a measurable reduction in noise under CatEx 2 on net changes in noise – instead of net changes in the affected population as the NAC had recommended.

However, the agency has not yet issued implementing guidance for CatEx 2.

Noise-Related Provisions

Following are noise-related provisions in the new environmental order:

- Added to the list of actions normally requiring an EA are (1) formal and informal runway use programs that may significantly increase noise over noise sensitive areas and (2) establishment or modification of an Instrument Flight Rules Military Training Route.

- Issuance of operations specifications – which is already on the list of actions normally requiring an EA – has been

clarified to state that “any approval of operations specifications that may significantly change the character of the operational environment when authorizing passenger or cargo service, or authorizing an operator to serve an airport with different aircraft when that service may significantly increase noise, air, or other environmental impacts, normally requires an EA.”

- FAA also slightly modified a CatEx for establishment of helicopter routes over major thoroughfares in Paragraph 5-6.5h of the new order to clarify that the CatEx also includes “modification” of these routes as long as they channel helicopter activity over major thoroughfares. FAA also has added “would not have the potential to significantly increase noise over noise sensitive areas” to the paragraph to highlight significant increase in noise as a specific extraordinary circumstance to be aware of when applying this CatEx.

O’Hare Int’l Airport

CHICAGO PROPOSES TO TEST ROTATING RUNWAYS AT NIGHT

Chicago Aviation Commissioner Ginger Evans will propose this evening to test the idea of rotating the runways used late at night at O’Hare International Airport – possibly on a weekly basis – in order to spread aircraft noise impact over a wider number of communities.

London Heathrow Airport also is experimenting with this idea, which is called noise respite in the UK, but has already cut one test short due to noise complaints and political opposition that arose in communities that got the new noise impact when flight paths were moved over them.

It remains to be seen how spreading aircraft noise impact will be greeted in Chicago and its suburbs.

Yesterday, Evans invited reporters with the *Chicago Tribune* to her office to discuss the noise mitigation plan she will propose this evening at the Chicago Department of Aviation’s third and final meeting with the community coalition Fair Allocation in Runways (FAiR).

The focus of her plan, she said, will be on reducing the noise impact of late night flights and providing additional sound insulation to about 200 homes in the 70+ dB DNL contour in suburban communities near a new O’Hare runway.

However, Evans has rejected FAiR’s main goal, which is the preservation of two diagonal runways at O’Hare slated for closure so they can be used to distribute traffic in a wider geographic area and over noise abatement corridors to the northwest of the airport.

Yesterday, Illinois Gov. Bruce Rauner signed legislation into law that gives O’Hare authority to increase the number of runways its operates from eight to 10 and three members of the Illinois congressional delegation wrote Evans asking that she “not impose any arbitrary deadlines in deciding the fate” of the diagonal runways.

But Evans told the *Tribune* that she has rejected FAiR’s

idea to retain the two diagonal runways to the northwest because they are not compatible with O'Hare's east-west parallel runway alignment and pose potential safety problems with converging air traffic.

"Evans said that a big part of her mission is to ensure the airport's long-term viability and promote the city's economic health. As such, some noise-reduction solutions are incompatible with those goals, and, therefore have been eliminated from consideration," the *Tribune* reported.

The paper said Evans has ruled out the following FAiR proposals:

- Keeping all existing O'Hare runways open;
- Imposing a mandatory nighttime Fly Quiet program;
- Regularly shifting the runway use pattern during the day to spread noise; and
- Delaying or canceling construction of the final east-west parallel runway and runway extension planned under the O'Hare Modernization Plan.

Evans's noise mitigation plan must be reviewed and approved by the O'Hare Noise Compatibility Commission (ONCC) and the Federal Aviation Administration before it can be implemented.

Pending approval, Evans wants the late night runway rotation test to begin after one of the diagonal runways that FAiR is trying to keep open is closed on Aug. 20.

Long Beach Airport

AIRLINE PAYS \$54,000 FOR NOISE VIOLATIONS UNDER SETTLEMENT

Kalitta Charters, LLC, a Michigan-based charter airline company, has paid the City of Long Beach \$54,000 as part of a plea agreement with the City Prosecutor's Office over operations that violated the City's airport noise ordinance.

"This agreement will help protect the community from excessive airport noise, while at the same time saving taxpayers the expense of a jury trial," Long Beach City Prosecutor Doug Haubert said in a July 28 statement.

"The company has taken responsibility for the violations. More importantly, I believe Kalitta will take appropriate steps to avoid these kinds of operations in the future," he said.

In April 2015, the City Prosecutor's Office filed a criminal complaint alleging 13 misdemeanor charges for operations between June 2014 and March 2015 in which Kalitta flights violated the City's airport noise ordinance. After each event, Airport staff contacted Kalitta in an attempt to prevent additional violations.

Under Long Beach's unique airport noise ordinance – one of the most stringent in the country – departing aircraft may not exceed a specified decibel level, ranging from 79 decibels during night hours to 102.5 decibels during the day.

Since the case was filed in April 2015, Kalitta has not violated the City's ordinance.

The settlement with Kalitta is the fourth "consent decree"

settlement for noise violations at Long Beach Airport. Similar consent decrees were entered into over a decade ago with Komar Aviation, Jetblue Airways, and American Airlines, Inc.

Under the terms of Kalitta's consent decree, the airline agreed to plead guilty to 12 of the 13 charges and pay \$54,000 to the Long Beach Community Foundation, which equals \$4,500 for each count. One charge was dismissed after Kalitta provided evidence that the operation was exempted from the noise ordinance because it was a federal government-chartered flight.

The consent decree will terminate in one year.

If Kalitta violates the noise ordinance in the next 12 months, it will pay a fine of \$6,000 for each violation and could see its permission to use the airport revoked by the Airport Manager. If Kalitta sees no additional noise violations, it may request that its case will terminate after one year.

The City of Long Beach's airport noise ordinance was approved by a federal court after 13 years of litigation which happened while the Airport Noise and Capacity Act of 1990 was being adopted. ANCA includes an exemption for Long Beach.

NoCal Metroplex, from p. 103

be very productive.

That is a striking change from the way Phoenix officials described meetings with FAA's Martin and his staff during their attempts to address the noise impact of recent flight path changes at Sky Harbor International Airport. Failure to make headway in those meetings resulted in angry and frustrated Phoenix officials taking the FAA to court and agency officials being pilloried as "arrogant" and intransigent on the House floor (27 ANR 86).

No one described Martin or his staff as arrogant following the Palo Alto or Santa Cruz meetings, perhaps indicating that FAA learned a critical lesson at Phoenix: it must be perceived as empathetic to local concerns about noise impacts and serious in its efforts to address them in order to move forward with NextGen implementation.

"We felt we got a fairly good understanding from a personal level of why there is concern," about noise impact, Martin said following the Palo Alto meeting, the *Almanac* news reported. "There was a lot of discussion on the measurement of impacts and where current standards don't address the impacts. We will look into research to make changes to understand where that [gap] is."

Community groups assert that the geography of the mountainous coastal area around Santa Cruz and nearby communities is filled with valleys and ridges that amplify jet noise in some areas. They complain that FAA's environmental assessment of the Northern California Metroplex plan failed to collect and analyze actual noise data in this mountainous area.

Martin told those at the Palo Alto meeting that one possible short-term measure to reduce noise impact might be to alter the altitude and/or number of flights on the new flight

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paths between 10 p.m. and 7 a.m.

In the longer terms, he said, FAA could look at altering flight routes, he said, but stressed that is a more complex process.

FAA Will to Work on Local Noise Study

Martin also said that the FAA was open to working with the City of Palo Alto as it tries to fund its own study to analyze the new NoCal metroplex flight tracks causing noise problems and propose new routes with less noise impact.

The City is trying to get other local jurisdictions to share the cost of the study. Palo Alto Councilman Tom Dubois said that Martin told those at the meeting that FAA “is open to looking at the study and to suggest parameters so that it would have outcomes the FAA would see as relevant,” the *Almanac* reported.

Stewart Carl of the Sky Posse community group credited Rep. Eshoo and a meeting facilitator for much of the success of the meeting. The facilitator kept the discussion moving forward and Rep. Eshoo “put a lot of pressure on FAA to come back with some concrete plans,” according to the *Almanac*.

Palo Alto Mayor Karen Holman said, “There were some indications of where we can collaborate with the FAA and [where] we can work toward some progressive solutions. What has to happen is they have to address real impacts on the ground – on physical and emotional wellbeing,” the paper reported.

Following the meeting, Los Altos City Councilman Jean Mordo said, “I learned the problem is policy driven and will require much more change at the congressional level. On some levels, it is a national and international problem.”

But Rep. Eshoo said she does not believe that new legislation is needed to address the noise problems from flight path changes in her district. “I believe we can work within the jurisdictions and the statutes. We don’t need to change the laws. I believe the FAA can implement changes that will bring relief regionally,” she said, the *Almanac* reported.

The San Francisco Bay area could serve as a model for resolving aircraft noise issues plaguing other metropolitan areas, she said, but stressed that “one size does not fit all.”

While it was not the case in Phoenix, Eshoo said there is the potential in the Bay Area to demonstrate that a partnership between FAA and regions within the various FAA metroplexes around the country can work to resolve noise problems.

But, the *Almanac* reported, “Martin backed away from saying that there will be solutions. ‘Solutions tend to say that people are satisfied. We’ve made adjustments when we’ve found procedures to make adjustments,’” he said.

AIRPORT NOISE REPORT

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Airport Noise Report



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FAA

FAA DOES NOT EXPECT TO USE CATEX 2 OFTEN AND WILL USE IT ONLY FOR PBN PROCEDURES

Acknowledging the strong public opposition to the CATEX 2 provision of the FAA Modernization and Reform Act of 2012, the Federal Aviation Administration said Aug. 3 that it does not expect to use the categorical exclusion often and will limit its use to Performance-based Navigation (PBN) procedures only.

CATEX 2 will not be used for conventional flight procedures that rely on ground-based navigational aids or for projects involving a mix of conventional and PBN procedures, which is commonly the case for sizeable Metroplex projects that redesign airspace in large metropolitan areas, the agency explained in announcing its implementation of CATEX 2.

FAA said it expects CATEX 2 to be used infrequently because 95 percent or more of projects that involve PBN-only procedures already meet conditions for existing categorical exclusions.

CATEX 2 also will not be used when proposed PBN procedures would result in a noise increase of DNL 1.5 dB or more over noise sensitive areas at levels of DNL

(Continued on p. 108)

FAA

GUIDANCE INSTRUCTS COMMUNITIES ON HOW TO SUBMIT PETITIONS OPPOSING PROJECTS

The public has until Oct. 5 to submit comments on guidance the Federal Aviation Administration issued Aug. 4 for communities to follow when filing petitions with the agency opposing projects involving airports and runways at new locations or major runway extensions.

The guidance clarifies the procedures and process to petition the Secretary of Transportation under 49 USC 47106(c)(1)(A)(ii) of the Airport and Airways Improvement Act of 1982 (AAIA).

The AAIA imposes certain conditions on airport sponsors that must be met in order for airport projects to be eligible for Airport Improvement Program (AIP) grant funding.

Section 47106(c)(1)(A)(ii) of the AAIA allows the Secretary of Transportation to approve an application for AIP funding of an airport development project involving the location of an airport or runway or a major runway extension only if the sponsor certifies that the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project.

(Continued on p. 110)

In This Issue...

CATEX 2 ... FAA will only use the controversial categorical exclusion with PBN procedures and expects to use it infrequently and not for Metroplex projects, the agency says in announcing its implementation of the congressionally-mandated CATEX. FAA says it is “keenly aware” of public opposition to CATEX 2 - p. 107

FAA Guidance ... Agency clarifies procedures and process for communities to follow in filing petitions opposing airports and runways at new locations and major runway extensions under a provision of AAIA - p. 107

News Briefs ... FAA’s Office of Env. and Energy will lead an agency-wide effort over the next six months to update the FAA’s Community Involvement Manual, aviation groups are told ... FAA announces it is reviewing proposed Part 150 Programs for Laughlin/Bullhead City Int’l Airport and Anchorage Int’l/Lake Hood Seaplane Base - p. 110

CATEX 2, from p. 107

65 dB or higher, FAA said, because that would constitute a significant noise impact under the agency's long-standing National Environmental Policy Act (NEPA) criterion.

However, FAA said that CATEX 2 could be used to "expedite review of a PBN-only projects that would otherwise be subject to an Environmental Assessment (EA) or possibly an Environmental Impact Statement (EIS) due to a high level of environmental controversy or potential environmental impacts that would preclude the use of another existing CATEX."

Unlike other categorical exclusions that FAA uses, the congressionally-mandated CATEX 2 does not allow the agency to consider extraordinary circumstances – such as whether a PBN project would be highly controversial on environmental grounds – in determining whether to use the CATEX. That is one of the main reasons communities and their elected representatives are so staunchly opposed to it.

