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# ***Airport Noise Report***



A weekly update on litigation, regulations, and technological developments

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## **COMMUNITY ALLIANCE LEADERS DEFINE ISSUES NOISE POLICY REVIEW MUST ADDRESS**

*In response to ANR's request for reactions to FAA Administrator Steve Dickson's May 10 announcement that FAA will work with the Federal Mediation and Conciliation Service to develop a framework and inclusive process for updating FAA's aviation noise policy, Cindy L. Christiansen, PhD, and Darlene Yaplee, two of the founding members of the Aviation-Impacted Communities Alliance (AICA), submitted the comments below.*

*AICA is a national group of community advocates who create position papers and briefings on legislative issues and priorities for aviation-impacted communities.*

*Yaplee is active with Concerned Residents of Palo Alto in the San Francisco Bay Area / NorCal Metroplex. She brings 30+ years of experience as an executive at Fortune 500, high-technology companies where she worked on strategic alliances, marketing, and new market development. Christiansen is a founding member of BOS Fair Skies and a former member of the Massachusetts and the Logan Community Advisory Committees. Professionally, she is an Associate Professor at Boston University, a health policy researcher and consultant, and teaches statistics to graduate students.*

*Following are their comments:*

If the Federal Mediation and Conciliation Service (FMCS) is included in the design and implementation of a policy framework and process for updating FAA's aviation noise policy, FMCS should lead the effort, not merely "assist." To achieve process and outcome independence and credibility, the FMCS or another group must address the following:

- Flawed findings and assumptions must no longer be used as the basis for FAA noise policies.
- Include assessment of noise impacts for communities far from airports that experience numerous and frequent overflights.

- To bring the FAA's new noise policies into the 21st century, the Agency must seek significant input from independent, objective experts. For example, the FAA should immediately ask the National Academies of Sciences, Engineering and Medicine to provide an expert consensus report on a system of metrics (existing) and thresholds to replace reliance on the Day-Night Level (DNL) metric alone for assessing aviation noise impacts.
- The FAA should not preemptively make assumptions about potential solutions.
- Affected communities must be included and regarded as legitimate and significant stakeholders versus tokenism in the process of developing new aviation noise policies.
- The FAA needs to take quick and decisive action to update its noise policies. Lengthy studies and further delays are unacceptable given aviation noise has caused millions of complaints and increasing numbers of lawsuits.

## Supporting Evidence

### 1. Flawed findings and assumptions must no longer be used as the basis for FAA noise policy.

- The Congressional QSC's September 23, 2020, letter in response to the FAA's Metric Report insisted [emphasis added] "that the FAA return to the drawing board and meaningfully evaluate alternative metrics to the current DNL 65 average, not just dismiss or ignore them, and include the potential for the use of such metrics in the United States." Without redoing the report, the FAA is claiming their report, "...will provide a common understanding of the present state from which the FAA can begin to build a future policy." The mandated report cannot be used as a foundation for future policy because it is flawed and was not redone.
- FAA Administrator Dickson states that the NES survey "...demonstrates increased sensitivity to aviation-related noise and heightened annoyance levels." The NES study does not show that people are more sensitive to aviation noise than in the past. The NES study establishes that a much greater proportion of people are highly annoyed by aircraft noise, across all levels of DNL, than the FAA previously estimated (i.e., than the Schultz and FICON curves estimated). It is now incumbent upon the FAA to adjust its noise policies to reflect this new scientific evidence.
- The FAA should not build on or use content from sections 173 and 188 Metrics Report, April 2020 (Metrics Report) of the FAA Reauthorization Act of 2018, given that it failed to fulfill the requirements mandated by Congress. Dickson's letter states:
  - "From a substance perspective, the review will be thorough, will build on the FAA's Report [Metrics Report], which presented and

evaluated alternative noise metrics and their potential suitability in certain circumstances....” And

- “While the Report [Metrics Report] and the survey [NES Survey] were undertaken for different purposes and present distinct information, taken together, the findings from each will provide a common understanding of the present state from which the FAA can begin to build a future policy. The existing metric Number Above (number of flights above a certain noise threshold) must be considered for capturing noise impacts from numerous/frequent overflights especially in away-from-airport environments.

