

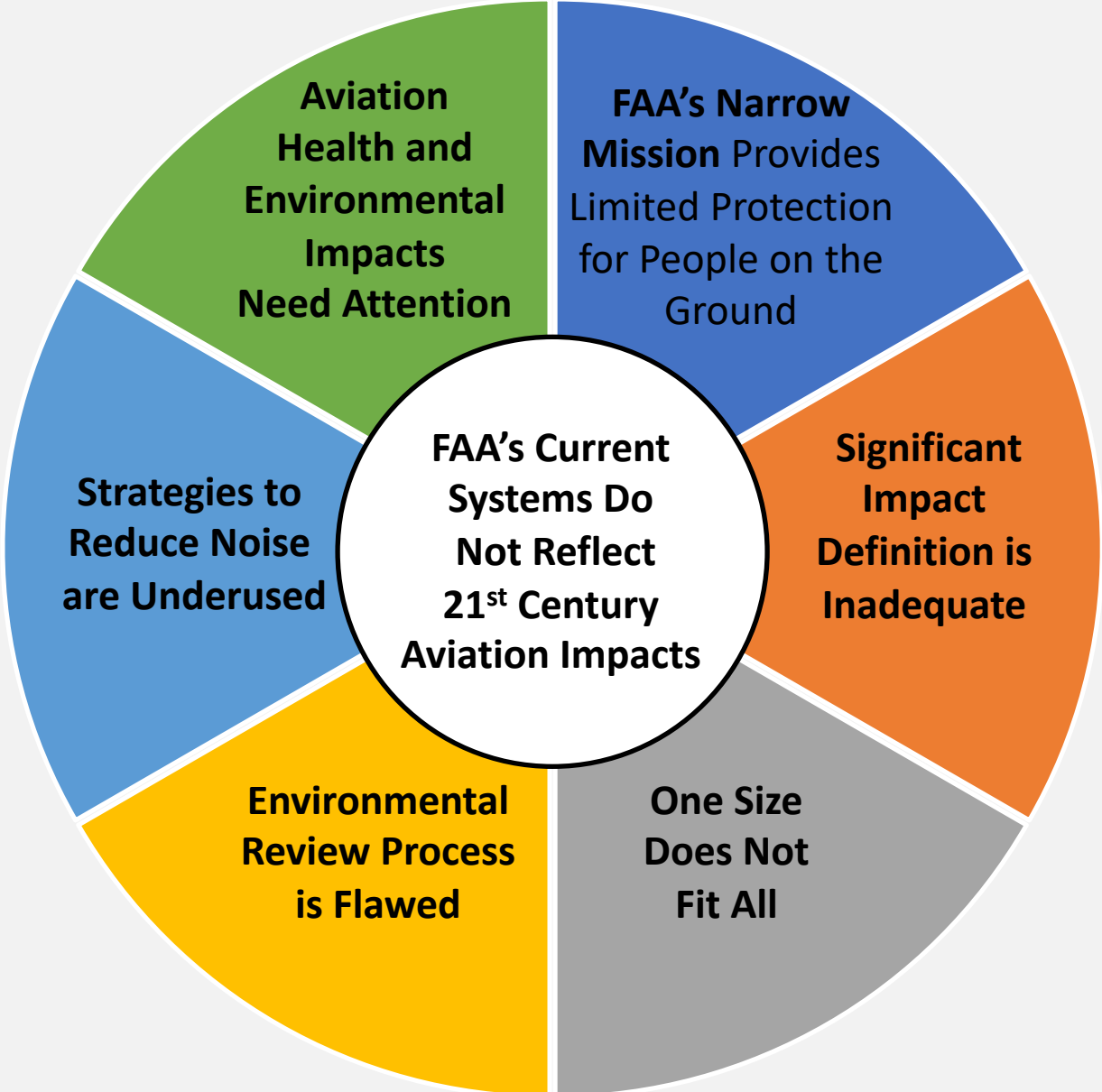
Critical Areas to Change Through Legislation