They assert that PBN procedures, which concentrate and increase aircraft noise impact over communities and often shift noise impact, should be subject to public disclosure and more in-depth environmental review than CATEX 2 allows.

"Congress legislated a CATEX that is clearly different from other existing CATEXs," FAA said in its announcement. "Congress used mandatory language in the relevant legislation and the FAA does not have discretion under the statute to disregard the legislatively-created CATEX."

To this day, it is unclear who added CATEX 2 to the FAA Modernization and Reform Act of 2012. No airline or trade group has owned up to writing the provision and even the NextGen Advisory Committee (NAC), which examined the legislative history of CATEX 2 and interviewed Hill staffers, has never identified its author.

What is clear about the way CATEX 2 was passed by Congress, however, is that there was no opportunity to debate the provision; it was added behind closed doors in a House-Senate conference on the legislation.

'Keenly Aware' of Opposition

FAA said it is "keenly aware of the general negative community response" to CATEX 2.

"The FAA and the NAC realize that community controversy can counterbalance the streamlining effects of any CATEX and result in opposition to PBN procedures. These issues are currently receiving more attention within FAA and by the NAC," the agency explained.

"As part of NextGen, FAA has a robust research program to reduce aircraft noise and is currently giving increased attention to improving FAA's community involvement," the agency said elsewhere in its announcement.

The aviation industry strongly supports CATEX 2 because it is intended to accelerate the implementation of NextGen PBN procedures by requiring the FAA Administrator to assign categorical exclusions to PBN procedures that would result in "measurable reductions in fuel consumption,

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

FAA Adopts NAC Method with Modifications

In its Aug. 3 announcement, FAA said that it will implement CATEX 2 – Section 213(c)(2) of the FAA Modernization and Reform Act – using the Net Noise Reduction Method developed by the NAC (25 ANR 74) with two modifications:

- FAA will base the determination of measurable reductions in noise on net changes in noise, instead of net changes in the affected population, to be more consistent with the statute; and
- FAA interprets measurable reductions in noise to preclude use of the CATEX in situations where noise increases would be significant (cause a 1.5 dB DNL or greater noise increase in the 65 dB DNL or greater contours).

In August 2014, FAA invited public comment on the NAC's Net Noise Reduction Method and possible FAA modifications to it. The agency received 80 comments, 10 in support of CatEx 2 from aviation interests and the rest from elected officials and others representing communities opposed to CATEX 2.

In response to questions regarding eligibility for noise mitigation, FAA said "as is currently the case, residents exposed to aircraft noise of DNL 65 dB or higher may be eligible for mitigation such as sound insulation; however, the provision of mitigation depends on whether the airport has a noise mitigation program, which residents are covered by the program, funding availability, and timing."

FAA said it "does not believe that CATEX 2 conflicts with NEPA; rather, it legislatively establishes a new CATEX under NEPA."

Guidance to FAA personnel on implementing CATEX 2 will be issued by FAA in a separate document and will reflect and incorporate the information contained in the agency's Aug. 3 notice.

FAA's notice on implementation of CATEX 2 was published in the Aug. 3 *Federal Register* and is available at <http://www.gpo.gov/fdsys/pkg/FR-2015-08-03/pdf/2015-18823.pdf>

Comments on FAA Announcement

"It is good to read that FAA has said it is committed to better involving airports and communities in PBN implementation but we're waiting to see any real evidence of it out in the real world," Peter Kirsch of the law firm Kaplan Kirsch & Rockwell, told ANR,

"It is also noteworthy," he added, "that the FAA is limiting the scope of the CatEx to only PBN procedures, perhaps in recognition of the possible controversy that will result if and when the agency relies on this CatEx."

The National Organization to Insure a Sound-controlled Environment, which represents political jurisdictions dealing with aircraft noise issues, provided the following statement

from N.O.I.S.E President and Aurora, CO, City Councilmember Brad Pierce:

Though N.O.I.S.E. supports NextGen and its goal of modernizing the air traffic control system, PBN has the potential to bring significant changes to flight patterns and subsequent noise impacts across the country.

N.O.I.S.E. contends that the community impacts of aviation noise should be considered as a crucial part of the calculation that determines the overall benefits of the proposed changes in addition to improved capacity and fuel savings.

Aviation noise is a health issue. Aviation noise is an economic issue. To that end, robust, two-way communication with affected communities is vital to ensuring that the impact and concerns of communities are heard and incorporated into the final design of new airspace as much as fuel savings and efficiency of airspace. This would allow communities under a new or concentrated flight path guaranteed participation in the process during the implementation of PBN.

As a part of efforts to ensure adequate community engagement, N.O.I.S.E. believes that both regulatory and legislative Categorical Exclusions or "CATEXes" including CATEX 2, are not appropriate for the implementation of such significant changes to our aviation system. Exempting the FAA from proper environmental reviews would ensure that community impacts and concerns would be underrepresented in discussions and the decision making process.

Steven Taber of the Taber Law Group in Irvine, CA, who formerly served as an FAA attorney, provided the following in-depth analysis of FAA's notice:

First, the whole idea of using categorical exclusions for instituting PBN procedures is not a good one.

One of the primary problems that the FAA and airports have in dealing with PBN procedures is the lack of transparency. That is, the affected communities do not feel like they have a stake in the decision about whether there will be aircraft flying over their heads.

Yet, the FAA continues to use "categorical exclusions" when instituting RNAV and other PBN procedures, which avoids public scrutiny since no public participation is required. Thus, oftentimes the only notice affected residents have that the flight paths have changed is when they hear the aircraft rumbling overhead.

In response to a comment regarding the lack of transparency, the FAA brushed off the concern by stating that "the FAA and NAC are currently giving increased attention to improving airport operator and community involvement in PBN implementation." While that is a step in the right direction, it still does not resolve the problem.

Second, the FAA's new proposal does not resolve the legal issues raised by the NAC's "Net Noise Reduction" proposal.

Although the FAA claims that by focusing on aggregate noise instead of the number of the affected population, its

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

The FAA in its Notice shrugged off these concerns by stating because "the FAA cannot directly apply the CATEX as written due to technical challenges associated with the language used by Congress in creating the CATEX" it will ignore the precise statutory language and implement a CatEx that is technically feasible, but runs contrary to the statute.

The problem here is that the FAA's and the NAC's technical staff are not used to dealing with statutes, they are used to drafting regulations. They can mold the wording of the regulations to fit the technical parameters. But they cannot, from a legal perspective at least, change or ignore statutory language to fit their needs.

Third, the FAA's new proposal states that the "CATEX would not be used if any noise increases would be significant."

This is rather perplexing, since the statute states that the CatEx can only be used if there is a "measurable reduction" of noise. It does not say "significant," nor does it allow for an increase. How is it that the FAA can state with a straight face that the statute will allow it to use the CatEx in instances where there is an increase in noise?

Fourth, the FAA and the NAC seem to be unwilling to be creative from a technical standpoint.

For example, the FAA states that "noise depends not only on the varying noise levels of an aircraft as it flies, but also on the position of the aircraft in relation to noise sensitive receivers on the ground." However, the statute does not mention anything about measuring the amount of noise on the ground over noise sensitive receptors.

It would seem that the Congress is asking for a measurable reduction of noise produced by the aircraft and the aircraft engines. That is measurable in the same manner that carbon dioxide emissions and fuel emissions are measurable. An example: an aircraft using a continuous descent arrival produces less noise than an aircraft using the standard procedure. Is that not what the Congress intended?

Finally, it should be pointed out that "CatEx2" is less a "categorical exclusion" and more of an amendment of NEPA.

It is a grant of an exemption from the environmental assessment process required under NEPA, which includes no requirement for public input. Categorical exclusions were intended to be used as broad categories of administrative tasks undertaken by a federal agency that do not have a discernible impact on the environment.

The CEQ installed an escape hatch by stating that an activity that normally would be covered by a categorical exclusion could still have to go through the full NEPA environmental process if there were “extraordinary circumstances.” However, categorical exclusions have been used by the FAA to “streamline” the NEPA process, particularly in the case of NextGen implementation, in order to avoid having to develop an Environmental Assessment or an Environmental Impact Statement.

This has had the effect of freezing a primary stakeholder – the affected public – out of the process. This is particularly evident from the fact that there is no provision for “extraordinary circumstances” in CatEx2 which, in a usual CatEx, would augur against the use of a CatEx. Under CatEx2, if the “measurable reductions” components are met, the “CatEx” can be used and the FAA can proceed to bypass NEPA requirements without regard to any extraordinary circumstances.

In the end, I would strongly suggest that if the FAA is going to move with the implementation of this CatEx (one that the FAA admits it will use infrequently), that it include in its interpretative guidance a requirement that the public be involved before the CatEx is approved, Taber wrote.

Guidance, from p. 107

Although the provision has been in effect since 1992, FAA said it did not receive the first petition under this provision until 2010 and has only received a small number of petitions since then. But the Associate Administrator for FAA’s Office of Airports believes that it would be helpful to provide the public with more guidance on the provision.

The statute says that “communities” have a right to petition the Secretary of Transportation concerning a proposed airport project but it does not define the term “community.”

So, FAA has defined the term to mean “a jurisdictional authority,” that is, a political subdivision of a state such as a town, township, city, or county that represents the interests of the community at large. The agency said that water districts and school districts do not fall under this definition.

In order to file a petition under this section of the AAIA, the airport project must be located in the community. FAA said it will consider the project to be located in the community only if the project has a significant impact on that community. To determine that, FAA will use the significance criteria in environmental order 1050.1F.

If the project would have a significant noise impact on the community, a petition can be filed. However, if the impact of the project is not “significant,” the community will have no right to petition the Secretary, FAA said.

The significance threshold for noise and land use compatibility in FAA Order 1050.1F is that the action would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level

due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.

For example, an increase from DNL 65.5 dB to 67 dB is considered a significant impact, as is an increase from DNL 63.5 dB to 65 dB. (FAA Order 1050.1F, page 4-8).

FAA said that the petitions filed should not exceed 10 pages in length and should clearly and concisely indicate the petitioner’s specific objection to the project. The petition also must include a description of the result the petitioner seeks.

Community petitions can be filed only after the airport sponsor notifies a community of its right to file the petition.

The petition must be submitted within 30 days after the FAA gives notice that the airport sponsor has presented evidence that the requirements of Section 47106(c)(1)(A)(ii) have been fulfilled. That typically is done in the Final Environmental Impact Statement on the project, FAA said.

“Generally, the FEIS will contain a certification from the Airport Sponsor either that each community in which the project is located has a voting member on its airport management board, or that each community in which the project is located has been advised of its right to petition the Secretary. Normally the Airport Sponsor will have notified each of the communities prior to the publication of an FEIS, allowing communities at least 30 days to prepare and file a petition,” FAA explained in its notice.

Projects That Can Be Petitioned

The agency said this provision of the AAIA applies only to filing petitions about:

- Approval of an airport at a location where no airport exists;
- Approval of the site of a new or relocated runway where a runway does not currently exist, and;
- Approval of a major runway extension that creates a significant impact to an affected environmental resource (including noise) or one that permanently removes a relocated threshold.

FAA does not consider the removal of a dislocated runway threshold to be a runway extension.

The agency’s notice, which includes instructions on how to file comments, is at

<http://www.gpo.gov/fdsys/pkg/FR-2015-08-04/pdf/2015-19144.pdf>

In Brief...

Community Involvement Manual Update

FAA’s Office of Environment and Energy will be leading an agency-wide effort over the next six months to update the FAA Community Involvement Manual, Lourdes Maurice, executive director of FAA’s Office of Environmental and Energy, told aviation trade groups on Aug 6.

She said the manual “focuses on community involvement

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with relation to environmental interests.”

“We recognize that effectively engaging with communities, exchanging information, and hearing community viewpoints broadens the FAA’s information base and improves our decision-making process,” Maurice told the aviation industry groups.

“As a result, we feel it is important to update our internal guidance to address current issues, communication media, and community expectations. In addition, the updated FAA Community Involvement Manual will be expanded beyond airport development and the concerns of airport communities to encompass the broad range of FAA actions, with the concept of ‘community’ extending beyond the traditional airport community.”

Maurice said the new Community Involvement Manual “will focus on assisting FAA practitioners in facilitating meaningful opportunities for community participation. Along with seeking input from FAA practitioners, we will also solicit input from a variety of other aviation sector organizations.”

In addition to updating its Community Involvement Manual, FAA told the NextGen Advisory Committee in early June that it also is developing a Community Involvement Plan that will examine community outreach practices and seek methods to improve on inclusivity and transparency and has launched a Noise Complaint Initiative to identify how the agency can more efficiently and effectively address noise complaints (27 ANR 86).

Laughlin Part 150 Under Review

FAA announced Aug. 4 that it is reviewing a proposed Part 150 airport noise compatibility program that was submitted for Laughlin/Bullhead International Airport in Bullhead City, AZ.

The proposed program will be approved or disapproved by Jan. 18, 2016.

