

Executive Report 1.0

FAA Noise Policy

October 10, 2022

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Congressional Quiet Skies Caucus

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AVIATION-IMPACTED COMMUNITIES ALLIANCE





October 10, 2022

Assessment of the FAA/Federal Mediation & Conciliation Service September 2021 Noise Policy Review Process Interagency Agreement

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AICA EXECUTIVE REPORT

Introduction

AICA obtained a copy of the [FAA/FMCS Interagency Agreement \(IAA\)](#) regarding the FAA's Noise Policy Review from an August, 4, 2022 FOIA request to FMCS. A similar request for the agreement was made to the FAA on August 4, 2022, but AICA has not received the requested document from its FAA FOIA submission.

We ask that the FAA answer the Questions in [APPENDIX A](#) of this Report regarding the FAA/FMCS September 2021 Interagency Agreement. We have provided a Timeline and Reference list of important documents regarding the FAA/FMCS IAA in [APPENDIX B](#).

AICA comments about the IAA are in italics in the text that follows.

The Overarching Takeaway

The FAA continues to systemically exclude directly and substantially affected communities as “key external stakeholders” (e.g., we are not aware of any communities who have been included in the FMCS interviews of key external stakeholders mentioned in Task 1A of the IAA). The exclusion of communities is the underpinning of a flawed engagement process which distorts all subsequent Tasks in the IAA.

Notable Information Regarding the FAA FY2022 Portfolio of Goals

- According to the FAA FY2022 Portfolio of Goals, the agreement is for FMCS “to support FAA’s effort in reviewing its noise policy”. The FAA FY2022 Portfolio of Goals lists these two Targets and Due Dates regarding the IAA:
 1. Initiate public and stakeholder engagement in the FAA noise policy review process. Due May 31, 2022.
 2. Complete initial noise policy review and identify potential policy options. Due September 30, 2022.

Notable Information and AICA Comments Regarding the FAA/FMCS Interagency Agreement (IAA)

- **One year agreement**
 - Signed on September 10, 2021, \$200,000, Agreement Period Start Date September 14, 2021 for Task 1 through 4; Optional Task 5A & 5B with an additional 365 days; Agreement Period End Date September 13, 2023.
 - *Seems like a small amount given the perception that the FMCS would make a major contribution.*
- **Scope of work**
 - FMCS **must support** AEE-100 (Noise Division of FAA Office of Environment and Energy) by providing third-party neutral, facilitation, project governance and system design as well as project management during AEE's review of FAA's national noise policy.

- *FMCS is limited to a support role versus independent oversight - key words are “support” the AEE and provide “project management” support.*
- **Task 1A: Background research and interviews**
 - FMCS will 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. Due Date for Task 1A, Three (3) months from award [9/14/21];
 - **Major issue** - *We are not aware of any interviews conducted by FMCS with directly and substantially impacted communities as key external stakeholders. The absence of communities is the underpinning of a flawed engagement process which distorts all subsequent tasks in the agreement. We expect that Task 1A has been completed given it is 1 year since the IAA start date and its due date.*
- **Task 1B: Development of negotiating protocols and accountability mechanisms**
 - Assist FAA/AEE with defining and revising, as appropriate, an effective management structure to define decision-making protocols, negotiating parties' authority to enter into agreements/take action, develop project timeline, reporting protocols, and issue elevation/conflict resolution mechanisms; Due date for Task 1B, Four (4) months from award.
 - *The governance structure should include affected communities e.g., “issue elevation/conflict resolution mechanisms” and be communicated to key external stakeholders and agency staff.*
- **Task 1C: Engagement strategy**
 - Assist FAA/AEE with developing and revising, as appropriate, a timeline and strategy for effectively engaging internal stakeholder societies and communicating internally and externally how this input affects FAA's review of the existing noise policy. Due date for Task 1C, Four (4) months from award.
 - *To date the community (external) has not received any meaningful communication on the engagement strategy. There is no mention of a timeline and strategy for effectively engaging external stakeholders. It only states that there will be communication externally on how this input affects FAA's review of the existing noise policy.*
- **Task 2A: Assist internal stakeholders and FAA/AEE project team**
 - Assist internal stakeholders and FAA/AEE project team to develop a common definition of the underlying problem and success/desired outcome/end state resulting from the policy review;

- **Major issue** - External stakeholders (i.e., communities) are not included in defining the underlying problem nor in defining the desired outcome and its success. Task 2A contradicts [FAA's May 10, 2021 letter to Congressional Quiet Skies Caucus](#):

“Regarding next steps, the FAA is continuing to lay additional foundation for the policy review. We are bringing on board the Federal Mediation and Conciliation Service (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. We can provide update briefings as the review gets underway.