## **2. Include assessment of noise impacts for communities far from airports that experience numerous/frequent overflights.**

- Lowering the threshold for significant noise impact from 65 DNL to, for example, 50 DNL will not address the numerous/frequent overflight noise impacts to communities.
- The 1979 Aviation Safety and Noise Abatement Act (ASNA)<sup>[1]</sup> mandates the FAA to utilize noise metrics that have “a highly reliable relationship between projected noise exposure and the surveyed reactions of people to noise....” The use of 65 DNL fails this Congressional requirement, particularly in environments that experience numerous overflights far from airports.
- A system of metrics (not DNL alone) and thresholds must address the different impacts of aircraft noise in environments near and far from airports and at a minimum, the following metrics should be investigated: N-Above, C-weighted dB, and ambient noise differences.
- No new noise metrics have to be developed or researched before changing noise policy in ways that finally begin to address the harm that has been substantiated by the new NES data.

## **3. To bring the FAA’s new noise policies into the 21st century, the Agency must seek significant input from independent, objective experts.**

- The review of the DNL metric and threshold should be performed by an independent, multi-disciplinary panel of experts such as the National Academies of Sciences, Engineering and Medicine.
- The review should be based on current scientific knowledge relating to the applicability of existing metrics for assessing aviation noise impacts on people, both near and far from airports.
- The findings should be subject to peer review and be put in the context of the Neighborhood Environmental Survey.
- As an example of why the FAA cannot do the review and recommendations: the FAA’s April 2020 Report to Congress on Alternative Noise Metrics and the 65 DNL Standard for Airplane Noise failed to fulfill the requirements of sections 173 and 188 of the FAA Reauthorization Act

of 2018. Twenty-nine members of Congress sent a letter dated September 23, 2020, to FAA Administrator Dickson stating that, “After conducting a detailed review of the FAA’s report, we find it wholly inadequate, failing to meet the mandate in the law...<sup>[2]</sup>

#### **4. The FAA should not preemptively make assumptions about potential solutions.**

- Language used in Administrator Dickson’s letter preemptively limits the options to address the NES findings, such as: “If we determine that DNL will remain the **primary noise** [emphasis added] metric,”. Using the term “primary” may bias against having a single system with multiple metrics and corresponding thresholds to address the near- and far-from airport noise environments.
- Additionally, Administrator Dickson states, “All potential policy changes will be carefully considered, including for noise policies beyond aviation.” The new 21st century aviation noise must be addressed and may need to be different than policies to address other transportation noise. The fact that the FAA relied on **transportation noise** annoyance surveys instead of **aircraft noise** annoyance surveys for several decades may be a contributor in underestimating the aviation impact problem.

#### **5. Affected communities must be included and regarded as legitimate stakeholders versus tokenism<sup>[3]</sup> in the process of developing new aviation noise policies.**

- Unfortunately, the FAA’s track record severely underrepresents the public as part of the stakeholder community. For example: FAA’s NextGen Advisory Council (NAC) has 30 industry members and only one member associated with the community (non-industry affiliated) and the NAC Task Group for Blueprint for Success to Implementing Performance Based Navigation, October 2014, had a single community representative and 37 industry-affiliated representatives.
- From the perspective of aviation-impacted communities, the FAA has not provided a “robust community engagement strategy” as defined by timely, transparent, and meaningful community participation. The recent Section 176 of the FAA Reauthorization Act of 2018 to review the FAA’s community involvement practices for NextGen was particularly concerning, as the input was based on a survey of the ATO organization and did not include input from key “community” stakeholders such as the public, grassroots advocates.

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<sup>[1]</sup> Aviation Safety and Noise Abatement Act, 1979, <https://uscode.house.gov/statutes/pl/96/193.pdf>, Sec.102(1).

[2] <https://norton.house.gov/media-center/press-releases/norton-bass-and-27-house-members-send-letter-to-federal-aviation>

[3] <https://organizingengagement.org/models/ladder-of-citizen-participation/>