



May 29, 2018

Submitted via email to aira_submission@omb.eop.gov

Office of Information & Regulatory Affairs
Office of Management & Budget
Docket Library, Room 10102
725 17th Street, NW
Washington, DC 20503

Attn: Desk Officer, Department of Transportation/FAA

Re: Comments on “Clearance of New Approval of Information Collection: FAA Aircraft Noise Complaint and Inquiry System (FAA Noise Portal),” 83 Fed. Reg. 18,620 (April 27, 2018)

To Whom It May Concern:

1 Airlines for America® (A4A) appreciates this opportunity to comment on the Federal Aviation Administration’s (FAA’s) request to the Office of Management and Budget (OMB), via the Office of Information & Regulatory Affairs (OIRA), for approval to collect aircraft noise complaint information submitted on a voluntary basis through a web-based Noise Portal.¹ 83 Fed. Reg. 18,620 (April 27, 2018). With a strong track record of deploying new, quieter technology and the implementation of noise abatement operational procedures, the U.S. airlines have played a critical role in the tremendous reductions in aircraft noise exposure achieved in the United States. Indeed, FAA data confirm that the number of people exposed to significant levels of aircraft noise in the United States has *dropped* by 94 percent since 1975, *even as enplanements have increased* by 325 percent. At the same time, A4A and our members appreciate that any particular person experiencing aircraft sound may have a negative experience and we support the array of aircraft noise management regulations and procedures in place to address this, as further elaborated in these comments.

2 As we have separately advised FAA, although A4A supports FAA efforts to collect scientific data on noise exposure and impacts, we are concerned that FAA’s plans to create a web-based Noise Portal and to solicit aircraft noise complaints through it (a) raise significant data quality and utility issues; (b) pose the risk of duplication of and conflicts with other noise data collection efforts already in place; and (c) could subvert objective, science-based analysis and decision-making by improperly elevating subjective and unconfirmed complaint information, which, as discussed below, can be distorted by concerted efforts of even small sets of complainants. While we shared these specific comments with FAA in response to their initial notice at 82 Fed. Reg. 50,932 (Nov. 2, 2017), the few references to our comments that FAA noted in the *Federal Register* notice soliciting comments directly to OIRA/OMB (at 83 Fed. Reg. 18,620-21) are too cursory for A4A to gauge whether FAA relayed them to OIRA/OMB. Further, FAA’s brief notes there suggest that FAA rejected or otherwise ignored most of our comments. Accordingly, we provide our comments here and urge OIRA/OMB to work with FAA to address the issues and concerns we have raised before proceeding with the proposed Noise Portal.

¹ A4A is the principal trade and service organization of the U.S. airline industry. A4A’s members are: Alaska Airlines, Inc.; American Airlines Group; Atlas Air, Inc.; Federal Express Corporation.; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Continental Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

3 As a preface to our comments on FAA's Information Collection Request, we emphasize that A4A and our member airlines recognize that aircraft noise can be an issue for certain communities and we remain committed to further advancing the tremendous record of aircraft noise reduction we have achieved. Our members are continuing to address aircraft noise by deploying new, quieter technology, implementing additional noise abatement operational procedures and supporting research and development programs to achieve additional breakthroughs. Indeed, the U.S. airlines purchased more than 480 new aircraft in 2017, with more than 1,550 additional new aircraft expected in the coming years. Further, the new International Civil Aviation Organization (ICAO) noise certification standard went into effect for large aircraft at the end of 2017 and will be followed by the new standard for small aircraft in 2020, continuing to bring noise reductions at the source. Moreover, A4A and our members are proud partners with FAA and others in the Aviation Sustainability Center (ASCENT) and projects under the Continuous Lower Energy, Emissions and Noise CLEEN) program, which are advancing the state of the science on aircraft noise exposure and research on and development of technology and operational measures to achieve further reductions.