- **Task 2B: Assist internal and external stakeholder communities**

- Assist internal and external stakeholder communities and the FAA/AEE project team to identify and prioritize goals, concerns, and interests for consideration by FAA during noise policy review;
- **Major issue** - We are not aware of any directly and substantially impacted communities engaged as key external stakeholders. It is likely Task 2B has been completed given it is 1 year since the IAA start date and due date for Task 2B, Five (5) months from award. Task 2B should inform Task 2A and it contradicts [FAA's May 10, 2021 letter to Congressional Quiet Skies Caucus](#).

- **Task 2C: Assist FAA/AEE project team and FAA decision-makers**

- Assist FAA/AEE project team and FAA decision-makers with properly sequencing information gathering, decision-making, documentation, elevation, reporting, and communication with internal and external stakeholders during policy review. with properly sequencing information gathering, decision-making, documentation, elevation, reporting, and communication with internal and external stakeholders during policy review.
- **Major issue** - We are not aware of any directly and substantially impacted communities engaged as key external stakeholders. It is likely 2C has been completed given it is 1 year since the start date and due date for Task 2C, “Five (5) months from award”. Additionally, “properly sequencing” should be at the beginning of this project, part of Task 1, not after when many of the items to be sequenced have already happened.

- **Task 2D: Develop an accountable, meaningful, timely, and participatory review process**

- Develop an accountable, meaningful, timely, and participatory review process by designing and implementing (or, revising, when appropriate) effective negotiating, reporting, decision-making and implementation protocols, including by facilitating the negotiating parties' agreement and adherence to agreed-upon protocols;

- **Major issue** - *Negotiating protocols are unknown and likely problematic if directly and substantially impacted communities are excluded. Due date for Task 2D, “Five (5) months from award”. Moreover, Task 2D should be at the beginning of the project to apply to all items in Task 1 and Task 2 to develop an “accountable, meaningful, timely, and participatory review process”.*
- **Task 2E: Providing training to negotiators**
 - Providing training to negotiators, as necessary, on interest- or concern- based negotiation
- **Task 3: Meeting facilitation/execution of participatory review process**
 - Create and sustain a participatory environment appropriate to engage internal and external stakeholders, and respond to internal dynamics and style of interaction between negotiating parties. To ensure appropriate and useful outcomes, facilitators ensure engagement processes are participatory, consensus-oriented, accountable, transparent, responsive, effective/efficient, timely, equitable and inclusive, and comport with legal requirements.
 - **Major issue** - *We are not aware of any directly and substantially impacted communities engaged as key external stakeholders. It is unclear if Task 3 has been completed, due date for Task 3, “Eleven (11) months from award”. Furthermore, Task 3 should be at the beginning of the project to apply to all items in Task 1 and Task 2.*
- **Task 4: Strategic Communication**
 - Assist FAA with adapting negotiations to competing demands, concerns, and expectations by internal and external stakeholders; guide participants through developing and executing effective public and internal communication. Assist project team and bargaining parties with overcoming conflict by minimizing barriers to consensus.
 - **Major issue** - *The continued exclusion of directly and substantially affected communities as external stakeholders throughout the engagement process including negotiations and consensus will result in ineffective public communication by the FAA.*
- **Optional Task 5: Change management strategy and implementation & meeting facilitation and strategic communication**
 - Assist FAA in creating and maintaining ongoing stakeholder outreach and feedback mechanisms.
 - **Major issue** - *We hope that it is not the case that directly and substantially affected communities are excluded from the engagement process with inadequate opportunities to have their concerns and views considered. Moreover, these communities expect*

commensurate inclusion in the engagement process as other key stakeholders to provide input before FAA decisions are made.