For further information, contact Jared Raymond, an airport planner in FAA’s Phoenix Airports District Office; tel: (602) 792-1072.

Anchorage Maps Approved, 150 Under Review

FAA announced July 31 that noise exposure maps submitted by the Alaska Department of Transportation & Public Facilities for Ted Stevens Anchorage International Airport and Lake Hood Seaplane Base are in compliance with applicable federal requirements.

The agency also announced that it is reviewing a proposed Part 150 program for the airports and it will be approved for disapproved by Jan. 23, 2016.

For further information, contact Leslie Grey in FAA’s Alaskan Region Airports Division; tel: (907) 271-5453.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Portland Int'l Airport

AIRCRAFT PERFORMANCE DATA CONFIRM PROMISED BENEFITS OF RNP APPROACH

Using aircraft performance data, Portland International Airport has demonstrated to its communities and other stakeholders that the predicted benefits of a Performance-based Navigation (PBN) procedure are, in fact, real.

"We wanted to make sure that the PBN arrival and approach procedures being implemented at PDX actually produced the benefits that were expected," Port of Portland Senior Noise Analyst Jason Schwartz told ANR. And the airport wanted to use aircraft flight performance data rather than relying solely on model data.

So airport officials set up a working group with Alaska Airlines, Boeing, and local air traffic control to develop a defensible and transparent methodology that (1) stakeholders could understand and (2) that could be used to quantify the benefits of the TMBRS RNAV Arrival and a new RNP Approach procedure to Runway 10R at PDX.

The TMBRS analysis was a pilot study to help validate the assessment methodology. The ultimate goal is to quantify the benefits of the PBN procedures imple-

(Continued on p. 113)

AIP Grants

PANYNJ GETS \$3.1 M GRANT TO HELP FUND PART 150 STUDY FOR JFK INT'L AIRPORT

The Port Authority of New York and New Jersey received a \$3.1 million Federal Aviation Administration grant to help fund the Part 150 airport noise compatibility study for JFK International Airport, NY Sens. Charles Schumer (D) and Kirsten Gillibrand (D) announced Aug. 12.

"The Port Authority welcomes the federal funding secured by Sens. Schumer and Gillibrand, which will help offset the costs of the agency's ongoing JFK Airport noise study initiated at the direction of [NY] Gov. Andrew Cuomo to help address the concerns of residents living next to the nation's largest international airport," a PANYNJ spokesman told ANR.

Said Sen. Schumer, "The Part 150 study will finally evaluate the best ways to address noise impacts in communities surrounding JFK airport in both Queens and Nassau. I am pleased that the Department of Transportation has invested millions in this study and I am urging the Port Authority to expedite its completion so that our long sought relief of airplane noise is provided as soon as possible."

Last October, the Port Authority of New York and New Jersey signed an

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AIP Grants ... PANYNJ gets a \$3.1 million grant to help fund the Part 150 study for JFK International - p. 112

... Chicago Midway gets a \$10 million grant, Gulfport-Biloxi gets a \$3.4 million grant to fund sound insulation programs - p. 114

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News Briefs ... FAA approves noise exposure maps for Ft. Lauderdale Executive Airport ... Three Illinois congressional representatives want two O'Hare diagonal runways slated for closure to remain open in order to spread noise impact - p. 115

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mented at Portland International.

Using flight performance data provided by Alaska Airlines from 737-800 aircraft for the pilot study, the working group compared the performance of aircraft flying the RNP procedure with that of aircraft flying conventional procedures representing the typical weather (VFR) route and the typical bad weather (IFR) route. These were used as “best” and “worst” case scenarios that were compared to the PBN procedures.

The analysis showed that, on a typical east flow day, a 737-800 flight using the PBN procedure:

- Saved 46 to 79 gallons of fuel;
- Saved 1.6 to 3.6 minutes of flight time;
- Reduced CO2 emissions by 968 to 1,669 lbs; and
- Reduced noise exposure of 55 dBA or greater for 59,000 to 73,000 people.

The noise data are based on maximum sound exposure level (Lmax), which measures the maximum noise exposure level of a single aircraft event.

“We could have used model data to determine the benefits of the PBN procedures,” Schwartz said, “but we felt the actual aircraft performance data had greater integrity.”

During the initial planning stage of the PBN implementation, Schwartz said the expected impacts and benefits that the procedures would have on each stakeholder group (airlines, air traffic control, airport, and community) were discussed.

“The post-implementation analysis was intended to validate these expectations. The initial results confirmed significant benefits in terms of flight efficiencies, reductions in fuel-burn and emissions, and community noise exposure.”

He said the next steps include expanding the assessment to incorporate additional aircraft types and procedures.

Results Can Be Understood

Schwartz said that the methodology used in the analysis describes the results in ways everyone can understand.

“I am not aware of anything like this being done elsewhere in the United States,” he told ANR. “I think if more communities understood the NextGen program goals and airports-specific objectives and expected outcomes, these efforts would be much more acceptable.”

Regarding community reaction to the aircraft performance data, Schwartz told ANR that the analysis was completed a month or so ago and PDX is in the process of updating its NextGen outreach to reflect this additional information.

“In discussions we’ve had with the public thus far, reactions have been very positive. There are those living near the arrival and approach corridors who notice an increase in overflights associated with the increased precision of PBN, but overall, the response has been positive.

“Having engaged the community from the start explaining the purpose and need for NextGen and how PDX fits into the larger National Airspace System, seems to have helped.

Also, we tried to minimize shifting of flight tracks and encouraged procedure design that was consistent with our existing noise abatement procedures, which also helped.

“The efficiency gains were not as dramatic as they may have been with major shifts in flight paths, but early on all stakeholders committed to compromises and win-win outcomes wherever possible.”

Heathrow

STEEPER APPROACH BEING TESTED TO CUT NOISE IMPACT

On Aug. 10, Heathrow Airport officials announced plans to conduct a six-month trial of steeper approaches for aircraft on final approach (approximately 10 miles from touchdown) to all four runway approaches (27R, 27L, 09R, 09L).

The trial is one of 10 practical steps Heathrow is taking through its Blueprint for Noise Reduction to explore ways to improve the noise climate around Heathrow. If adopted, it will be the only airport in the UK to introduce steeper approaches as a means to reduce noise on the ground.

The international standard approach for most airports in the world is set at 3 degrees, except for obstacle clearance (e.g. buildings, mountains etc.). Heathrow believes a steeper angle is possible and will lead to quieter approaches to the airport. This has been the experience at Frankfurt airport that has introduced steeper approach angles to reduce noise for people living nearby.

To test whether the implementation of steeper approaches of up to 3.5 degrees at the airport is possible, starting on Sept. 14 Heathrow will conduct a test of a slightly steeper approach angle of 3.2 degrees.

The trial has been approved by the UK Civil Aviation Authority and is planned to run until March 16, 2016. While the trial is optional, a large number of airlines that have the necessary standard of navigational equipment for this approach are expected to take part.

Steeper approaches, along with other new operating procedures, and new aircraft technology will ensure that even with expansion at the airport, fewer people around Heathrow would be affected by aircraft noise than today, Heathrow officials said.

This was confirmed by the UK Airports Commission in their recommendation to Government which stated that at least 200,000 fewer people are expected to be within Heathrow’s noise footprint by the time an additional runway opens.

The Airports Commissions recently recommended adding a new runway at Heathrow only if stringent environmental conditions can be met (27 ANR 97).

Said Matt Gorman, Heathrow Director of Sustainability and Environment, “Heathrow has changed, and taken a new approach to addressing our impacts on communities, including when it comes to noise. Our Blueprint to cut aircraft noise

has been driven by feedback from local communities. Its role is to challenge the industry to think innovatively about ways to reduce noise.

“Steeper approaches are just one step in the right direction, and along with other quieter operating procedures and incentives to bring quieter aircraft into operation, will ensure fewer people are affected by noise, even with an expanded airport.”

Heathrow has briefed a range of stakeholders about the steeper approach trial, including the Heathrow Airport Consultative Committee and Community Noise forum. Mobile noise monitors have been specially deployed for the duration of the trial. A report will be issued following the trial summarizing the findings.

Aeronautics Research

NASA AWARDS UP TO \$190 MILLION OVER FIVE YEARS TO 13 FIRMS

NASA has awarded contracts to 13 companies to provide advanced propulsion and communications system technologies as part of ongoing long-term aerospace research activities at the agency’s Glenn Research Center in Cleveland.

Each of the 13 indefinite-delivery, indefinite-quantity contracts provide for fixed price, cost share and cost reimbursement competitive tasks with a cumulative maximum value of \$190 million over the next five years. Each contract will have a minimum value of \$30,000.

The contractors will develop, demonstrate and verify advanced technologies that support key challenges in the areas of communications, structures and materials, power, propulsion systems for aeronautics vehicles, and propulsion and communications systems for space missions and vehicles.

Included in those challenges are high power density engine turbomachinery; advanced combustors and alternative fuels; low noise propulsion; variable, combined and hybrid engine systems; engine icing; instrumentation, sensors, controls and intelligent systems; electric propulsion, rocket-based, combined cycle propulsion systems; communication components and subsystem development; disruptive tolerant networking; and flight and ground communication terminals.

The selected companies are:

GE Aviation, Cincinnati;

United Technologies Corporation, East Hartford, CT;

Rolls-Royce North American Tech., Inc., Indianapolis;

Williams International, Walled Lake, MI;

Aerojet Rocketdyne of DE, Inc., Canoga Park, CA;

Orbital Technologies Corporation, Madison, WI;

The Boeing Company, St. Louis;

Northrop Grumman Systems Corporation, Redondo Beach, CA;

Alliant Techsystems Operations LLC, Elkton, MD;

Sierra Lobo, Inc., Fremont, OH;

General Dynamics C4 Systems, Scottsdale, AZ;

John Hopkins University Applied Physics Laboratory, Laurel, MD; and

MTI Systems, Inc., Greenbelt, MD.

Midway Airport

\$10 M FAA GRANT WILL FUND RESIDENTIAL SOUND INSULATION

Chicago Midway Airport received a \$10.21 million FAA grant, \$10 million of which will fund the airport’s residential sound insulation program, Sen. Dick Durbin (D-IL) and Chicago Mayor Rahm Emanuel announced Aug. 5.

The remaining \$210,000 will be used to purchase airport equipment .

“Last year, more than 21 million passengers traveled through Chicago’s Midway Airport, which provides direct access to the region for visitors and businesses,” said Sen. Durbin. “This federal investment will ensure that this critical transportation link can continue to grow while limiting disturbance to the children and families who live nearby.”

Added Mayor Emanuel, “Midway International Airport is a critical economic engine for Chicago and the region. While we want to ensure Chicago remains at the forefront of global aviation, we also want to balance the quality of life for airport neighbors.”

That’s why we anticipated receiving these funds and installed insulation for noise mitigation. I want to thank U.S. Senator Durbin for his leadership and support in prioritizing this funding.”

From April through June, complaints about Midway noise totaled 4,844, more than double the number of complaints filed in the first three months of the year, according to Chicago Department of Aviation data.

Gulfport-Biloxi Sound Insulation Grant

In related news, Gulfport-Biloxi International Airport in Mississippi received a \$3.42 million FAA grant for residential sound insulation, Sens. Roger Wicker (R-MS) and Thad Cochran (R-MS) announced Aug. 6.

JFK, from p. 112

\$8 million agreement with the California firm Environmental Science Associates to conduct Part 150 airport noise compatibility planning studies for John F. Kennedy International and LaGuardia airports over the next three years (27 ANR 143).

Under the agreement, ESA will prepare noise exposure maps, analyze land-use compatibility issues, and assess the viability of potential noise mitigation solutions. ESA also will develop and conduct a comprehensive public outreach program to ensure participation from the communities surrounding each airport.

NY Gov. Andrew Cuomo (D) ordered the PANYNJ to

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conduct Part 150 studies for LaGuardia and JFK airports in November 2013 in response to demands by Queens Quiet Skies (QQS), a community group formed to protest noise from a new RNAV departure procedure put into effect at LaGuardia airport.

The JFK and LaGuardia Part 150 studies kicked off in October 2014. The first round of public workshops and Technical Advisory Committee (TAC) meetings were held in early June, according to the PANYNJ website. A second round of TAC meetings was held last week.

The consultant team is in the early stages of preparing the Noise Exposure Maps (NEMs) for both airports. The goal is to submit the NEMs for both airports to the FAA for acceptance in 2016. The next round of TAC meetings are tentatively scheduled for early October.

In Brief...

Ft. Lauderdale Exec. Noise Maps

On Aug. 13, the FAA announced that noise exposure maps submitted by the City of Ft. Lauderdale for Ft. Lauderdale Executive Airport meet federal requirements.

For further information, contact Allan Nagy in FAA's Orlando Airports District Office; tel: 407) 813-6331.