4 In addition to taking action to further reduce aircraft noise, A4A and our members were active participants in the NextGen Advisory Committee's task group that developed recommendations and best practices for community engagement for large and small NextGen projects, much of which centered on engaging with the community regarding aircraft noise exposures.² Consistent with that guidance, and with FAA's recently-updated Community Involvement Manual, we strongly believe that well-planned, concerted engagement with the community is a valuable means of gathering information regarding aircraft noise concerns and exposure in a way that can be correlated with objective data. While appreciating that separate complaint data may also be informative in certain respects, this is only the case if it is collected in a way to ensure data quality. We are concerned that FAA's proposal does not address this critical issue.

5 Indeed, FAA's brief notices regarding its proposed Noise Portal do not provide any information on how the data collection and management standards in the Paperwork Reduction Act – such as ensuring data quality, that the data collection is necessary for the proper performance of FAA, and that the request is not unnecessarily duplicative of information that is otherwise reasonably accessible³ – would be met. And A4A has significant concerns that they will not be met. First, while asserting that the Noise Portal will include "required and optional fields for the public to complete," neither of the *Federal Register* notices specify the content of those expected data fields, even though A4A raised this specific question in our previous comments to FAA. Accordingly, it is impossible for us to assess whether FAA's proposal includes data fields to solicit appropriate and quality data and information.

6 Second, while stating in both of its *Federal Register* notices that "any member of the public in the United States with a valid email address" could make submissions to the Noise Portal, FAA does not specify how it will confirm the validity of the email and/or the residency of the complainant. As A4A pointed out in our comments to FAA, absent mechanisms to confirm the status of the complainant, FAA runs the risk that a single individual or small set of people with the facility to establish multiple email accounts could flood the Portal with complaints that may not be valid.

7 Third, while A4A raised in our comments on the initial *Federal Register* notice the question of whether or how FAA would attempt to correlate complaints with actual aircraft noise exposure, FAA did not address

² See PBN Blueprint Community Outreach Task Group, Report of the NextGen Advisory Committee in Response to a Tasking from the Federal Aviation Administration (2016).

³ See 44 U.S.C. §§ 3506(b)(1), (c)(3).

that issue or whether it would convey this concern to OIRA/OMB in the most recent *Federal Register* notice. As we noted in our comments to FAA, absent such a correlation, the value of the complaint data FAA receives would be highly questionable.

8 Fourth, A4A remains concerned about how FAA will address the likely prospect that many of the complaints provided through its Noise Portal could well be duplicative of complaints collected by airports. In our comments on FAA's initial *Federal Register* notice, A4A noted that fact that virtually all large and midsized commercial airports have noise complaint programs, many of which are available by web.⁴ Given that airports already offer an easily accessible venue for the public to make noise inquires and complaints, we are concerned that facilitating the collection of additional information through an FAA Noise Portal will be unnecessarily duplicative of information that is already reasonably accessible to FAA, either through publicly available information or through case-specific requests to airports. In addition, local data collected by the FAA may conflict with or be materially different from the complaint data collected by the airports' noise offices, further casting doubt on the quality and utility of FAA's data. Thus, creating an additional forum for complaints may invite duplicative and inconsistent complaints, and distort perceptions of the magnitude of any noise issue.

9 In its brief response to this concern, FAA stated that it "is aware of the existing airport sponsor noise complaint systems and will provide their links on the regional noise websites for the public" and "will coordinate with" one of the major airports associations, Airports Council International-North America (ACI-NA), to assist FAA in its "coordination efforts. . .to minimize any duplication in efforts between the FAA and airport sponsors regarding aircraft noise complaints or inquiries." 83 Fed. Reg. at 18,621. As an initial matter, having FAA provide links to the airport-specific websites may itself invite or increase duplication. Further, while appreciating that FAA anticipates some outreach to ACI-NA "to minimize any duplication," FAA has provided no information on whether it has identified any substantive steps it might take either in structuring its Noise Portal or with respect to tagging data in a manner that would allow FAA to identify duplicate complaints.

