

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 34, Number 35

October 21, 2022

FAA Noise Policy Review

LOCAL COMMUNITY GROUPS HIT HARDEST BY NEXTGEN LEFT OUT OF NOISE POLICY REVIEW

The long-sought Interagency Agreement between FAA and the Federal Mediation and Conciliation Service (FMCS) – which outlines a process and timeline for reviewing FAA’s outdated aviation noise policy and which FAA has repeatedly refused to release to the public – has been obtained by the Aviation-Impacted Communities Alliance (AICA) through a Freedom of Information Act request.

The AICA represents 67 grassroots community groups and nine national organizations around the country whose members are directly experiencing the adverse impact of aircraft noise and emissions from FAA NextGen airspace changes and procedures that tightly focus flight paths over them.

The FMCS released to the community alliance an unredacted copy of the one-year, \$200,000 Interagency Agreement it struck with FAA on Sept. 10, 2021.

The community alliance also filed two identical FOIA requests for the Interagency Agreement with the FAA. An FAA FOIA management specialist told the community group on Oct. 6 that the agency must first consult with the FMCS before acting on their requests for the Interagency Agreement.

It appears that prior to ANR informing the FAA last week that the Interagency Agreement had been released by the FMCS, the FAA may not have been aware the document was out and has now lost the opportunity to redact any of it.

Substantially Affected Communities Excluded

The community alliance said the overarching takeaway from its review of the Interagency Agreement is that “FAA continues to systematically exclude directly and substantially affected communities” as ‘key external stakeholders’ in the noise policy review.

“We are not aware of any communities who have been included in the FMCS interviews of key external stakeholders mentioned in in Task 1A of the Interagency Agreement. The exclusion of communities is the underpinning of a flawed engagement process which distorts all subsequent Tasks in the IAA,” the Executive Report on the IAA prepared by the community alliance asserts.

Task 1A of the Interagency Agreement calls for the FMCS to “conduct background research on, and interviews of, key external stakeholders, key agency staff to assist FAA/AEE with identifying internal decision-makers, influencers, stakeholders, and those with responsibility for carrying out leadership direction.”

The community alliance also criticized the Interagency Agreement for omitting ‘external stakeholders’, such as community groups, from the group of ‘internal stakeholders’ and FAA/AEE project team members who will “develop a common definition of the underlying problem and success/desired outcome/end state resulting from the policy review.”

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The Interagency Agreement between the FAA and the Federal Mediation and Conciliation Service (FMCS) – which outlines the process and timeline the agencies agreed on for reviewing FAA’s aviation noise policy – has been obtained by the Aviation-Impacted Communities Alliance through a FOIA request to the FMCS, which appears to have released the document without consulting with the FAA.

The alliance of grassroots community groups says its review of the Interagency Agreement shows that FAA has excluded them from the group of ‘external stakeholders’ participating in the aviation noise policy review.

The community alliance asks the Congressional Quiet Skies Caucus to intervene to get FAA to explain how external stakeholders were selected and to form an advisory committee of affected communities as part of the noise policy review - p. 140

*Noise Policy Review, from p. 140***‘Left out of the Solution Process’**

“Once again, residents, whose quality of life and health have diminished because of excessive aviation noise, have been left out of the solution process,” Cindy L. Christiansen, PhD, Co-founder of the AICA, told ANR.

“This is a persistent FAA bad-habit, one that we need all three branches of our government to help fix. To start, AICA expects full support from the Congressional Quiet Skies Caucus. We thank them for their help as we inch our way toward transparency and accountability from a federal agency that has repeatedly provided reasons for communities’ mistrust.”

Darlene Yaplee, the other Co-founder of the AICA asked: “Is the FAA’s noise policy review process ‘community engagement’ or ‘community evasion’? The agreement is continuing evidence of the lack of FAA transparency, accountability, and equitable and inclusive engagement with communities. This is contradictory to their assurances to Congress. The FAA must take immediate steps to fulfill their promises to the community.”

A link to the Interagency Agreement between the FAA and the FMCS is provided in the “Sept. 10, 2021” subhead in Appendix B of the AICA’s Oct. 10 Executive Report on the Agreement, which is posted on the AICA’s website (aviationimpactedcommunities.org).

Appendix A of the Executive Report includes questions the community alliance wants FAA to answer regarding the Interagency Agreement, including:

- Why have local communities not been informed of the FAA noise policy review process since the Interagency Agreement was signed over one year ago?
- Who are the ‘external stakeholders’ that have or will be interviewed in the noise policy review and how were they selected?
- Who is responsible for the adequate representation and inclusion of substantially affected communities as key stakeholders?
- Have any of the deadlines changed for completion of the tasks outlined in the Interagency Agreement?