Reps. Want O'Hare Diagonals to Remain Open

IL Reps. Mike Quigley (D), Tammy Duckworth (D), and Jan Schakowsky (D) applauded Chicago Aviation Commissioner Ginger Evans' recent announcement of measures that will be taken to reduce the impact of noise from a major runway realignment and opening of a new runway at O'Hare International Airport.

But the lawmakers said they "are not convinced at this time that building new runways, while simultaneously decommissioning the diagonal runways, will help reduce noise in our communities and ensure O'Hare remains a competitive airport.

"We believe the diagonal runways remain necessary for efficiency, safety and noise abatement. Leaving the diagonal runways open would allow us to maintain the most potential options to configure the airport and help distribute the noise burden."

On July 31, Evans proposed testing the idea of rotating the parallel runways used late at night at O'Hare – possibly on a weekly basis – to spread aircraft noise impact over a wider number of communities.

However, she rejected the main goal of the Fair Allocation in Runways (FAiR) community coalition, which is to preserve two diagonal runways slated for closure in order to distribute aircraft operations over a wider geographic area.

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Litigation

LANDOWNERS ASK U.S. SUPREME COURT TO REVISIT SEMINAL 1973 BURBANK RULING

On Aug. 4, landowners near Burlington International Airport petitioned the U.S. Supreme Court to overturn a Vermont Supreme Court ruling barring them from using state law to ensure that off-airport mitigation measures are adopted to address noise impacts from the anticipated deployment of F-35 jet fighters.

In 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 jets with the Vermont National Guard at Burlington International (26 ANR 48).

The petitioners told the U.S. Supreme Court that they “did not request measures restricting or otherwise interfering with the Air Force’s scheduling, take-offs, or landings, or impeding in any way the airport’s use. Their request was simple: they sought a declaratory ruling that the state Act 250 land-use commission had jurisdiction over the City [of Burlington] sufficient to order the City to adopt off-site noise-mitigation measures to abate the noise pollution of the new military jets.”

The possible noise mitigation measures the landowners sought included sound

(Continued on p. 117)

Phoenix Sky Harbor Int’l

HISTORIC NEIGHBORHOOD ASSOCIATIONS SUE FAA OVER DEPARTURE PATH CHANGES

Several historic neighborhood groups and residents filed suit in federal appeals court July 31 alleging that they are suffering “significant, adverse impacts” as a result of revised departure routes the Federal Aviation Administration put into effect in September 2014.

They asked the U.S. Court of Appeals for the District of Columbia Circuit to review the final decisions by FAA to permanently implement the RNAV departure routes, which moved and concentrated flight track noise over their communities.

They also asked the Court to review FAA’s refusal to reopen consultation or conduct required environmental review of alternative flight departure routes that would have fewer significant adverse impacts on the historic neighborhoods and their residents.

The case, *Story Preservation Association, Inc. et al. v. FAA* (No. 15-1247) will likely be consolidated with a similar lawsuit filed by the City of Phoenix on June 1 (27 ANR 82).

The non-profit groups and residents – representing historic districts in Phoenix

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Litigation ... Landowners near Burlington International Airport tell the U.S. Supreme Court that a state court decision they are challenging offers the High Court an opportunity to revisit its seminal 1973 ruling in *City of Burbank* - p. 116

Phoenix ... Historic neighborhood groups and residents file suit in federal appeals court challenging FAA’s implementation of RNAV departures at Sky Harbor Int’l that moved flight paths over them - p. 116

News Briefs ... Cook County, IL, Assessor’s Office is conducting a comprehensive study to determine if the runway reconfiguration at O’Hare has affected home market values ... A federal judge declines to bar training flights at Whidby Island Naval Air Station ... Announcements out on 2015 AAAE Noise Mitigation Symposium and 2016 UC Davis Aviation Noise and Air Quality Symposium - p. 118

Litigation, from p. 116

insulation, home buyouts or resettlement, and construction of land berms and walls.

The Vermont Supreme Court held that such requested local measures were preempted by the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972.

The landowners assert that the Vermont Supreme Court's "far-reaching decision conflicts with the decisions of federal courts of appeals (including the Second Circuit) and other state supreme courts, which generally permit the application of general land-use regulations so long as they do not interfere with airport safety or operations."

They argued that the Vermont Supreme Court's decision "also cannot be squared" with the U.S. Supreme Court's 1973 decision in *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624, which addressed local measures to abate airport noise.

"In the intervening four decades since this Court in *City of Burbank* last considered the scope of preemption of local attempts to address airport noise under the Federal Aviation Act, airports have proliferated, air travel has become common-place, population growth has pushed residential areas closer to busy airports, and airport noise has become an ever greater problem," the landowners told the High Court.

"In response, state and local governments have increased their efforts to protect the public from the adverse health, safety, and welfare consequences of residential proximity to airports through zoning and environmental land-use regulations to balance the two uses.

"Unlike the aircraft flight curfew invalidated in *City of Burbank*, such ordinances do not directly interfere with aircraft traffic or operations. Rather, they are generalized land-use regulations that may require off-site noise-mitigation measures, control residential land-use patterns to keep homes away from airports, or prohibit the operation of airports or heliports altogether in a particular area.

Conflict in Courts

"Courts of appeals and state supreme courts have taken inconsistent approaches to determine whether the Federal Aviation Act preempts local land-use regulations aimed at combating or mitigating airport noise. Some courts, like the Vermont Supreme Court, read *City of Burbank* to require categorical preemption of all state and local land-use regulation addressing airport noise," the petitioners explained.

"Others, including the Second Circuit, apply *City of Burbank* by assessing whether the purpose and effect of each regulation interferes with federal aviation regulation. Those conflicting approaches require resolution by this Court.

"This case provides an excellent vehicle for this Court to clarify whether the Federal Aviation Act preempts general land-use regulations addressing airport noise," the petitioners told the High Court.

The City of Burlington, the airport proprietor, plans to oppose the landowners' petition for a *writ of certiorari* and

argue that the Vermont Supreme Court's ruling was based on state law claims and not federal preemption.

The Court held that issuance of permits under Vermont's Act 250 covered only state needs and the basing of the F-35s addressed a federal need.

The U.S Supreme Court receives approximately 10,000 petitions for a *writ of certiorari* each year. The Court grants and hears oral argument in about 75-80 cases.

The case is *Richard Joseph, et al. v. City of Burlington, Vermont, et al.* (No. 2014-192).

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listed on the National Register of Historic Places – told the Court that, while they support the City's litigation, it does not address their more specific environmental and historic interests in the historic neighborhood or their current, ongoing injuries from the FAA's flight departure routes.

Court Asked to Dismiss Phoenix Lawsuit

Meanwhile, the Department of Justice and FAA have asked the Appeals Court (1) to dismiss the lawsuit filed by the City of Phoenix challenging the new departure procedures on the ground that it was not filed within the required 60-day time limit, and (2) to stay an upcoming deadline for filing FAA's administrative record in the case until the Court acts on the motion to dismiss.

FAA and DOJ assert that FAA's final "order" for purposes of judicial review was the implementation of the departure procedures on Sept. 18, 2014. However, FAA issued no public announcement of the flight path changes on that day; it only issued technical charts to the aviation community.

DOJ and FAA told the Court that Phoenix should have filed a petition for review no later than 60 days after Jan. 22, 2015, when FAA informed the City it would not revert to the pre-September 2014 departure routes.

But the City of Phoenix has asked the Court to review an April 14, 2015, FAA letter to the City and attached Post-Implementation Assessment Report rejecting the City's request to move the RNAV departure routes away from affected communities and a later letter FAA sent in June 2015 rejecting the City's request that FAA reconsider the Assessment Report.

DOJ and FAA told the court that Phoenix officials were aware that the RNAV departure routes would go into effect on Sept. 14, 2014, but the City's mayor and City Council members insist they were blindsided by FAA's action.

Who Knew What When

In an effort to understand why they were not told by airport officials that FAA was planning to implement new departure procedures that would move aircraft noise over more densely populated area of the city, Phoenix city officials engaged the law firm Kaplan Kirsch & Rockwell – which represents Phoenix in its litigation against the FAA – to investigate "who within the Aviation Department, at any level, knew

about the impending SIDs, when they knew it, and what, if anything, was done in an attempt to present airport, City, and community viewpoints to the FAA.”

Their June 22 report on the investigation resulted in several airport officials, including the airport noise officer, being demoted or leaving the airport, and should serve as a warning to other airports of the need to keep officials up the chain of command informed about FAA airspace changes and of the consequences that can ensue if that is not done.

For its investigation, Kaplan Kirsch interviewed 14 people on the airport staff, looked at relevant e-mails, calendar entries and other documents, and reviewed thousand of pages of documents.

From this effort, the investigators concluded that multiple failures occurred on multiple airport staff levels and stressed that “caution should be taken in attempting to find one root cause of the issues facing the City.”

The law firm pointed to multiple failures by airport officials, including:

- Deferring to FAA in planning sessions and not providing airport input on the planned RNAV departures;
- Not sharing information obtained at the planning session with superiors;
- Not further analyzing FAA’s new departure procedures to determine their impact on the community;
- Not taking advantage of internal expertise to assess the impact of the departure procedures; and
- Not taking the initiative to influence some action by the City in order to protect stakeholders’ interests.

FAA Did Not Contact Senior Aviation Officials

FAA’s behavior did not escape scrutiny in the Kaplan Kirsch report.

“Interestingly,” it notes, FAA “did not directly contact any senior member of the Aviation Department prior to the fall of 2014 [when the RNAV departure procedures were implemented]. Instead, for reasons unknown to the undersigned, the FAA chose to make its sole point of contact at the lowest levels of the Aviation Department. The specific reasons for this decision are beyond the scope of this report.”

But, says the report later, FAA now asserts that the noise officer – by attending the planning meetings for the RNAV departures – helped design the procedures and approved them on behalf of the airport, thus effectively waiving the right of the City to object to them.

Staff Changes

Not surprisingly, the City of Phoenix is making staff changes in its airport system.

On Aug. 18, Phoenix announced that it has chosen James Bennett as its new aviation director and is interviewing for the position of deputy aviation director for planning, environment and noise.

Bennett has 35 years experience in running airports having headed the Metropolitan Washington Airports Authority and the Abu Dhabi Airports Company. He will begin his new

job at Phoenix on Oct. 5.

The City also is in the process of expanding its noise staff to include (1) a program manager with a higher level of expertise in airspace management, (2) a technical expert/planner to manage technical systems, look for trends in data analysis, and keep management informed, and (3) a community engagement manager to be in charge of community outreach, advocate for communities, and serve as a point of contact for residents.

The Kaplan Kirsch report is at <https://skyharbor.com/flightpaths/LegalInvestigationExhibits.html>

Click on “Follow Up Report.”

In Brief...

Impact of OMP on Home Value

Cook County, IL, Assessor Joseph Berrios announced last week that his office is conducting a comprehensive review of the possible impact of the runway reconfiguration at O’Hare International Airport on home market values.

The Cook County Assessor’s Office is using “highly-qualified graduate students in master’s and doctoral programs to engage in sophisticated analysis of sales and market data,” he said. It also is evaluating and plotting noise complaints from the many areas in the County.

The review began in March 2014 and has included detailed examination and analysis of new noise impact maps received from the City of Chicago, 25 airport-impact studies in North America dating back to 1990, and thousands of pages of environmental impact studies. Key to this effort, the assessor said, is the extrapolation from past studies of findings and statistics that are applicable to O’Hare and Chicago. The goal is to determine possible proven effect by O’Hare on homes’ market value, borne out by sales data.

“We are moving as quickly as we can but with an eye on as much accuracy as possible. The topic of possible O’Hare impact on market value of properties is very complex and takes time to examine correctly. The reason we painstakingly evaluate each of the many North American studies and surveys is because we know what is relevant to O’Hare and Chicagoland and what is not,” Assessor Berrios added.

Judge Won’t Enjoin Navy Training Flights

On Aug. 11, U.S District Judge Thomas Zilly declined to issue an injunction stopping noisy Navy EA-18G Growler electronic warfare training flights at Naval Air Station Whidby Island, WA.

Neighbors of the airbase, under the banner Citizens of the Ebey’s Reserve for a Healthy, Safe and Peaceful Environment, had complained that the Navy’s decision to resume the Growler flights, after have stopped them in 2013, was causing constant noise impact and ruining their health.

But the judge held that the group had failed to show that

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the current training flights were significantly worse than what the Navy had predicted in 2005 when it decided to transition from the old EA-6G Prowler aircraft to the newer Growler.

The citizens group first filed suit in 2013 but stayed it after the Navy agreed to temporarily suspend the training flights. The litigation was revived in April after training operations resumed.

2015 Noise Mitigation Symposium

The 15th Annual AAAE Airport Noise Mitigation Symposium will be held Oct. 7-9 at the Loews Hollywood Hotel in Hollywood, CA.