10 In addition to being concerned that FAA's Noise Portal will gather duplicative/inconsistent data without means to confirm the data as such, there is a real question as to whether gathering additional noise complaint information through the proposed FAA Noise Portal "is necessary for the proper performance of the functions" of FAA, as required by the Paperwork Reduction Act.⁵ FAA already has robust data on noise exposure, which, as noted above, has demonstrated a 94 percent reduction in those exposed to significant noise since 1975, and FAA is currently undergoing a process to survey community noise impacts under its Noise Research Roadmap initiative. Further, we believe FAA's current noise website appropriately refers complainants to relevant airports and asks that further inquiries or complaints be directed to the FAA Noise Ombudsman only if the inquiry or complaint cannot be addressed by the

⁴ See, e.g., Washington Reagan, <http://www.flyreagan.com/dca/reagan-national-submit-noise-complaint>; Chicago O'Hare, <http://www.flychicago.com/community/ORDnoise/Complaints/pages/default.aspx>; San Francisco, <https://www.flysfo.com/community/noise-abatement/file-a-complaint>; Boston, <http://www.massport.com/logan-airport/about-logan/noise-abatement/complaints/>; Dallas/Fort Worth, <https://www.dfwairport.com/aircraftnoise/>; St. Louis, <https://www.flystl.com/about-us/noise-program>; Seattle, <https://www.portseattle.org/Environmental/Noise/Pages/Noise-Comment-Form.aspx>; Denver, https://www.flydenver.com/about/administration/noise_management; New York/New Jersey, <https://www.planenoise.com/panynj/daPRAbr9/qs114wbt.php>; Phoenix, <https://www.skyharbor.com/FlightPaths/FileAConcernContactUs>; Minneapolis, <https://www.macnoise.com/our-neighbors/file-noise-complaint>; Baltimore, <http://www.maacommunityrelations.com/content/anznoiseupdate/noisecomplaints.php>

⁵ 44 U.S.C. § 3506(c)(3).

relevant airport.⁶ This approach appears to strike the right balance of only elevating complaints to FAA under special circumstances, as airports are well situated to address noise inquiries from the public and interface with airlines operating at the airport.

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In the most recent *Federal Register* notice, FAA responded to this concern by stating that “as a federal agency we must be responsive to the public by taking action on the aircraft noise complaints we already receive.” 83 Fed. Reg. at 18,621. FAA further added that “[c]urrently, there is no clear FAA process or point of entry for the public to submit noise complaints and inquiries. As a result, public noise complaints and inquiries are forwarded within the FAA until the appropriate person or organization responds.” *Id.* With due respect, it is not clear why the FAA Noise Ombudsman does not or could not ensure that the current inquiries to FAA are coordinated. Further, to the extent some response from FAA might be warranted based on a particular complaint or set of complaints into the Noise Portal, it is not clear how the Portal will address having the “appropriate person or organization” respond.

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Facilitating and tracking noise complaints at a national level has no corollary in federal agency treatment of transportation noise from trains or automobiles, and we do not believe such a system is necessary to adequately address complaints that are necessarily of a local nature. Accordingly, to the extent that OIRA/OMB is inclined to endorse FAA plans to establish a Noise Portal, we suggest that the government consider having the airports continue to be the primary point of contact and either call for all complaints to be funneled to FAA through that process or establish other clear means to avoid duplication and otherwise ensure that the data FAA gathers is necessary as specified by the Paperwork Reduction Act.

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Fifth, we continue to have concerns about the utility of the information proposed to be collected. In both of its *Federal Register* notices, FAA states that it will not place any limits on the number of times an individual can submit a complaint to the FAA, raising the prospect that a few people – or even one person – could submit multiple complaints for any single event. In light of well-publicized reports of airport complaint data being heavily distorted by individuals that complain hundreds or even thousands of times, sometimes accounting for the majority of aircraft noise complaints in an area,⁷ we question the quality and utility of the data that would result from FAA’s unbounded proposal. Further, as noted in our previous comments to FAA, should FAA proceed with its proposed Noise Portal, FAA should ensure safeguards are in place to protect against automated complaints, which also can skew the data. In addition, as noted above, absent means to confirm who may be making a complaint and the submission of sufficient detail allowing the complaint to be compared against actual flight operations, the utility of the information would be questionable.

