

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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FAA

2/3 OF PEOPLE IN 65 DNL CONTOUR ARE HIGHLY ANNOYED BY AIRCRAFT NOISE, SURVEY SHOWS

In a Jan. 13 *Federal Register* notice, FAA released the findings of its long-awaited Neighborhood Environmental Survey, which was conducted to improve the agency's understanding of community annoyance with aircraft noise and to help determine if the FAA needs to update its 40-year-old aircraft noise policy.

The survey results are stunning.

Comparing the percent of populations highly annoyed due to noise exposure predicted in the 1992 updated "Schultz Curve" – which serves as the basis for FAA's current aviation noise policy – with the percent of the population found to be highly annoyed to aircraft noise in the new Neighborhood Environmental Survey (NES) shows the following:

- At a noise exposure level of DNL 65 dB, the updated Schultz Curve indicates that 12.3 percent of people will be highly annoyed, compared to between 60.1 percent and 70.9 percent highly annoyed within a 95 percent confidence limit in the NES.

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Quiet Skies Caucus

BIDEN URGED TO APPOINT FAA OFFICIALS ABLE TO FIND CREATIVE SOLUTIONS TO NOISE

Some 17 members of the House Quiet Skies Caucus urged President-elect Joe Biden in a Dec 28, 2020, letter to appoint FAA officials who will use creative approaches to solve aircraft noise problems.

"You will soon name several new appointees to the Federal Aviation Administration (FAA), including the Deputy FAA Administrator, the Chief Operating Officer of the Air Traffic Organization, the Associate Administrator for Airports, and the Assistant Administrator for Policy, International Affairs, and Environment," the Caucus members told Biden.

"While the FAA and the aviation industry face many high-profile challenges, as Members of the Quiet Skies Caucus of the U.S. House of Representatives, we write to bring to your attention the overlooked problem of the disruption to human health and local economies from aircraft noise. We urge you to appoint officials who will include creative approaches to solving noise problems in the work ahead.

"We represent Americans from diverse locales across the country, united by grave concern over the toll that noise can take on the people living with a constant drone of aircraft. Planes fly low or late at night, near homes and schools; flights ar-

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In This Issue...

Annoyance Survey ... After years of delay, FAA finally releases the results of its survey of annoyance in communities around a representative sample of 20 U.S. airports.

While the dose/response curve FAA currently uses predicts that only 12.3 percent of people in the 65 DNL noise contour will be highly annoyed by aircraft noise, the new survey data shows that a stunning two-thirds of the people living in the 65 DNL contour are highly annoyed by aircraft noise.

FAA wants public comments on the annoyance survey findings and other research it is conducting before it determines whether its aviation noise policy should be updated - p. 1

Quiet Skies Caucus ...

Some 17 members of the House Quiet Skies Caucus urge President-elect Joe Biden to place political appointees who are able to take a creative approach to solving aircraft noise problems, find win-win solutions in senior FAA positions - p.1

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- At a noise exposure level of DNL 60 dB, the updated Schultz indicates that 6.5 percent of people will be highly annoyed, compared to between 43.8 percent and 53.7 percent highly annoyed within a 95 percent confidence limit in the NES.

- At a noise exposure level of DNL 55 dB, the updated Schultz Curve indicates that 3.3 percent of people will be highly annoyed, compared to between 27.8 percent and 36.8 percent highly annoyed within a 95 percent confidence limit in the NES.

- At a noise exposure level of DNL 50 dB, the updated Schultz Curve indicates that 1.7 percent of people will be highly annoyed, compared to between 15.4 percent and 23.4 percent highly annoyed within a 95 percent confidence limit in the NES.

The annoyance survey consisted of over 10,000 mail responses in communities around 20 “statistically representative” airports across the United States. It is the single largest survey of its kind undertaken at one time.

FAA said it is “now considering the full NES results, in conjunction with additional research findings as they become available, to determine how they may inform its noise policy considerations.”

It goes without saying, that adoption of a dose/response curve for annoyance based on the new NES survey data would require a complete reworking of FAA’s current aviation noise policy, including selection of a new threshold for compatible residential use, and new criteria for determining significant noise impact for environmental studies and for eligibility for federally-funded airport sound insulation programs and noise mitigation grants.

Expect airports and other aviation industry stakeholders to be strongly opposed to any significant changes to FAA’s aircraft noise policy.

What the Congressional Quiet Skies Caucus will do with the annoyance survey findings remains to be seen. But with the Democrats now in control of both the House and Senate, the Caucus has an opportunity to get legislation through Congress advancing the FAA’s aviation noise policy *if* the chairs of the House and Senate Aviation Subcommittees support it.

