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ANAC

LAX ROUNDTABLE RECOMMENDS THAT FAA APPOINT YAPLEE, REINDEL TO SERVE ON ACAC

On Aug. 5, the Los Angeles International Airport/Community Noise Roundtable passed a motion recommending that Darlene Yaplee, President and Co-Founder of the Aviation-Impacted Communities Alliance, and Gene Reindel of the consulting firm HMMH, Inc, who serves as Facilitator for the Roundtable, be appointed to the FAA's Aviation Noise Advisory Committee (ANAC).

The motion will be forwarded to FAA by this coming Monday, Aug. 10, the deadline for submitting nominations to FAA for membership on ANAC.

The exact language of the motion is not yet available but it will state that both Yaplee and Reindel have the expertise and broad understanding of aircraft noise impacts at the national level to serve on ANAC. But the motion also will reflect the opinion of a few Roundtable members that, if only one of the two is appointed to ANAC, it should be Yaplee because she represents only community concerns about noise impact.

A few Roundtable members questioned whether Reindel is able to focus solely on community concerns when his career as a consultant requires him to consider concerns of other stakeholders, such as airports and aircraft operators.

Dan Yeung, Los Angeles World Airport's Environmental Manager and representative on the Airport/Community Roundtable, asked Reindel if he would be able to take his "consulting hat" off and put a "community hat" on if appointed to ANAC. "Can you make it clear that you are representing the concerns of the Roundtable," Yeung asked.

Reindel responded: "My loyalty is 100% in trying to solve problems and work out solutions that are amenable to all parties. ... So far as wearing a completely community hat, I will do my best to do that." But he added, "I can't leave other sides behind. I wouldn't say I could wear a fully community hat as part of ANAC but will help communities convey their concerns and [make sure] they are brought forth in a way that is understandable. I will certainly express concerns with an emphasis on communities."

Robert Nemeth, a planner for the City of Rancho Palos Verdes who is a Roundtable member, voiced strong support for Reindel's ability to serve on ANAC.

“Gene has the ability to talk the language that all sides can understand. He is at that great intersection of understanding all stakeholder perspectives,” he told the group.

No members of the Roundtable doubted Reindel’s ability to serve on ANAC. But, as one member told him, she had “concerns about where your loyalties lie.” Reindel said at the Roundtable meeting that FAA is expected to select only two community representatives to serve on ANAC.

Who can represent communities on ANAC?

The LAX Roundtable’s action raises two pertinent questions:

- Does the language in the *FAA Reauthorization Act of 2024* allow consultants to be appointed to ANAC to represent communities?;
- And, if so, is it a good idea to have consultants represent communities on ANAC?

The language in Section 792 of the *FAA Reauthorization Act of 2024* states only that an unspecified number of "representatives of airport-adjacent communities from geographically diverse regions" must be appointed to the new FAA ANAC federal advisory committee.

ANR asked attorney Steven Taber, a partner in the law firm Leech Tishman Nelson Hardiman, who often represents communities in aircraft noise lawsuits, for his opinion regarding whether consultants should serve on ANAC. Following is his reply:

My view is that Section 792 does not create a categorical legal bar that would automatically disqualify a consultant from appointment.

The statute requires appointment of representatives of airport adjacent communities from geographically diverse regions but it does not expressly define who may qualify as such a representative.

That said, I think there is a substantial question whether a consultant or facilitator is the type of representative Congress had in mind when it created limited community seats on ANAC.

One of the concerns I raised in my review of the ANAC Charter and other materials [*which is attached to the email that brought you this issue of ANR*] is that community representation should be reserved for actual community stakeholders rather than professionals who provide services to those stakeholders. In fact, although I considered seeking appointment myself, I decided not to do so because professional experience representing airport-affected communities is not the same as being an airport-affected community stakeholder. A community seat should belong to the community, not merely to those who advise it.

Applying that principle here, a facilitator whose role is to work with multiple constituencies may have extensive knowledge and may provide valuable assistance to ANAC. However, the question is whether he is serving as a

representative of airport-adjacent communities or as a professional intermediary among communities, airports, regulators, and industry participants. Those are not necessarily the same thing.

Reindel's statement that his loyalty is to solving problems and reaching solutions acceptable to all parties is consistent with the role of a facilitator. It also underscores the concern raised at the Roundtable. Community representatives are generally expected to advocate for the perspectives of the communities they represent, whereas a facilitator's role is broader and more neutral.

To be clear, Gene Reindel is a great guy, and I am confident that he would do an excellent job. However, ANAC needs the perspective of affected community members, not that of consultants or lawyers. I do not know what it is like to live under a flight path or to be awakened night after night by aircraft noise. I know only what my clients have shared with me, and that is not the same as lived experience.

Ultimately, FAA will have discretion in deciding whether a nominee qualifies for one of the community seats. But if the number of community seats is limited, I believe FAA should give considerable weight to whether the nominee is viewed by affected communities as an authentic community stakeholder and representative, as opposed to someone whose connection to the community arises primarily through professional services. That approach would be more consistent with both the purpose of the community category and the concerns reflected in the ANAC Charter and Membership Balance Plan regarding meaningful community participation.