Topics to be discussed at the meeting include:

- FAA Research Road Map, Stakeholders Participation and Funding;
- FAA Regulatory Update - AC 150/5000-9A;
- Post PGL 12-09 Transition Period and AIP Handbook Update (FAA Order 5100-38D);
- NextGen Design and Implementation Update;
- Managing Helicopter Noise and Ongoing Modeling and Annoyance Research;
- Community Related Hot Topics; and
- Updates to Ongoing Airport Noise Mitigation Research.

Aug. 21 is the deadline for the early-bird registration discount.

For further information, go to <http://events.aaae.org/sites/151007/registration.cfm>

2016 UC Davis Symposium

“Charting New Headings to Quieter and Cleaner Flight Paths” is the theme for the 2016 UC Davis Aviation Noise and Air Quality Symposium, which will be held on Feb. 28 – March 2, 2016, at the Palm Spring, CA, Hilton.

The FAA will host a special session at the symposium to solicit input from attendees on how it can improve its Community Involvement Plan for PBN.

Other sessions will focus on:

- Creating Meaningful Dialogue around Flight Track Changes;
- Effective Community Involvement – Best Practices;
- Communication Is Key – What Data to Share and How;
- Phoenix and Chicago – Lessons Learned;
- How the Environment Is Considered in Airspace Redesign;
- Tech Talk: What is Coming Down the Flight Path?;
- Lessons from Afar;
- Legislative Mandates and Updates;
- Plus Noise 101 + Air Quality 101 Tutorials.

For further information, go to <https://sites.google.com/site/2016uc-daviationsymposium/home>

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 27, Number 30

August 28, 2015

N. California Metroplex Project

PALO ALTO APPROVES STUDY TO QUANTIFY INCREASE IN LOW OVERFLIGHTS, NOISE

The Palo Alto, CA, City Council unanimously agreed on Aug. 24 to fund a study to quantify the dramatic increase in concentrated, low-altitude flights and associated noise that has occurred over the city under the Federal Aviation Administration's Northern California Metroplex Project.

A request for proposals (RFP) will be issued soon for the study, which will document the change in air traffic patterns that has occurred over Palo Alto and provide recommendations for reducing noise impact.

Since February, city staff has been working closely with the anti-noise group Sky Posse and the offices of Santa Clara County Supervisor Joe Simitian and Rep. Anna Eschoo (D-CA) on the scope of services for the RFP.

The RFP process is expected to be completed by December. A city committee recommended that the study be funded at a level of \$30,000 but the City Council said it will wait until December to determine the funding level.

Federal Aviation Administration officials agreed at late July meetings with Rep.

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O'Hare Int'l Airport

DIAGONAL RUNWAY COMMUNITIES SOUGHT TO USE TO SPREAD NOISE QUIETLY CLOSED

On Aug. 19, the Fair Allocation in Runways (FAiR) community coalition lost its battle to keep open two diagonal runways at O'Hare International Airport in order to spread aircraft noise impact in a wider geographic area.

One of the diagonals (Runway 14L-32R) was quietly decommissioned over night. The other is still slated for closure in 2020.

Some Illinois lawmakers who supported FAiR's goal passed a resolution (SB 636) giving the City of Chicago the authority to operate 10 runways at O'Hare instead of eight. That would have allowed the City to operate four diagonal runways in addition to the six planning parallel runways included in the O'Hare Modernization Plan (OMP).

But in late July, Chicago Aviation Commission rejected the idea of retaining the diagonal runways saying they are not compatible with O'Hare's east-west parallel runway alignment and pose potential safety problems with converging aircraft (27 ANR 104).

But Evans said Chicago would test the idea of rotating the use of the parallel

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Eshoo and local officials of Santa Cruz County and Palo Alto to evaluate potential short- and long-term options to address noise complaints that sharply spiked in coastal communities south of San Francisco International Airport in March under the NoCal Metroplex Plan (27 ANR 103).

FAA also agreed to help Palo Alto with its study so that it provides data that will be useful to the agency.

The Palo Alto City Council also approved a resolution that:

- Directs staff to reach out to nearby cities to measure their interest in supporting the study;
- Elevates aircraft noise to be a City priority;
- Authorizes the mayor to appoint a Council Member as liaison to the Sky Posse and as a non-voting representative to the SFO Airport Roundtable;
- Directs the City Manager to continue working with residents on the issue; and
- Directs the City Attorney to meet with residents to review state and federal statutes and regulations and provide information on pending legal proceedings relating to aircraft noise in other regions.

Santa Clara County Resolution

Meanwhile, on Aug. 25 the Santa Clara County, CA, Board of Supervisors unanimously adopted a resolution urging the FAA to address concerns about increased aircraft noise in Santa Clara County.

Supervisor Joe Simitian proposed the resolution with Supervisor Dave Cortese in response to the increase in air traffic at low altitudes above Santa Clara, San Mateo, and Santa Cruz Counties.

Prior to 2013, arriving flights were split into different approaches, some arriving over land, others over San Francisco Bay. These varied flight plans dispersed the noise from the aircrafts and prevented any one city from experiencing a disproportionate amount of noise, Simitian explained.

Under the NoCal Metroplex, however, the FAA has been directing flights to approach airports along a fixed, narrow “superhighway” that leads them above many Mid-peninsula and South Bay cities at altitudes below 5,000 feet, he said.

On a city-by-city basis, the noise complaint numbers are “startling,” Simitian noted. “For Example, in 2014, the FAA received 587 complaints from Palo Alto residents, according to the San Francisco International Airport Noise Abatement Office. By June of 2015, the FAA had received over 5,000 complaints from Palo Alto residents, a tenfold increase.”

“While this problem stretches over at least three counties, it certainly seems severe in our area,” Simitian said. “Just this last weekend I heard from folks in Saratoga, Mountain View, and Menlo Park – all in a 24-hour period.”

Jennifer Landesmann, of Sky Posse, lauded the County Board’s actions.

“We’re delighted with the resolutions recently passed by the County of Santa Clara and the City of Palo Alto,” she

said. “We envision opportunities for air space redesign that will reduce noise and air pollution in such a way that no one is inequitably affected. We favor rerouting much of the air traffic over the Bay at higher altitudes. We look forward to collaborating with our neighbors to formulate a solution that is fair, safe, healthy, efficient, and quiet.”

Simitian, who has been working closely with Rep. Eshoo on the issue said, “Anna’s been doing the heavy lifting on this issue, but she and her colleague Rep. Sam Farr (D-CA) need the support of their local boards to help make the case with the FAA.”

The resolution, adopted unanimously by the County Board on Tuesday, calls on the FAA to mitigate the aircraft noise at ground level in Santa Clara County, as well as require more robust community engagement before flight paths are changed.

“If it does nothing else,” Simitian said, “my hope is that this resolution strengthens the hand of our congressional representatives in dealing with the FAA.”

The Northern California Metroplex includes four commercial airports: San Francisco International, Oakland International, Mineta San Jose International, and Sacramento International.

On July 14, 2014, FAA issued a Finding of No Significant Impact for the project. On Sept. 26, 2014, three homeowners in San Mateo County, CA, filed suit in the U.S. Court of Appeals for the Ninth Circuit challenging the FONSI (26 ANR 151).

Los Angeles Int’l

INGLEWOOD TO RECEIVE \$10 M FOR SCHOOL SOUND INSULATION

Los Angeles World Airports (LAWA) officials announced Aug. 20 that the Inglewood Unified School District will receive its first funding installment of \$10 million from LAWA for the District’s Classroom Noise Mitigation Program.

Earlier this year, the Federal Aviation Administration approved LAWA’s use of \$44.4 million for sound insulation in the school district with Passenger Facility Charge (PFC) funds.

The PFC Program allows the collection of fees of up to \$4.50 for every enplaned passenger at commercial airports controlled by public agencies. Airports may use these fees to fund FAA-approved projects such as noise reduction, enhancing safety, security, and the like. PFCs can only be collected for an FAA-approved program for an established amount and time period.

The FAA-approved plan provided funding for six Inglewood schools. This first work plan requests an installment of \$10 million for sound insulation at two elementary schools and a child development center. In addition to these facilities, another elementary school, a middle school, and a high school will be sound insulated.

Sound-insulation construction will include replacing standard doors with thicker, solid doors; installing interior acoustic ceiling tiles and other insulation as needed; framing and insulating top floors; replacing standard windows with sound-rated windows; replacing/installing heating and air conditioning systems; miscellaneous electrical upgrades where needed; and other work necessary to achieve a targeted interior noise level of 45 decibels or less.

Litigation

JUDGE DISMISSES CLASS ACTION SUIT OVER NOISE DISCLOSURE

On Aug. 21, a Washington state judge dismissed a class action lawsuit against two real estate firms even though they provided only one of two required county noise disclosure notices to home buyers in the noise impact zone of the Navy's Whidbey Island flight training facility.

A Skagit County Superior Court judge ruled that the one notice – which only advised potential home builders about sound insulation construction restrictions and requirements – was adequate to put buyers on notice that there was aircraft noise.

The second notice, which the real estate firms did not provide, advised home buyers that they were located within an Airport Environs impact area where the Navy routinely scheduled day and night practice flights, that they will experience significant jet aircraft noise, and that the noise generated by a single flyover of a military jet may exceed 100 dBA. It also required that potential home buyers be given an Airport Environs Map identifying the locations of the Navy flight training facilities on Whidbey Island and the "Impacted Areas" around them.

The lawsuit (*Jonathan Deegan and Alice O'Grady v. Windermere Real Estate/Center Isle, Inc., and Acorn Properties Inc.*; No. 14 2 007056) was filed in Island County Superior Court on Nov. 18, 2014.

It alleged that the real estate firms violated the Washington State Consumer Protection Act by engaging in deceptive acts or practices and failing to disclose all the information required by Island County code.

The plaintiffs sought a class action status as well as damages and a requirement that the real estate firms provide the correct aircraft noise disclosures.

Prior to the lawsuit being filed, the residents near the Navy's Whidbey Island training facilities complained to county officials about an increase in noise impact due to the introduction of the EA-18G growler aircraft and an increase in training operations.

In December 2013, the Island County planning director concluded that the homeowners' complaints had merit and told the Country Board of Commissioners that the real estate firms were not providing home buyers with both required noise disclosure statements.

In response, in January 2014, the Whidbey Island Association of Realtors began using an updated disclosure form that included language from both County disclosure statements.

Teterboro

PANYNJ GETS \$2.2 M FAA GRANT TO FUND TETERBORO 150 STUDY

The Port Authority of New York and New Jersey received a \$2,268,000 Federal Aviation Administration grant to fund a noise compatibility study at Teterboro Airport, NJ Sens. Robert Menendez (D), Cory Booker (D), and Rep. Bill Pascrell (D) announced Aug. 21.

"The noise from flights going in and out of Teterboro Airport has long been the bane of existence for residents living in the surrounding neighborhoods," said Sen. Menendez. "Hopefully, with this federal funding we will identify a way to mitigate the incessant noise from flights and provide relief for residents."

"The residents near Teterboro airport deserve to live and work free from the inconvenience of excess noise from departing and arriving flights," added Sen. Booker. "This funding will help restore much-needed peace and quality of life for families in these nearby communities."

"We must continue to focus resources and attention to mitigate noise pollution caused by air traffic, which can have a detrimental effect on our quality of life," stated Rep. Pascrell. "I am pleased that this significant federal investment will help fund the ongoing air noise study for Teterboro Airport and provide a path to better address noise impacts in our community."

The study is expected to be completed in 2017.

Rep. Pascrell and Senators Menendez and Booker said they are also leading the effort to protect size and weight restrictions at Teterboro Airport. An amendment they have successfully added to their respective annual transportation funding bill drafts this year prevents the FAA from advancing any proposal to lift the 100,000 pound weight limit at Teterboro Airport.

"The legislative language will safeguard the region from the dangers and disruption caused by larger jets by prohibiting the FAA from overriding decision-making on air traffic by the states of New Jersey and New York," they explained.

Part 150 studies are also currently underway for several other PANYNJ airports: JFK, LaGuardia, and Newark.

O'Hare, from p. 120

runways at night – possibly on a weekly basis – in order to spread aircraft noise impact.

IL Rep. Marty Moylan (D), who has supported the idea of retaining the diagonal runways, said he was disappointed with the closure of 14L-32R. "I think it's taking a page out of the

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former mayor's book in closing it during the nighttime," he said, referring to former Chicago Mayor Richard M. Daley's overnight bulldozing of the runway at Meigs Field in 2003. But Moylan called the parallel runway rotation idea progress.

FAiR Joins ONCC

FAiR leaders said they are not looking at the diagonal runway closure as the end of their efforts and announced that the coalition has accepted a seat on the O'Hare Noise Compatibility Commission (ONCC).

"The type of dialogue and forum established over the summer during the three Community Conversations mandated by House Joint Resolution 083 made it possible for citizens to engage directly with Mayor Emanuel's Office and the Chicago Department of Aviation about the drastic and negative impacts of the current OMP," FAiR said in a statement.