Public Comments Sought

FAA is seeking public comments by March 15 on the scope and applicability of various agency research initiatives on the effects of aircraft noise on individuals and communities; noise modeling and metrics; and reduction, abatement, and mitigation of aviation noise.

FAA said it “will not make any determinations based on the findings of these research programs for the FAA’s noise policies including any potential revised use of the Day-Night Average Sound Level (NDL) noise metric, until it has care-

fully considered public and other stakeholder input along with any additional research needed to improve the understanding of the effects of aircraft noise exposure on communities.

A notice on FAA’s homepage (www.faa.gov) includes a link to the Neighborhood Environmental Survey document (which includes dose/response curves for annoyance drawn from the Schultz Curve and the new NES survey), and a link to the *Federal Register* notice, which includes directions on how to submit comments on FAA’s current research portfolio to a special docket (FAA-2021-0037) the agency has set up to receive them.

HMMH, Inc., which conducted the survey for FAA, also put out a fact sheet on it at https://hmmh.com/wp-content/uploads/2021/01/FAA_NES_Fact_Sheet.pdf

FAA Focused on Three Questions

In its *Federal Register* notice, FAA said comments that focus on the following three questions will be most helpful to the agency. The more specific the comments, FAA said, the more useful they will be in the agency’s considerations:

(1) What, if any, additional investigation, analysis, or research should be undertaken in each of the following three categories as described in this notice: Effects of Aircraft Noise on Individuals and Communities; Noise Modeling, Noise Metrics, and Environmental Data Visualization; and Reduction, Abatement, and Mitigation of Aviation Noise?

(2) As outlined in this notice, the FAA recognizes that a range of factors may be driving the increase in annoyance shown in the Neighborhood Environmental Survey results compared to earlier transportation noise annoyance surveys – including survey methodology, changes in how commercial aircraft operate, population distribution, how people live and work, and societal response to noise. The FAA requests input on the factors that may be contributing to the increase in annoyance shown in the survey results.

(3) What, if any, additional categories of investigation, analysis, or research should be undertaken to inform FAA noise policy?

Timing of Notice Deserves Scrutiny

Several observers pointed out to ANR that the timing of FAA’s *Federal Register* warrants scrutiny.

FAA has been promising the release of the annoyance survey findings for the past several years. But it decided to issue them, tucked into a broader notice on its environmental research portfolio, on Jan. 13, just one-week before the end of the Trump administration.

Is this an effort by the Trump administration to dump the thorny issue of whether and how to update FAA’s aviation noise policy in the lap of the Biden administration at its outset? one observer wonders.

Or is this an effort to slip the annoyance survey results

out at a time when they will draw less attention as the public's attention is focused on the inauguration, a worsening pandemic, and an ongoing insurgency? another observer wonders?

Initial Comments on the Survey

ANR reached out to a few community group members and an aviation attorney to get their initial reaction to FAA's annoyance survey findings.

Steven Taber, a partner in the Pasadena, CA, law firm Leech Tishman Fuscaldo & Lampl who represents cities challenging FAA on aircraft noise issues, wrote:

"While the results of the Neighborhood Environmental Survey are remarkable, they are not unexpected. The fact that people were more 'annoyed' by aircraft noise than the FAA believed has been shown time and again by communities in response to FAA actions. Now that the NES has been made public, I hope that the FAA will use it to modify its antiquated noise policies and provide relief to communities across the United States who are impacted by aircraft noise."

Jennifer Landesman of Sky Posse Palo Alto, CA, wrote:

"The new national curve is an impressive accomplishment that demonstrates FAA's capabilities to analyze noise exposure. The delays in sharing these findings, and the decades long reliance on the Schultz curve however point to a disconnect or possibly an ivory tower approach to how FAA manages aviation noise.

"As it is now, when the FAA creates or amends airspace procedures, communities are routinely left in the dark or confused with piecemeal and often misleading information about impending changes. Because this information has a direct relationship to how people and cities manage their affairs, immediate improvements to FAA's NEPA practices are important, such as offering supplemental noise exposure analysis for public communications."

Anne Hollander of Montgomery County (MD) Quiet Skies, wrote:

"This study confirms what Americans living under highly concentrated NextGen flight paths have been saying for years: the FAA's models for estimating extreme annoyance caused by aircraft noise systematically understate the true levels of annoyance and harm. The reason? They fail to account for the way airplanes currently fly: in high frequency, concentrated flight rails over communities that cannot even take a full breath before hearing the next plane approaching.