Aviation Impacts Solutions Summit: Part 2 - July 17, 2021

Presented by Darlene Yaplee

*A Founding Member of Aviation-Impacted Communities Alliance (AICA) and
Concerned Residents of Palo Alto*

Critical Areas to Change Through Legislation



Problem **FAA's "Significant Impact" Definition is Inadequate**

"Significant Impact" under NEPA (1969) is 65 dB DNL

- **The FAA has decided the DNL threshold determines:**
 - Basis for sound insulation programs, and
 - Level and outcome of Environmental Review (NEPA 1969)

Problem (Cont.)

FAA's "Significant Impact" Definition is Inadequate

- **If there is no change to the FAA's definition of "Significant Impact" there will be no change in the FAA's decisions**
 - Outdated definition - does not reflect how people experience noise
 - Finding of No Significant Impact (FONSI)
 - No legal recourse
 - Neighborhood Environment Survey (NES) casts doubt on 65 dB DNL for determining "significant impact"
- **Lowering 65 DNL to 55 DNL would not help NextGen impacted communities further from airport**

Problem (Cont.) FAA's "Significant Impact" Definition is Inadequate

LEGISLATIVE RECOMMENDATIONS

- **A system of existing metrics and thresholds** to reflect the impacts of aircraft noise for people on the ground both near and far from airports, Aviation Safety and Noise Abatement Act (ASNA 1979).
- **Thresholds must consider** ambient noise levels (daytime and nighttime) and more existing metrics/details: N-Above, C-weighting and A-weighting.
- **The FAA must seek significant input from independent, objective experts**
 - For example, the National Academies of Sciences, Engineering, and Medicine to provide an expert consensus report on a system of metrics (existing) and thresholds to replace the current reliance on the Day-Night Level (DNL) metric alone.

NOTE: The FAA failed to fulfill the requirements of sections 173 and 188 of the FAA Reauthorization Act of 2018 which directed the FAA to evaluate alternative metrics to the DNL and 65 DNL standard.

Problem FAA's Environmental Review Process is Flawed

LEGISLATIVE RECOMMENDATIONS

- **Perform accurate impact analyses** for locations under NextGen paths due to inadequate metrics, methods, modeling tools (AEDT or noise screening tools), definitions, and assumptions that underestimate actual aviation noise impacts. **Include cumulative impact** over time, multiple procedures and airports.
- **Eliminate use of the CATEX (Categorical Exclusion)** to implement major changes such as new RNAV procedures.
- **Ensure FAA puts in place timely, full disclosure, and meaningful** community involvement and consideration before decisions are made.
- **Add a validation step** to compare the predicted impacts in the Environmental Review against the actual impacts using noise monitors, not just the # people overflown.
- **Etc.**

NOTE: The FAA failed to fulfill the requirements of section 176 of the FAA Reauthorization Act of 2018 which directs the FAA to submit a report on how it will improve community involvement and lessons learned for future NextGen projects.

Status of Aircraft Noise and Emissions Bills for 117th Congress

Previous Bills Reintroduced

- **Air Traffic Noise and Pollution Expert Consensus Act of 2021 (H.R. 712) – Lynch (D-MA)**
 - National Academies of Science consensus report on the health impacts of air traffic noise and pollution
- **Safe and Quiet Skies Act (H.R. 389) – Case (D-HI)**
 - Tour flights: requirements and state and localities authority
- **Improving Helicopter Safety Act of 2021 (H.R. 1643) – Maloney (D-NY)**
 - Reduce helicopter traffic, improve safety, prohibit non-essential helicopters in NYC airspace
- **Sustainable Aviation Fuel Act (H.R. 741) – Brownley (D-CA)**
 - Incentivize the production of sustainable aviation fuel (SAF) and help the aviation sector reduce carbon

Previous Bills Expected to be Reintroduced

- **Protecting Airport Communities from Particle Emissions Act – Smith (D-WA)**
 - Text TBD: National Academies of Science study on ultrafine particles (UFPs)

See Appendix for Additional Information

Sources: ANE 2021 Legislative Supporting Document, Anne Kohut ANR and Legislative Update, Justin Cook HMMH May 2021, SFO RT

THANK YOU

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APPENDIX

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Status of Aircraft Noise and Emissions Bills for 117th Congress – Cont.