"It was disappointing that the city ignored SB-636 and was unwilling to establish a re-evaluation period to further analyze our proposals in the depth and detail required," said FAiR Leader Al Rapp.

"At least [ONCC Chair] Mayor Arlene Juracek stated at those meetings that there would be an opportunity, via the formation of an ONCC Ad Hoc Committee, for FAiR, the Suburban O'Hare Commission (SOC), the Chicago Department of Aviation (CDA), and the FAA to continue to explore every possible solution and take nothing off the table that would benefit the communities all around O'Hare. We will take that as a positive starting point."

"... FAiR has not changed its position that for the most balanced distribution of air traffic, noise and pollution, all runways have to be part of the solution – only then can we truly say flights are balanced north/south, east/west, city/suburb, and day/night," said Colleen Mulcrone, FAiR Leader. "Those runways have been used for years, and safely. They continue to be used when the city has the will or need for them – and safely."

"To say that they are fatally flawed is not only misleading, it's not true. The FAA would never utilize a runway that's unsafe. What is fatally flawed is a plan that consigns people to living with a highway of aircraft, noise and pollution over their heads when solutions already exist to prevent that. It's a matter of money and will, and the CDA and Mayor Emanuel need to put communities before costs."

In Brief...

Lehigh Valley Int'l SIP Ends

After 25 years and \$44 million, Lehigh Valley International Airport in Allentown, PA, ended its residential sound insulation program in July saying it was no longer needed. Several hundred homes were insulated.

AIRPORT NOISE REPORT

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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FAA

FAA AWARDS \$100 MILLION TO EIGHT FIRMS UNDER SECOND PHASE OF CLEEN PROGRAM

The Federal Aviation Administration has awarded \$100 million in contracts to eight companies to develop and demonstrate technologies that reduce fuel consumption, emissions, and noise under the second phase of its Continuous Lower Energy, Emissions, and Noise (CLEEN II) program.

“By partnering with private industry on advancing the next generation of aviation technologies, the Department is helping shape a world-class transit system that is efficient and environmentally sustainable,” Transportation Secretary Anthony Foxx said Sept. 9.

“Today’s announcement is a win-win for the American people, and is part of a broader Administration effort to find innovative ways to strengthen the economy while reducing carbon emissions into our atmosphere.”

“CLEEN II represents a genuine investment and commitment by the FAA and the industry to find ways to make aviation even cleaner, quieter, and more energy efficient,” added FAA Administrator Michael P. Huerta.

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Reagan National Airport

GEORGETOWN UNIV., RESIDENTS CHALLENGE FAA IMPLEMENTATION OF PBN PROCEDURES

Georgetown University, its student association, and seven neighborhood associations representing residents of the historic Georgetown area of Washington, DC, have challenged the Federal Aviation Administration’s approval of NextGen arrival and departure procedures at Washington Reagan National Airport that shifted flight paths north, away from the Potomac River noise abatement corridor, and over their community.

On Aug. 24, they petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review FAA’s decision to implement the new arrival and departure procedures, which their petition asserts were “in violation of the National Environmental Policy Act and without addressing – and, in some cases, without even responding to – significant concerns raised by Petitioners and their members.”

“The University, its resident students, and the Neighborhoods and their residents have suffered – and will continue to suffer – significant, adverse impacts as a result of the FAA’s flight arrival and departure routes,” according to the petition.

The new arrival and departure procedures were implemented in June as part of

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Lawsuit in state court seeks compensation for homeowners denied sound insulation because houses failed to meet FAA 45 DNL interior noise level criteria - p. 126

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“We expect that when they enter into service, these new technologies will benefit U.S. aircraft for years to come and build on the Obama Administration’s efforts to protect the environment.”

FAA said the five-year CLEEN II program will build on the success of the original CLEEN program, a public-private partnership that began in 2010 and is a key part of the agency’s NextGen efforts to make aviation more environmentally friendly.

The original CLEEN team focused on nine projects in the area of energy efficient aircraft technologies and sustainable alternative jet fuels. The first of these technologies will enter service in 2016.

FAA selected eight companies to participate in the CLEEN II Program: Aurora Flight Sciences, The Boeing Co., General Electric (GE) Aviation, Delta TechOps/MDS Coating Technologies/America’s Phoenix, Honeywell Aerospace, Pratt & Whitney, Rolls-Royce-Corp., and Rohr, Inc./UTC Aerospace Systems.

The companies will match or exceed the FAA’s \$100 million investment, bringing the total to at least \$200 million.

The eight awardees will work to develop a variety of airframe and engine technologies. Each effort will culminate in a demonstration aimed at bringing the product to market.

CLEEN II will nurture these technologies through crucial phases in their maturation, including full-scale ground and flight test demonstrations.

The CLEEN II Program goals include:

- Reducing fuel burn by 40 percent relative to the most efficient aircraft in service during the year 2000;
- Cutting nitrogen oxide emissions during takeoff and landing by 70 percent over the 2011 International Civil Aviation Organization standard without increasing other emissions;
- Lowering noise levels by 32 decibels (dBs) relative to the FAA Stage 4 noise standard; and
- Expediting the commercialization of “drop-in” sustainable jet fuels through support for the fuel approval process.

The FAA anticipates that developed CLEEN II aircraft technologies will be on a path for introduction into commercial aircraft by 2026.

Reagan National, from p. 124

the FAA’s broader metroplex plan for the Washington, DC, area, Georgetown Advisory Neighborhood Commissioner Ed Solomon told ANR. He said residents met with FAA in 2013 to discuss the proposed arrival and departure procedures and were assured that they would not cause increased noise impact for Georgetown residents.

But, he said, that is not the case. The new flight tracks, along with an increase in flights at Reagan National over the past several years and congressionally granted exceptions to

the airport’s perimeter rule have resulted in increased noise impact over Georgetown, including approximately 80 flights before 7 a.m.

Solomon also stressed that all of Georgetown and several buildings on the Georgetown University campus are listed on the National Register of Historic Places. Because of that historic designation, the plaintiffs believe that FAA should have prepared a full environmental impact statement on the new departure and arrival procedures instead of conducting only an environmental assessment, which resulted in a finding of no significant impact (FONSI).

No court dates have been set yet in the case, *Citizens Association of Georgetown, et al v. FAA* (No. 15-1285).

The plaintiffs are represented by Nicholas Yost and Matthew Adams of the San Francisco office of the Dentons law firm and by James Rubin in Dentons’ Washington, DC, office.

The same attorneys are representing several historic neighborhood associations in Phoenix who filed suit in the D.C. Court of Appeals at the end of July seeking review of FAA’s approval of RNAV departure procedures at Sky Harbor International Airport that focused aircraft noise over their neighborhoods (27 ANR 116).

Community Working Group

In related news, the Metropolitan Washington Airports Authority is in the process of establishing a Reagan National Airport Community Working Group to identify and recommend practical noise mitigation initiatives for the entire Reagan National Airport area by the summer of 2016.

The Working Group is being set up in response to increasing numbers of noise complaints over the past 18 months from communities near Reagan National Airport, MWAAPresident and CEO Jack Potter told the Arlington County, VA, Board in an Aug. 6 letter.

He said the Working Group “is designed to inject broad-based community input into noise-related discussions, and to move the noise discussion beyond the airing of individual and neighborhood complaints toward a cooperative effort to identify practical solutions and recommend those solutions to the FAA, which must approve most changes that would apply to aircraft noise abatement regulations and procedures. Therefore, the Working Group’s meetings will be technically focused working sessions rather than public discussion forums.”

“During recent public meetings, FAA officials and others endorsed the idea of convening a forum of community representatives from the multiple jurisdictions around Reagan National in Virginia and the District of Columbia. The jurisdictions were selected based upon the proximity to flight paths and/or the current level of public concern and individual inquiries regarding aircraft noise.

“Such multi-jurisdictional forums, which have been useful at other U.S. airports, are intended to provide an opportunity for inclusive conversations about aircraft noise and to guide and inform cooperative efforts to address noise-related concerns,” Potter explained.

Representatives of the FAA and airlines operating at Reagan National, as well as MWWA and its Noise Information Office, will attend the Working Group meetings, which MWWA will facilitate.

It is expected that the Working Group will meet quarterly. It will be comprised of representatives of several wards in D.C. near the Potomac and Anacostia rivers, as well as representatives of Arlington and Fairfax Counties in Virginia, and the City of Alexandria, VA, which have communities bordering the Potomac.

Reagan National sits on the edge of the Potomac River in Arlington County across from the District of Columbia.

In 2014, Reagan National registered its fifth consecutive year of growth, serving 20.8 million passengers. Federal regulatory changes in recent years have allowed new airlines, flying larger aircraft, to operate at the airport.

Meanwhile, Dulles International Airport, 30 miles west of Washington, DC, which MWWA also operates, is losing domestic traffic to Reagan National.

S. Calif. Metroplex Plan

FAA EXTENDS COMMENT PERIOD FOR SECOND TIME ON DRAFT EA

The Federal Aviation Administration announced Sept. 10 that it is extending the public comment period for the Draft Environmental Assessment (EA) of the Southern California Metroplex project by an additional 30 days.

The comment period will now run until midnight on Oct. 8. The latest extension allows for a full 120 days of comment on the Draft EA on the proposed project, which was announced on June 10 (27 ANR 88).

The original comment period on the Draft EA was just 30 days but was extended to 90 days at the request of most of the Southern California congressional delegation who felt more time was needed to read and analyze the document.

New Features on Web Page

The FAA said it also has installed new features on the project website that allow people to look up current and projected flight tracks, as well as current and modeled noise levels, in their local communities using Google Earth.

Additionally, the website now includes visual depictions of noise corridors and more information about all of the proposed procedures, including the latitudes and longitudes of all waypoints. This information is available under “Supplemental Materials” on the project website—http://www.metroplexenvironmental.com/socal_metroplex/socal_docs.html.

The Southern California Metroplex project is a comprehensive proposal to improve the flow of air traffic into and out of Southern California – from Santa Barbara in the north, to San Diego in the south, and to Palm Springs in the east – by making the airspace safer and more efficient.

It proposes to replace dozens of existing conventional air

traffic procedures with new satellite-based procedures, which are a key component of the FAA’s Next Generation Air Transportation System (NextGen). The Metroplex proposal encompasses 22 Southern California airports, including six major airports.

The FAA released the Draft EA for the project on June 10 for public review and comment and held 11 public workshops in Southern California communities between June 16 and July 1. The Draft EA considers the potential environmental impacts of the project.

Ft. Lauderdale –Hollywood Int’l

NOISE LAWSUITS SEEKS COMPENSATION FOR TAKING OF PROPERTY

On Sept. 1, a class action lawsuit was filed in the U.S. District Court for the Southern District of Florida seeking compensation from Broward County, FL, for residents living below new flight paths created by the extension of the south runway at Ft. Lauderdale-Hollywood International Airport.

The south runway, originally used by commuter aircraft, was extended 8,000 ft. to accommodate commercial jet aircraft and service as a second main runway.

The extended runway opened in September 2014 and the new flight paths have resulted in “unbearable” noise pollution that amounts to an unconstitutional taking of property, the lawsuit alleges.

The plaintiff, who lives in Hollywood, FL, wants the class to be comprised of “all other residents living beneath the south runway flightpath for the Ft. Lauderdale-Hollywood International Airport.”

That would include residents in Hollywood, Dania Beach, and Fort Lauderdale, which are located west of the airport.

The lawsuit (*Noy Hadar v. Broward County, FL*; Case No. 0:15-cv-61845-DMM) was filed by three south Florida law firms: Cullin O’Brien Law and Robinson Caddy Law Group in Ft. Lauderdale, and Bozanic Law in Miami.

Two Lawsuits Filed in State Court

The class action lawsuit comes on the heels of two similar lawsuits filed in Broward County Circuit Court in early August by property owners in Dania Beach, FL, seeking compensation for alleged taking of property by noise impact.

In the first case (*Jesse B. Vance, et al. v. Broward County*; filed on Aug. 5) the plaintiffs said their lives are on hold because they are number 509 in the line for receiving sound insulation and cannot sell their properties “because the noise emanating from overflying aircraft creates undesirable living conditions that prospective purchasers recognize immediately upon visiting the properties and because real estate agents are now required to advise prospective purchasers that the homes are located in a noisy area.”

They believe that residential properties in their neighborhood have dropped an average of 22 percent in value.

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The second case (*Michael R. Sherwin et al v. Broward County*; filed on Aug. 4) will be of interest to those involved in airport residential sound insulation programs.

It is the first instance ANR is aware of where homeowners are seeking compensation for being denied sound insulation because their homes did not meet the FAA's 45 dB DNL interior noise level requirement.

The plaintiffs, who own four homes in Dania Beach located in the airport's 65+ dB DNL contour, assert that Broward County has taken their property without full compensation by denying them sound insulation.

In Brief...

Memphis Noise Maps Approved

FAA announced Sept. 10 that noise exposure maps submitted by the Memphis-Shelby County Airport Authority for Memphis International Airport meet federal requirements.