⁶ See FAA’s webpage, “Who to Contact if You’re Impacted by Aircraft Noise,” at https://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/airport_aircraft_noise_issues/noise/

⁷ See, e.g., T. McGhee, “A Single Caller Made 3,500 DIA Noise Complaints Last Year – and Lives 30 Miles Away,” *Denver Post* (Oct. 20, 2016), at <https://www.denverpost.com/2016/10/20/denver-international-airport-noise-complaints/>; H. Baskas, “One Person Filed 6,500 Noise Complaints for Reagan National Airport,” *NBC News* (March 14, 2016), at <https://www.nbcnews.com/business/travel/one-person-filed-6-500-noise-complaints-reagan-national-airport-n538031>; R. Kurzius, “Report: One Person Called in 84 Percent of Dulles Noise Complaints,” *DCist.com* (Oct. 16, 2016); at http://dcist.com/2016/10/report_one_person_accounts_for_84_p.php; See also E. Dourado and R. Russell, *Airport Noise NIMBYism: An Empirical Investigation* (2016) (“Generally, a very small number of people account for a disproportionately high share of the total number of noise complaints. In 2015, for example, 6,852 of the 8,760 complaints submitted to Ronald Reagan Washington National Airport originated from one residence in the affluent Foxhall neighborhood of northwest Washington, DC. The residents of that particular house called Reagan National to express irritation about aircraft noise an average of almost 19 times per day during 2015.”)

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Sixth, in our initial comments to FAA, we strongly cautioned FAA against attempting to use the complaint data it might collect in the Noise Portal for policy purposes, because the information gathered through such a Portal would be so subjective as to not provide a reliable basis on which FAA could reasonably draw conclusions in a statistically defensible manner. FAA appeared to be responding to this comment in its most recent *Federal Register* notice by stating it might use the data collected to “identify common complaints or inquiries” allowing FAA to “post commonly asked questions and answers” and/or “to identify trends in FAA related noise concerns.”⁸ While appreciating that FAA also stated that “[i]mplementation of the Noise Portal does not change the FAA’s *current* policies regarding noise,”⁹ we note that the subjective nature of the data FAA would receive through the proposed Noise Portal should not be relied on for *future* policy either. Should OIRA/OMB be inclined to endorse FAA’s Information Collection Request for a Noise Portal, we urge OIRA/OMB to work with FAA to guard against the inappropriate use of the resulting data.

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Finally, we urge OIRA/OMB to review FAA’s Information Request in light of FAA’s express mission to “provide the safest, *most efficient* aerospace system in the world.” We are concerned that, through its proposed Noise Portal, FAA could be diverted from its mission, by focusing its scarce resources on subjective complaints, possibly from small and non-representative groups making repeated complaints through automated systems. As the National Airspace System (NAS) cannot function on a non-scientific, subjective or case-by-case basis, FAA should continue to employ a science-based approach to assessing and addressing noise exposure, consistent with its mission to maintain and improve the safety, efficiency and reliability of the NAS for the betterment of the more than 740 million domestic passengers¹⁰ who fly commercially on U.S. airlines and those who rely on air cargo deliveries from U.S. airlines each and every year.

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Thank you for your consideration. Please let us know if you have any questions regarding our comments.

Sincerely yours,



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Vice President, Environmental Affairs



Sharon L. Pinkerton
Senior Vice President, Legislative & Regulatory Policy

⁸ 83 Fed. Reg. at 18,621 (emphasis added).

⁹ *Id.* (emphasis added).

¹⁰ Bureau of Transportation Statistics, 2017 Annual and December U.S. Airline Traffic Data, available at <https://www.bts.dot.gov/newsroom/2017-annual-and-december-us-airline-traffic-data>.