[The one-year deadline for completing four of the five tasks outlined in the Interagency Agreement ended on Sept. 10, 2022, but the Agreement notes that the COVID pandemic could require extension of the timeline. ANR asked FAA if deadlines in the agreement have been revised but the agency did not answer that question.]

The community alliance also asked FAA for copies of the monthly reports that FMCS was required to file on the status of its progress on completing its assigned tasks.

Letter to Quiet Skies Caucus

In an Oct. 10 letter to Congressional Quiet Skies Caucus Co-Chairs Congressional Delegate Eleanor Holmes Norton (D-DC) and Rep. Stephen Lynch (D-MA), the community alliance asked the Caucus to do the following:

- Consider the issues raised in its Executive Report on the Interagency Agreement;
- Request that the FAA formally respond to the questions AICA asked FAA to answer about the noise policy review in Appendix A of its Executive Report; and
- Request that the FAA establish an advisory committee of directly and substantially affected community members within 30 days to serve as a national committee commensurate to other “key external stakeholders”, e.g., as part of the FAA Noise Policy Review.

A spokeswoman for Rep. Norton told ANR Oct. 19 that a letter to FAA responding to the community alliance’s request for action is being circulated among Quiet Skies Caucus members for signature and will be sent to FAA “in the next couple of days.”

Five Tasks Outlined in Agreement

Following is a summary of the five tasks the Interagency Agreement requires the FMCS to undertake:

Task 1. Project Governance and Structure Design: With input from FAA, FMCS will develop and modify, as necessary, a project governance structure based on background interviews and the evolution and progress of the Noise Policy Review. The project governance structure must be approved by FAA. The deadline for completing this task was Jan 10, 2022.

Task 2. Noise Policy Review Systems Design: With input from FAA, the FMCS will develop and modify, as necessary, a system and process under which FAA will engage in a noise policy review. This will include collaborating with the FAA to identify stakeholders within the agency, government, local community organizations, airport sponsors, and industry and developing strategies, timelines, and plans to engage with representatives of these groups. The deadline for completing Task 2 was Feb. 10, 2022.

Task 3. Meeting Facilitation/Participatory Review Process: With input from FAA, the FMCS will develop an initial stakeholder engagement strategy and discussion facilitation protocol and develop meeting agendas, provide facilitation of structured discussions, and supporting materials required for each meeting related to the noise policy review. Also assist FAA in creating and maintaining ongoing stakeholder outreach and feedback mechanisms. The deadline for completing this task was Aug. 10, 2022.

Task 4. Strategic Communications: The FMCS will support the FAA in developing key messaging and communication products related to the noise policy review outlined in Tasks 1-3. The FMCS will develop and submit for approval periodic messages regarding the launch and status of the noise policy review which FAA may disseminate publicly. The deadline for completing this task was Aug. 10, 2022.

Optional Task 5. Internal Change Management: If the FAA exercises its option to extend the Interagency Agreement for another year to include change management services, FMCS will, with input from FAA and using knowledge gained during the noise policy review, develop a proposed change management strategy to advise FAA on how to introduce proposed revisions to the existing noise policy approved by FAA leadership.

Excluding local grassroots community groups from the FAA noise policy process makes ring hollow the promises former FAA Administrator Steve Dickson made to the Quiet Skies Caucus in a May 10, 2021, letter.

Dickson assured the Caucus that FAA was bringing aboard the FMCS “to assist with designing an inclusive and participatory policy review framework and process that prioritizes input from substantially affected stakeholders, including local communities. The FMCS will also facilitate these internal and external stakeholder dialogues.”

“This will not be a short, simple or superficial undertaking. It will be robust, data-driven, and inclusive...” Dickson declared.

But, despite his promises, the FAA’s noise policy review process appears to be well underway before the public even knew it had begun.

FAA Comment

ANR asked the FAA (1) whether the deadlines in the Interagency Agreement for completing tasks 1-4 had been extended and (2) how the agency can say its noise policy review is “inclusive and participatory” when it does not include grassroots communities, who are the stakeholders most affected by FAA’s NextGen procedures, and the agency does not keep the public informed on the status of its noise policy review?

Following is FAA’s response:

“The Federal Aviation Administration (FAA) continues to receive support from the Federal Mediation and Conciliation Service on the review of our noise policy. The FAA is currently analyzing existing policy and scientific information, and identifying potential options and information to seek stakeholder input.