For further information, contact Phillip Braden in FAA's Memphis Airports District Office, 2600 Thousand Oaks Blvd., Suite 2250, Memphis, Tennessee 38118; tel: (901) 322-8181.

B&K Adds Staff in U.S.

Brüel & Kjær EMS recently announced four new appointments that strengthen the company's U.S. expansion strategy and provide additional regional expertise to help airports solve complex environmental challenges.

Based in Sacramento, CA, Sean Tanner was promoted to Services Manager – Americas and Alex Fluken was promoted to Account Manager. Michael Bent was appointed Service Delivery Manager in Ft. Lauderdale, FL, and Johnathan Wilson joined the company as Service Delivery Manager in Los Angeles.

As part of the services team, they help airports build in-depth understanding about complicated airspace ecosystems and develop strong community relationships, B&K said.

"Sean, Alex, Michael, and Johnathan are important appointments for Brüel & Kjær EMS as we deliver global airport services with a local focus and understanding," said Robert Brodecky, vice president of Brüel & Kjær EMS.

"Their extensive industry experience will help our customers innovatively solve the difficult operational problems they face as airspace is re-designed and community sensitivities evolve."

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 27, Number 32

September 18, 2015

Legislation

SENATORS TRYING TO FORCE FAA TO REVIEW CATEX'S GIVEN TO NEXTGEN PROCEDURES

Arizona Sens. John McCain (R) and Jeff Flake (R) are trying to add an amendment – to any legislation in the Senate they can attach it to – that would require the Federal Aviation Administration to review categorical exclusions granted at airports where NextGen flight procedures were adopted.

“Specifically, the amendment says the FAA administrator should review such categorical exclusions when it is found – after consultation between the FAA administrator and airport operator – that any flight path changes have had ‘a significant effect on the human environment’,” City of Phoenix Government Relations Director Thomas Remes told Deputy City Manager Paul Blue in a Sept 8 memo.

The amendment the Arizona senators seek would apply to decisions made by the FAA administrator on or after Feb. 14, 2012, when the FAA Modernization and Reform Act of 2012 was enacted.

That legislation included two CatEx provisions (dubbed CatEx1 and CatEx 2 by the FAA) that are strongly opposed by community groups because they allow

(Continued on p. 129)

Research

NO AIRPORT/AIRCRAFT NOISE PROJECTS INCLUDED IN 2016 ACRP RESEARCH PROGRAM

The Transportation Research Board (TRB) recently announced 17 projects that will form its 2016 Airport Cooperative Research Program but none address aircraft noise.

Several problem statements proposing projects addressing airport noise issues were submitted to TRB for its 2016 ACRP program but none were funded, Joseph Navarrete, ACRP senior program officer, told ANR.

However, the following two projects in the 2016 program may be of interest to those concerned about airport noise:

ACRP Project 02-69: Integrating Airport Sustainability Plans with Environmental Analyses (\$400,000)

Following is TRB’s description of the project:

Airports can use sustainability initiatives to increase their operational performance, reduce a project’s environmental effects, and enhance their social bene-

(Continued on p. 130)

In This Issue...

Legislation ... Arizona’s senators trying to attach amendment requiring FAA to review categorical exclusions given to NextGen procedures that result in flight path changes that have ‘significant effect on the human environment’ - p. 128

ACRP ... The 2016 research program includes 17 projects but none address aircraft noise directly; two projects may be of interest to those in noise mitigation - p. 128

Awards ... San Diego County Regional Airport Authority’s Quieter Home Program is the winner of the 2015 Randy Jones Award - p. 129

LaGuardia ... NY congressional reps urge PANYNJ to consider noise impacts if 1,500 mile perimeter rule is lifted - p. 130

News Briefs ... FAA seeks comment on its intent to renew approval to conduct survey on human response to aircraft noise in protected natural areas - p. 131

ACRP, from p. 128

the agency to implement NextGen Performance-based Navigation (PBN) procedures without first conducting an environmental assessment or environmental impact statement.

The FAA's first use of CatEx 1 was at Phoenix Sky Harbor International Airport last September when the agency implemented RNAV departure procedures that caused widespread noise complaints and resulted in lawsuits being filed by the City of Phoenix and several historic neighborhood associations challenging the FAA's approval of the procedures.

In addition to taking the FAA to court over its implementation of the RNAV departures, the City of Phoenix also hired the Holland & Knight lobbying firm in Washington, DC, to find a legislative fix to their problem.

The firm has been working closely with Sens. McCain and Flake and others on Capitol Hill and in aviation trade groups to move the senators' amendment.

However, because all funding bills are stalled in the Senate, Sen. McCain and Flake were not able to attach an amendment in the Senate similar to the one included in the House Department of Transportation, Housing and Urban Development (THUD) FY 2016 appropriations bill in June by Arizona Rep. Ruben Gallego (D).

Gallego's amendment would bar the FAA from moving forward with its Phoenix Metroplex Plan – a broader regional airspace redesign – while serious noise issues resulting from last September's changes to departure paths at Sky Harbor remain unresolved (27 ANR 86).

Letter to FAA Administrator

In related news, Sens. McCain and Flake asked FAA Administrator Michael Huerta to provide answers to the following questions regarding implementation of RNAV departure procedures at Phoenix Sky Harbor International Airport last September that moved flight paths over historic neighborhoods of the city, surprising and outraging residents:

- Was there formal notification, such as a letter, to the airport about the nature and timing of the September 2014 flight-path changes that would have allowed for the City of Phoenix Aviation Department and airport to facilitate community engagement?
- How did the FAA's community outreach efforts throughout the RNAV flight-path changes in Phoenix differ from its outreach to other communities that were also dealing with RNAV changes at different airports?
- Did the process and participation of representatives from the airport authority and the community surrounding Phoenix Sky Harbor meet best practices that have been identified through the NextGen Advisory Committee (NAC) process or the FAA's ongoing analysis of community involvement efforts? If not, why not?
- What are the FAA's current plans for outreach in Phoenix related to the September 2014 RNAV flight-path changes, including any public meetings?

- How will public, airport, and stakeholder engagement in the [upcoming] Phoenix Metroplex [Project] differ from what took place in Phoenix prior to the September 2014 RNAV flight-path changes?

FAA's answers to these questions could affect the outcome of the litigation Phoenix filed in which the date when the City was notified of the RNAV procedures is an issue.

City officials contend that neither they nor any senior Phoenix Department of Aviation officials were formally notified by FAA that the RNAV departures would be implemented.

"Many of our constituents who live and work near Sky Harbor Airport have been dissatisfied with the Federal Aviation Administration's lack of engagement with the community during the decision-making process that preceded the implementation of these changes," Sens. McCain and Flake told Huerta.

"As a result, we have drafted legislation that would address these concerns by requiring community outreach and consultation on these changes. These policy and legislative efforts continue and would ideally be complemented by efforts by the FAA to address these frustrations."

"We are aware of the steps that the FAA has taken after the flight paths were changed, including meeting with city representatives and the Phoenix Performance Based Navigation (PBN) Working Group. While we appreciate the time the FAA has spent on this matter, we remain concerned about the process used in implementing the PBN flight procedures.

"We continue to support FAA efforts to improve the safety, efficiency, and future operations of our nation's airspace through NextGen. But, the events surrounding Phoenix Sky Harbor demonstrate that how NextGen is implemented must be improved.

"It appears the FAA is aware of the need for further refinements and, through collaboration with the RTCA NextGen Advisory Committee (NAC), continues to consider ways to guarantee the future success of NextGen implementation."

Awards**SAN DIEGO AIRPORT AUTHORITY WINS 2015 RANDY JONES AWARD**

The Planning Committee for the AAAE Airport Noise Mitigation Symposium is pleased to announce the recipient of the 2015 Randy Jones Award for Excellence in Airport Noise Mitigation. This award is given every year to an individual or organization that has made a significant contribution to the airport noise mitigation industry.

The recipient of this year's award is the San Diego County Regional Airport Authority and its Quieter Home Program (Program).

The Airport Authority has undertaken residential noise mitigation efforts at the San Diego International Airport since

2000. San Diego's unique Program insulates a very diverse and unique housing stock and to date they have insulated over 3,300 dwellings. Since the inception of the Program, the Airport Authority has shown tremendous dedication towards the quality of life for those individuals living within the noise impacted communities surrounding the Airport. With over 6,000 properties potentially still eligible, the Program strives to continually improve processes and procedures to improve customer service for all stakeholders.

The Randy Jones Award will be presented at the 15th Annual AAAE Airport Noise Mitigation Symposium during the awards luncheon on Thursday, October 8 at the Loews Hollywood Hotel in Hollywood, CA.

LaGuardia Airport

CONSIDER NOISE BEFORE LIFTING PERIMETER RULE, PANYNJ TOLD

U.S. Democratic Reps. Grace Meng, Joseph Crowley, and Steve Israel – who represent communities in Queens, NY – called on the head of the Port Authority New York and New Jersey Sept. 10 to consider and address any noise impacts that may result from lifting the 1,500 mile perimeter rule at New York's LaGuardia Airport.

"Governor Andrew Cuomo recently laid out a bold plan for redeveloping LaGuardia Airport. We commend this plan and support the economic development and improved services it will bring," the congressional representatives told Port Authority Executive Director Patrick Foye in their letter.

"New York deserves a world-class airport – however, with infrastructure improvements will also come logistical changes. As the Port Authority of New York and New Jersey studies these changes, specifically the 1,500 mile perimeter rule, we ask that it takes into account noise effects from lifting the rule.

"Our offices have been in touch with PANYNJ over the years on this issue, and you know it is a priority to us. PANYNJ must ensure that airplane noise is adequately addressed in the plan to expand the areas served by LaGuardia Airport – this means that not only do we expect noise to not increase with different routes, but we hope that our efforts to decrease noise substantially are continued.

"There may be winners and losers from this but it must absolutely not come at the expense of our constituents' quality of life," Reps. Meng, Crowley, and Israel told the Port Authority.

In late July, Gov. Cuomo (D-NY) and Vice President Joseph R. Biden Jr. announced that old and outdated LaGuardia airport – which Biden once compared to airports you encounter in the Third World – will be torn down and rebuilt at a cost of around \$4 billion.

The rebuilt facility will include an additional two miles of new taxiways that hopefully will alleviate LaGuardia's chronic flight delays.

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fits. However, to date, sustainability plans have not been well integrated into the planning practice and environmental review efforts at most airports.

This is often because many airports may not know how to, or are not able to, take the maximum advantage of their sustainability efforts during the National Environmental Policy Act (NEPA) process.

For example, an airport may implement projects that reduce delay and congestion and result in air emissions reductions, but due to timing and other factors, may not know how or be able to use the emissions credits as mitigation for a future project.

Similarly, an airport's sustainability initiatives may have reduced its environmental footprint substantially, but that reduced footprint is viewed in NEPA as the existing condition, and the airport is not able to take credit for this in the NEPA document.

Likewise, sustainability initiatives such as "green building" guidelines may provide substantial reductions in impact compared to a "business as usual baseline," but NEPA only recognizes the difference between existing or no action and future conditions. In addition, airport sustainability efforts are often focused on the major issues of greenhouse gas reduction and climate change resiliency, topics that are not fully integrated into NEPA review.

There are a number of strategies that airports can take as part of their sustainability planning that will assist with airport physical planning (master planning) as well as compliance with NEPA, for example incorporating sustainability goals into the process of evaluating development alternatives.

The objective of this research is to help airports think strategically about how their sustainability plans and initiatives can assist with airport physical planning and aid in streamlining the NEPA review,

The research should identify possible approaches to facilitate goal/objective setting and relate to environmental mitigation under NEPA, so that the sustainability initiatives can be used in the NEPA process for maximum benefit.

ACRP Project 03-41: Airport Metrics and Impacts of Air Traffic Control Restrictions (\$400,000)

Following is TRB's description of this project:

More and more airports are entering into projects and operations that impact the air traffic system. These may include a variety of initiatives, including:

- Departure queue management;
- Ramp tower operations;
- Design of Performance Based Navigation (PBN) procedures;
- Joining the FAA/industry Collaborative Decision-Making

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ing (CDM) process; and

- Developing operational efficiencies to attract new service.

For any of these airport-centric initiatives, performance basis and benefit-cost analyses are highly advisable or required. To support these analyses, metrics will be needed to perform accurate and worthwhile comparisons.

For example, how does an airport measure the effectiveness of its ramp tower operation? What is the need versus benefit of a new PBN procedure? What level of air traffic slot control is needed or desired? What is the operational efficiency difference between potentially competitive airports? At present there is not a uniform or established set of metrics or analyses that can be used for these and other questions.

The objective of the proposed research is to establish metrics to support airport-centric initiatives, including sources of information for these metrics, which can become a useful standard for airports to measure their operation.