"The results are shocking only from the standpoint that the FAA has been so dismissive of the problem for so long in spite of the clear nationwide outcry. The results are not shocking to the people who have been living under these high frequency flight paths. This study affirms what we have been experiencing.

"The terms used by the FAA such as 'annoyance' and 'perceived noise' fail to fully express the very real mental and

physical health impacts to people on the ground.

"In the community where I live, flight path concentration increased by around 500% after NextGen RNAV flight paths were implemented. In other words, the frequency of flights overhead increased exponentially. The incessant noise makes us all miserable. Yet the FAA said it was an insignificant amount of noise. This study verifies that the models the agency uses to determine high degrees of annoyance systematically understate the true harm."

SSTs

FAA ISSUES FINAL RULE ON SAFE DEVELOPMENT OF SST AIRCRAFT

On Jan. 6, the FAA issued a final rule to facilitate the safe development of civil supersonic aircraft. The rule streamlines and clarifies procedures to obtain FAA approval for supersonic flight testing in the United States.

"Today's action is a significant step toward reintroducing civil supersonic flight and demonstrates the Department's commitment to safe innovation," said U.S. Transportation Secretary Elaine Chao.

Chao resigned her post in the Trump administration last week following the attack on the Capitol.

FAA said the new rule will help ensure that companies developing new supersonic aircraft clearly understand the process for gaining FAA approval to conduct flight testing, which is a key step in ultimately bringing their products to market.

"The FAA supports the new development of supersonic aircraft as long as safety parameters are followed," said FAA Administrator Steve Dickson. "The testing of supersonic aircraft at Mach 1 will only be conducted following consideration of any impact to the environment."

The Department of Transportation and the FAA said they anticipate taking additional regulatory actions to enable the development of supersonic aircraft.

In its summary of the rule, FAA explained:

"In consideration of the continuing development of a new generation of supersonic aircraft, FAA is modernizing the procedure for requesting a special flight authorization to operate in excess of Mach 1 over land in the United States.

"The renewed interest in development of supersonic airplanes caused FAA to review its application procedures that allow for flight tests of these aircraft. This final rule modifies the criteria for applying for these authorizations and moves the material from an appendix to a regulation to make it easier to find and understand.

"Outside the context of special flight authorizations under this final rule, the FAA continues generally to prohibit civil supersonic flight over land in the United States."

The rule is at https://www.faa.gov/news/media/attachments/SFA_Supersonic_Final_Rule.pdf

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FAA, from p. 1

rive and depart within minutes of each other; and the FAA's NextGen project has concentrated flight paths without consideration of the people below. As a result of these policies, millions of Americans suffer from sleep disruption; exacerbation of high blood pressure and other chronic diseases; learning loss in schools; and economic losses to businesses ranging from tourism to technology to entertainment.

"For decades the agency has consistently downplayed and overlooked the toll of noise disruption on human lives and communities. The NextGen project to update the technology used to control air traffic has brought foreseeable problems that could have been headed off if the agency, early in its planning stages, had considered what happens on the ground as well as what happens in the skies and included in the process business owners, local elected officials, airport noise roundtables, health advocates, and others likely to be affected.

"As Members of Congress, we all fly as part of our work. We agree that the FAA's mission to maintain the safety and efficiency of our airspace is paramount. But we also believe that better noise control and full participation from all involved and affected can only enhance that safety and efficiency, not detract from it.

The new appointees at the "FAA should be committed to inventive problem-solving, to listening and bringing all affected parties into the discussion, and to finding win-win solutions. These leaders should embrace bold ideas, work in good faith with the Quiet Skies Caucus and Congress, and pledge to alleviate noise disruption on the ground, with a renewed focus on inclusiveness.

"We look forward to learning of your choices for the FAA and to working with your administration in the 117th Congress to combat aircraft noise. Thank you for your leadership, and congratulations on your presidency.

The letter was signed by Congresswoman Eleanor Holmes Norton (D-DC), co-chair of the Quiet Skies Caucus, and Congresswoman Karen Bass (D-CA).

The letter was co-signed by U.S. Reps. Don Beyer (D-VA), Judy Chu (D-CA), Ted Lieu (D-CA), Stephen Lynch (D-MA), Grace Meng (D-NY), Jamie Raskin (D-MD), Adam Smith (D-WA), Thomas Suozzi (D-NY), Ed Case (D-HI), Ro Khanna (D-CA), Alan Lowenthal (D-CA), Gregory Meeks (D-NY), Mike Quigley (D-IL), Jan Schakowsky (D-IL), and Jackie Speier (D-CA).

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