“The agency knows the importance of stakeholder engagement in the noise review process, including input from local communities. The FAA looks forward to continued stakeholder engagement and providing opportunities for feedback and seeking input during the review as we proceed.”

Community Comments

ANR asked the Co-founders of the Aviation-Impacted Communities Alliance to ask some of their members how they felt about not having any input on FAA’s review of its aviation noise policy. Here is what they wrote:

• **SCANA (Scottsdale Coalition for Airplane Noise Abatement), AZ, Chair Bud Kern:**

“The FAA continues to stonewall and exclude the very communities it has burdened with its harmful decisions and policies, even after stating intentions to include them. Transparency is non-existent from the FAA to the public regarding its actions until after the fact, if at all. It continues to operate as a closed fiefdom that ignores Congress and others that protest its actions. This arrogance must be forcefully addressed.”

• **Concerned Residents Against Airport Pollution (C.R.A.A.P.) National Co-Founder and Director Martin Rubin:**

“It should not have taken a FOIA request to get an update on the FAA’s noise [policy] review process. Contrary to the FAA’s messaging, this is clear evidence that the FAA’s community engagement has not improved. At a minimum, why didn’t the FAA work with the Roundtables they regularly attend to identify “key external stakeholders” from local communities to engage them in the process? Clearly this was not done, and the FAA’s exclusion of impacted community representatives is egregious.”

• **Sky Posse Los Altos, CA, Team Leader Tami Mulcahy:**

“The FAA is not transparent, their actions don’t back up their words. They have been unfazed by public outcry. It’s frightening that a Federal Agency charged with protecting the public vastly over weights the benefit to the aviation industry at the expense of environmental impacts to communities.”

• **STUDIO CITY FOR QUIET SKIES, CA, Co-Founder Suellen Wagner:**

“The FAA’s failure to follow through on promises made in the May 20, 2021, letter from Administrator Dickson, along with continual resistance to accountability, amplifies the lack of trust between the Agency, USDOT, and the public. Thus far, the FAA has neglected to interview communities as “key external stakeholders.”

• **GrotonAyer Buzz (Central Massachusetts) Founding Members David and Amy McCoy:**

“The GrotonAyer Buzz is deeply frustrated and disappointed that the FAA has excluded community groups affected by aircraft noise pollution following the FAA’s Neighborhood Environmental Survey. We had hoped that the FAA improved its Community Engagement compared to its past practices e.g. “The FAA does not engage with individual private citizens regarding aviation noise.” – Colleen D’A-

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lessandro, New England Regional Administrator, FAA, 12/15/21.”

• **Quiet Skies Puget Sound, Puget Sound, WA:**

“We are tired of seeing science confirm health and noise related problems, and nothing happens. It's time for the FAA to take responsibility for transparency and collaboration. Why does the FAA not follow the science, DNL by design does not follow the robust science.”

• **Quiet Skies Coalition, Greater Burien Area, WA:**

“The archaic DNL allows the FAA to do what they want, and continue to ignore community outrage.

• **Airport Impact Relief, Incorporated (AIR, Inc.), Boston:**

“AIR, Inc. believes that the Airlines are the only constituency the FAA serves, and that airline interests have corrupted FAA capacity to perform its natural public safety and administrative duties including the design of required public engagement in connection with AEE-100's noise policy review. The abandonment of the public process excludes the goals, concerns, and interests of key stakeholder groups in violation of the IAA. We request that the FAA immediately establish an advisory committee of key external Noise Policy Review stakeholders to satisfy the terms of this agreement.”

• **Plane Sense 4 Long Island, New York:**

As our communities in Nassau County get battered day in and day out from the intrusive parade of planes over our homes, we have turned to the FAA, so many times that we have lost count, to work with us to develop viable strategies that would alleviate the pain caused by continuous low flying aircraft. Unfortunately, the FAA fails to productively engage with our communities. Our organization, Plane Sense 4 Long Island was established to bring attention to our residents of the harmful effects of the toxic levels of noise and pollutants that are putting the welfare of our health at risk, which again the FAA does not recognize but rather dismisses as mere annoyance. We are in dire need of efficacious legislation that will protect our communities from the deleterious effects from aircraft noise and emissions. The reality is that we cannot rely on the FAA to do so.”

AIRPORT NOISE REPORT

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Published 44 times a year at 43978 Urbancrest Ct., Ashburn, Va. 20147; Phone: (703) 729-4867; FAX: (703) 729-4528.
e-mail: editor@airportnoisereport.com; Price \$850.

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