Projects descriptions for all the new projects in the 2016 ACRP program are available at

<http://www.trb.org/ACRP/UpcomingCRPProjects.aspx>

Project Panel Members Sought

TRB is soliciting volunteers to serve on project-oversight panels for the new projects being established under the ACRP's fiscal year 2016 program. Nominations must be submitted by Sept. 21.

Information on how to nominate someone for a project panel or to nominate yourself is available at

<http://www.trb.org/Main/Blurbs/172980.aspx>

In Brief...

Park Noise Survey

The public has until Oct. 16 to comment on FAA's intention to request Office of Management and Budget approval to renew its survey of human response to aviation noise in protected natural areas.

"The research is important for establishing the scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000," FAA explained in its Sept. 16 *Federal Register* notice.

The notice, which provides instructions on how to submit comments, is at <http://www.gpo.gov/fdsys/pkg/FR-2015-09-16/pdf/2015-23192.pdf>

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Guidance

ACI, CANSO JOINTLY PUBLISH GUIDANCE ON MANAGING IMPACTS OF AVIATION NOISE

The Airports Council International and CANSO (the Civil Air Navigation Services Organization) announced Sept. 23 that they have collaborated closely to launch a new initiative to help reduce noise from aviation.

They have published “Managing the Impacts of Aviation Noise,” a best practice guide for reducing aviation noise, especially for communities near airports. The initiative is to be rolled out to airports and air traffic management organizations across the globe.

Said Jeff Poole, CANSO’s Director General, “The aviation industry has achieved substantial and measurable reductions in noise over the last 50 years through a mixture of airframe and engine technology and operational efforts. But the problem still exists and we must make every effort to mitigate the impact of aviation noise for people on the ground, especially those living around airports.

“This excellent publication provides airport operators, air navigation service providers (ANSP) and other aviation stakeholders with the tools to take further action on this vital issue for our industry. Key to our success in reducing noise is part-
(Continued on p. 133)

AIP Grants

25 AIRPORTS GET TOTAL OF \$132.5 MILLION IN AIP NOISE GRANTS THUS FAR IN FY 2015

As of Sept. 21 – just nine days short of the end of fiscal year 2015 – some 25 airports have received a total of \$132.5 million in federal Airport Improvement Program (AIP) grants for noise mitigation projects, according to newly-released Federal Aviation Administration data.

That is an \$11 million increase over the \$121.5 million that 22 airports received for noise mitigation projects in fiscal 2014 (26 ANR 159).

Following are the airports that have received AIP noise grants thus far in fiscal year 2015:

- Phoenix Sky Harbor International Airport received a \$5 million AIP grant to conduct a noise compatibility plan study;
- Hawthorne (CA) Municipal Airport received a \$4 million AIP grant to conduct a noise compatibility plan study;

(Continued on p. 134)

In This Issue...

Noise Guidance ... ACI and CANSO jointly publish a 60-page best practice guide for airports, air navigation service providers, and others to use in reducing aviation noise, especially on communities near airports - p. 132

AIP Noise Grants ... Some 25 airports have received a total of \$132.5 million in AIP noise mitigation grants thus far in fy 2015, FAA data show. That is an \$11 million increase over fiscal 2014 AIP noise mitigation grant awards - p. 132

Midway Airport ... FAA adds over \$2.8 million to previously announced sound insulation grant - p. 133

Chicago O’Hare ... ONCC appoints *ad hoc* committee to recommend modifications to nighttime noise abatement program - p. 133

Aircraft ... Bombardier’s new CS100 aircraft is the quietest in-production aircraft in its class, company says - p. 134

Guidance, from p. 132

nership and joint action among airports, airlines, and air traffic management, engaging with local communities, to deliver measurable results.

“We are now rolling this initiative out to CANSO members through the aid of regional expert champions and through workshops at CANSO regional conferences, as well as other global and regional events.”

The 60-page guide examines the challenge of aviation noise and describes methods that airport operators and ANSPs can use to manage and reduce its impact.

It reviews four current approaches for managing noise: reducing noise at the source; land use planning; noise-reducing operational procedures; and operating restrictions. Operational procedures include techniques such as tailored arrivals, continuous descent operations, arrival or departure path alternation and managing thrust. The noise mitigation measures described in the guide can be collaboratively implemented by ANSPs, airports, and aircraft operators.

Angela Gittens, Director General ACI, said the aviation industry “needs to address the concerns of local communities about aviation noise to maintain the support of governments and the general public and to maintain our license to operate. The industry must do more – work collaboratively and pool its collective ingenuity and innovative capabilities – to develop solutions that address the noise challenge. This publication provides a template for action on noise.”

The guide provides key principles and recommended actions for better community interactions, including effective communication, transparency, and education. Eleven case studies highlight actual experience in dealing with airport noise issues along with solutions and examples of stakeholder collaboration essential to reduce the impact of aviation noise.

While the guide’s primary focus is airports and ANSPs, it also provides useful information to other aviation stakeholders, including aircraft operators, regulators, and the general public.

“Managing the Impacts of Aviation Noise: A guide for Airport Operators and Air Navigation Service Providers,” can be downloaded at

https://www.canso.org/sites/default/files/Managing%20the%20Impacts%20of%20Aviation%20Noise_HQ.pdf

Midway Airport

FAA AWARDS ADDITIONAL GRANT FOR HOME SOUND INSULATION

The Federal Aviation Administration has added an over \$2.8 million grant to a previously announced \$10 million grant for sound insulation in homes around Midway Airport, Rep. Daniel Lipinski (D-IL) announced Sept. 18.

The grant will provide funding for phase two of a three phase project, which includes insulation for a total of 917 eli-

gible residences, improving the quality of life for over two thousand people that live near the airport.

“Midway Airport plays an important role in both the regional and local economy, but – having grown up less than a mile from Midway – I know that issues such as airplane noise can be extremely frustrating,” Rep. Lipinski said.

“In response to a number of Midway-related noise complaints, additional sound monitors have been placed in communities around the airport. I will continue to strive to make the airport better for everyone.”

Lipinski is the senior member from Illinois on the House Transportation and Infrastructure Committee and serves on its Aviation Subcommittee.

Chicago O’Hare Int’l

ONCC GROUP TO REVIEW NIGHT NOISE ABATEMENT PROGRAM

On Sept. 18, the O’Hare Noise Compatibility Commission (ONCC) appointed nine members representing Chicago and suburban communities near O’Hare International Airport to an ONCC *Ad Hoc* Fly Quiet Committee to review and recommend modifications to the airport’s voluntary nighttime noise abatement program.

The members were appointed by ONCC Chair Arlene A. Juracek, mayor of Mount Prospect, IL. Joseph Annunzio, ONCC vice-chair and Niles village attorney, will lead the *ad hoc* committee.

In July, Chicago Aviation Commissioner Ginger Evans rejected noise mitigation measures proposed by the Fair Allocation in Runways (FAiR) community coalition – including imposing a mandatory Fly Quiet Program – to address new noise impact caused by a major runway realignment made under the O’Hare Modernization Program (27 ANR 104).

However, Evans did propose that a test be conducted of the idea of rotating the runways used late a night at O’Hare – possibly on a weekly basis – in order to spread aircraft noise impact over a wider number of communities.

The new ONCC *Ad Hoc* Fly Quiet Committee members include ONCC Technical Committee Chair Catherine Dunlap, Chicago Ward 41; ONCC Technical Committee Vice-Chair Dennis Ryan, River Grove; Harwood Heights Mayor Arlene Jezierny; Schiller Park Mayor and Suburban O’Hare Commission (SOC) member Barbara Piltaver; Bensenville Mayor Frank Soto, SOC; Des Plaines Alderman Malcolm Chester; Schaumburg Director of Transportation Karyn Robles; and the Chicago Ward 45 designee.

“This ad hoc committee is a balanced representation of the citizens we serve,” said Mayor Juracek. “The FAA tasked us with the responsibility to oversee O’Hare noise mitigation efforts. We have carefully reviewed the FAA’s environmental re-evaluation, as well as CDA recommendations for ways to modify nighttime noise abatement procedures. Committee members are ready to tackle the complicated noise abatement

program modification process.”

ONCC has extended an invitation to the Fair Allocation in Runways (FAiR) Coalition to serve as a non-voting guest participant on the *ad hoc* committee with the promise of a standing agenda item at each committee meeting for direct citizen input.

“The sole purpose for this *ad hoc* committee is to look at the Fly Quiet Program and find ways we can provide relief for residents who are impacted by noise,” said ONCC Vice-Chair Joseph Annunzio.

“We will call upon both SOC and CDA consultants for their recommendations, as well as O’Hare Air Traffic Control, airlines, and their pilots. We won’t compromise safety, but stay focused to reach a consensus and present our modifications to the FAA,” he said.

Aircraft

BOMBARDIER SAYS ITS NEW CS100 IS QUIETEST AIRCRAFT IN CLASS

Bombardier’s all-new CS100 aircraft has successfully completed all noise performance testing and preliminary data confirm that it is the quietest in-production commercial jet in its class of narrow body, twin-engine, medium range aircraft, the company said Sept. 10.

“The aircraft’s noise performance and its outstanding short-field capability make it ideal for city center operations,” Bombardier stressed.

The first production CS100 aircraft will soon begin function and reliability testing, signaling the start of the final flight-testing phase. For these tests, the aircraft will operate on a commercial airline type of schedule from key airports in North America.

Bombardier’s announcements were made on the occasion of a CS100 flight demonstration at Bombardier’s Toronto site where the aircraft performed for employees, local government representatives, business leaders, media, and Toronto-based C Series customer and long-time Q400 operator, Porter Airlines.

The demonstration aircraft – flight test vehicle five (FTV5) – was painted in the livery of launch operator SWISS.

“It’s always a thrill to see the C Series aircraft in a new city and today marks a proud achievement as we experience the aircraft’s Toronto debut,” said Fred Cromer, President, Bombardier Commercial Aircraft.

“With a solid plan targeting certification by year-end 2015, and entry into service with SWISS in the first half of 2016, we are working with existing and potential customers as they explore opportunities and develop business cases around the C Series jetliners.”

“The excitement around the C Series grows every time we meet or surpass our performance targets,” said Rob Dewar, Vice President, C Series Aircraft Program, Bom-

bardier Commercial Aircraft.

“We announced previously that the C Series aircraft are exceeding their original targets for fuel burn, payload, range and airfield performance. Now we are delighted that the CS100 aircraft’s noise performance tests have confirmed it as the quietest in-production commercial jet in its class.

“The C Series certification program is now over 85 per cent complete,” added Dewar, who provided no specific noise date on the CS100 noise performance.

Earlier this year, Bombardier announced that the C Series aircraft, fitted with Pratt & Whitney PurePower(R) PW1500G engines, is delivering more than a 20 percent fuel burn advantage compared to in-production aircraft, and a greater than 10 percent advantage compared to re-engined aircraft.

Guidance, from p. 132

- Los Angeles International Airport – City of Inglewood (CA) received an \$8 million AIP grant to provide noise mitigation measures for residences in the 65-69 DNL noise contour of LAX;
- San Diego International Airport received a \$12 million AIP grant to provide noise mitigation measures for residences in the 65-69 DNL contour;
- Centennial (CO) Airport received a \$500,000 AIP grant to conduct a noise compatibility plan study;
- Tweed New Haven (CT) Airport received a \$569,842 AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Ft. Lauderdale-Hollywood International Airport received a \$20 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Key West International Airport received a \$25,835 AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Atlanta Hartsfield-Jackson International Airport received a \$10 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Guam International Airport received a \$2 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Honolulu International Airport received a \$262,000 AIP grant to install a noise monitoring system;
- Chicago Midway International Airport received a \$12,845,171 AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;

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- Indianapolis International Airport received a \$138,475 AIP grant to conduct a noise compatibility plan study;
- Alexandria (LA) International Airport received a \$7 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Westover Air Reserve Base in Chicopee, MA, received a \$2.5 million AIP grant to acquire land for noise compatibility in the 65-69 DNL contour;
- Westfield Barnes Regional Airport in Westfield, MA, received a \$2,499,999 AIP grant to acquire land for noise compatibility in the 70-74 DNL contour;
- Gulfport-Biloxi (MS) International Airport received a \$3.42 million AIP grant for noise mitigation measure for residences in the 65-69 DNL contour;
- Piedmont Triad International Airport in Greensboro, NC, received a \$2.7 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Newark (NJ) Liberty Airport received a \$2,942,178 AIP grant to conduct a noise compatibility plan study;
- Teterboro (NJ) Airport received a \$2,410,881 AIP grant to conduct a noise compatibility plan study;
- T.F. Green Airport in Warwick, RI, received a \$7,862,919 AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Laredo (TX) International Airport received a \$6 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- San Antonio International Airport received a \$15 million AIP grant for noise mitigation measures for residences in the 65-69 DNL contour;
- Burlington (VT) International Airport received a \$1,101,150 AIP grant to acquire land within the 65-69 DNL contour;
- Seattle-Tacoma International Airport received a \$3,778,402 AIP grant to conduct a noise compatibility plan study.

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