Previous Bills Expected to Be Reintroduced - Continued

- **Aviation Impacted Communities Act – Smith (D-WA)**
 - Text TBD: Funds for noise mitigation efforts outside 65 DNL, expand FAA-funded sound insulation efforts, and FAA interface with residents and locally-nominated leaders

Previous Bills – Unclear if Will Be Reintroduced

- **Quiet Communities Act of 2019 – Meng (D-NY)**
 - Reestablish the EPA's Office of Noise Abatement and Control (ONAC)
- **Restore Everyone's Sleep Tonight (REST) – Speier (D-CA)**
 - Airports to impose restrictions between 10 p.m. and 7 a.m. and a noise deterrence penalty
 - Note: future version should consider replacing airports with local governments
- **Aircraft Noise Reduction Act – Neguse (D-CO)**
 - General Aviation airports to restrict noise without going through FAA's Part 161 e.g., curfews
- **Fairness in Airspace Includes Residents (F-AIR) Act – Speier (D-CA)**
 - Amend FAA's prioritization of airspace use: #1 safety and #2 noise and health impacts/environmental concerns on an equal basis of efficiency

Status of Aircraft Noise and Emissions Bills for 117th Congress – Cont.

Previous Bills – Unclear if Will Be Reintroduced - Continued

- **APPRISE Act – Speier (D-CA)**
 - Ensures community knowledge and input is represented in the FAA flight procedure design process
- **RESPECT Act – Speier (D-CA)**
 - Requires FAA staff to answer questions (e.g. relating to flight procedures) submitted in writing by Members of Congress within 90 days
- **NOTIFIED Act – Speier (D-CA)**
 - If a new or modified flight path is proposed through FAA PBN process, would require notification with pertinent information to City Councils, Board of Supervisors, Members of Congress, and Aviation Roundtables within 5 miles of flight path
- **LEAVE Act – Speier (D-CA)**
 - Establishment of standards and remedies related to ground-based noise (GBN)

NOTE: On-going updates expected and all previous bills may not be included.