AICA Co-founders Cindy L. Christiansen, PhD, and Darlene Yaplee



APPENDIX A: Questions Regarding the FAA/FMCS IAA

We ask that the FAA answer the following questions regarding the FAA/FMCS September 2021 Interagency Agreement:

1. Given the FAA's statement, "...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." ([May 10, 2021](#) letter)
 - a. Did the FAA give the FMCS their two letters to the Congressional Quiet Skies Caucus ([May 10, 2021](#) and [June 30, 2022](#)) as direction to the FMCS for the FAA Noise Policy Review Process expectations and background as part of Task 1A Background research?
 - b. Please comment how the FAA "prioritizes input from 'substantially affected' stakeholders, including local communities" when there has been no public evidence of local communities having commensurate inclusion on par with other key external stakeholders nor informed of the FAA noise policy review process since the IAA was signed over one year ago?
 - c. Who are the "external stakeholders" that have or will be interviewed? How were they selected?
 - d. Who is responsible for the adequate representation and inclusion of substantially affected communities as key stakeholders?
 - e. Explain how directly and substantially affected communities are adequately included as key stakeholders in each of the Tasks of the IAA?
2. Have any of the Task deadlines changed from the original IAA? (Article 6, Section A. and B. requires documentation of mutual agreements on schedule changes). If yes, please provide an updated timeline.
3. Please provide us with copies of the FMCS monthly reports on the status (Article 6, Section C.) and final written products (Article 6, Section D)

APPENDIX B: Timeline and References

January 13, 2021

- [FAA Releases the NES Study Results](#)
- [FEDERAL RECORD NOTICE: Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities to Inform Aircraft Noise Policy](#) with March 15, 2021 deadline for comments (60 days)

February 22, 2021

- FAA Webinar Neighborhood Environmental Survey and Noise Research Portfolio on February 22, 2021. [The FAA's link to the webinar recording.](#)

March 10, 2021

- QSC letter to FAA: Questions on NES and next steps the FAA plans to take [“Norton, Quiet Skies Caucus Send Letter to FAA on Aircraft Noise” Press Release and Letter](#)

March 11, 2021

- [FEDERAL RECORD NOTICE extends comment period to April 14, 2021](#) (90 days total), 4,161 Comments received

May 10, 2021

- FAA’s response to QSC’s March 10, 2021 letter [Administrator Dickson’s letter to Quiet Skies Caucus c/o Congressman Lynch](#)

“We are 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....”

May 18, 2021

- Publication: COMMUNITY ALLIANCE LEADERS DEFINE ISSUES NOISE POLICY REVIEW MUST ADDRESS; [Airport Noise Report newsletter pages 72-74 in Volume 33, Number 18, May 28, 2021](#)

September 10, 2021

- [FAA/FMCS Interagency Agreement](#) signed; agreement period September 14, 2021 through September 13, 2023.

November 2021

- The FAA responded to an inquiry made by *Airport Noise Report* editor Anne Kohut in November 2021

“The FAA team leads have met with the FMCS facilitation team and are providing introductory briefings on the agency's existing noise policy, research and stakeholders,” *Airport Noise Report*; August 5, 2022. [Airport Noise Report; August 5, 2022.](#)

April 20, 2022

- [Letter: Quiet Skies Caucus \(QSC\) to the Honorable Pete Buttigieg regarding NextGen Advisory Committee \(NAC\) membership expansion](#)

May 31, 2022 (Due Date)

- [FAA FY2022 Portfolio of Goals](#), page 89. Target 1: Initiate public and stakeholder engagement in the FAA noise policy review process. Due May 31, 2022.

June 30, 2022

- [FAA response to QSC's April 20, 2022 letter](#)
“The FAA is currently undertaking a review of the FAA noise policy, including the noise metric and thresholds. However, the noise policy topic, including defining, updating, or evaluating noise metrics, is not within the scope of the NAC. The FAA will proactively engage stakeholders and the public in the review of the current noise policy through a robust, thorough, evidence-based, and inclusive process. This will include participation opportunities for all stakeholders, including those that represent local communities.”

September 30, 2022 (Due Date)

- [FAA FY2022 Portfolio of Goals](#), page 89. Target 2: Complete initial noise policy review and identify potential policy options. Due September 30, 2022.

October 10, 2022

- [Assessment of the FAA/Federal Mediation & Conciliation Service September 2021 Noise Policy Review Process Interagency Agreement, AICA Executive Report](#) [This AICA Project].