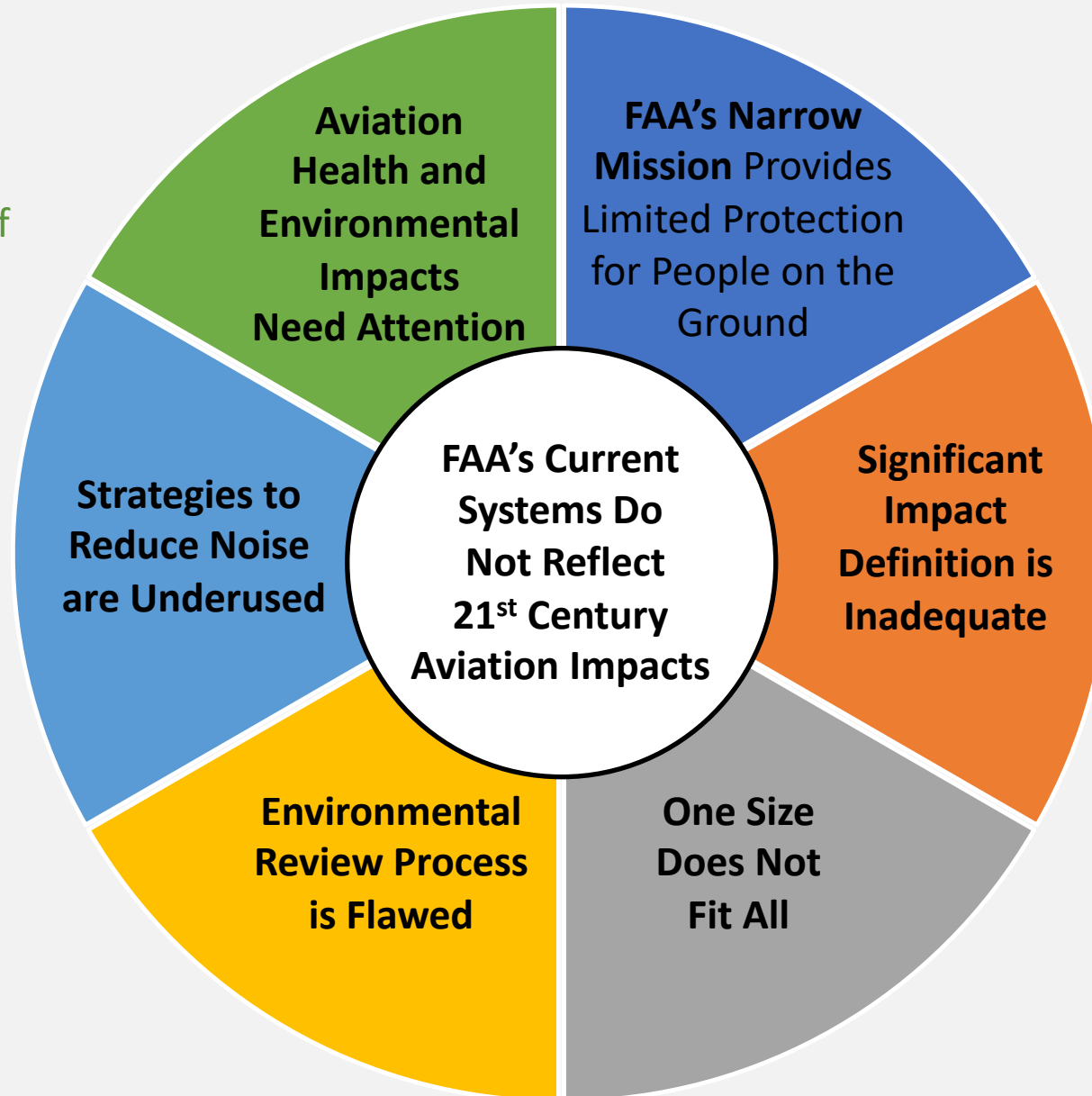
Sources: ANE 2021 Legislative Supporting Document, Anne Kohut - Airport Noise Report (ANR) and Legislative Update, Justin Cook - Harris Miller Miller & Hanson Inc. (HMMH) May 2021, SFO RT Legislative Subcommittee

Critical Areas to Change Through Legislation

- Lower emissions
- Act on research
- H.R. 712 Air Traffic Noise and Pollution Expert Consensus Act of 2021
- Etc.

- Local control (e.g. curfew)
- Lower concentration and frequency
- Quiet procedures
- Etc.

- Accurate impact assessments
- Eliminate CATEX usage
- Effective community engagement
- Add validation step
- Accountability
- Etc.



- Must be broader – FAA or another agency (EPA's Office of Noise Abatement and Control)

- Change "Significant Impact" – metrics and thresholds

- Different solutions for different noise types

Insights for Future Legislation

FOR EXAMPLE, EFFECTIVE LEGISLATION WILL:

- ❑ Recognize that the Public wants less noise, not more research
- ❑ Task independent bodies of recognized experts with a track record of accelerating policy changes to review existing data and issue recommendations in a timely fashion
(e.g. H.R. 712: Division of Medicine within the National Academies for health impacts of noise & pollution)
- ❑ Be specific and hold FAA accountable: deliverables, actions, and timelines
- ❑ Take into account learnings from previous legislation