



## **Aircraft Noise Updates - December 2019**

As 2019 comes to a close, the City of Culver City would like to update the community on our efforts and those of our stakeholders and legislators to address aircraft noise from frequent and low-flying aircraft under the Federal Aviation Administration's (FAA) NextGen program.

### ***Culver City Legal Action with the City of Los Angeles Against the FAA***

In July 2019, the City of Culver City petitioned the Federal court to intervene in the June 2019 lawsuit filed by the City of Los Angeles against the FAA, challenging the FAA's failure to follow its own procedures, when it failed to consider the environmental impacts of new arrival routes published in May 2018. The court granted Culver City's petition to intervene, which allowed the City to join the lawsuit. The lawsuit is progressing, with briefing on the issues anticipated in early 2020.

### ***National League of Cities***

Vice Mayor Göran Eriksson serves as Co-Chair of the National League of Cities' (NLC) Aviation Subcommittee of the Transportation and Infrastructure Committee. At the November 2019 NLC-City Summit, the Board of Directors passed a Resolution to *Reduce the Economic, Noise and Health Impacts of Overflights of Cities from Implementation of NextGen's Airspace Redesign*. The City of Culver City was instrumental in drafting this Resolution and looks forward to working with NLC on advocacy efforts in 2020. (Attached)

### ***Updates from the U.S. Senate***

The U.S. Senate Committee on Appropriations has funded the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2020.

To address aircraft noise, the Committee directs the FAA to:

1. Improve the development of flight procedures in ways that will consider public comment and reduce noise through procedure modification and dispersion to reduce the impact on local communities; and
2. Provide a report to the House and Senate Committees on Appropriations within 90 days of enactment of the FAA Reauthorization Act that details the efforts made by the FAA during the last two fiscal years to comply with Committee's directives on this topic.

[Link to the U.S. Senate's Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill, 2020 and Related Agencies Appropriation Bill, 2020](#)



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Additionally, U.S. Senator Kamala Harris sent a letter (attached) to the FAA Administrator asking for a timeline on implementation of the provisions in last year's FAA Reauthorization Act. Senator Harris mentions Culver City as one of the cities that she has heard from on the NextGen issues.

### ***Updates from the U.S. House of Representatives***

The U.S. House of Representatives Committee shares the concerns of communities affected by aircraft noise and has urged the FAA to respond fully and completely to the requirements in the FAA Reauthorization Act pertaining to noise reduction.

The FAA is required to:

1. Study jet aircraft approach and takeoff speeds;
2. Review how and when to engage airports and communities in performance-based navigation proposals, updating airport noise exposure maps, and a study on the potential health and economic impact of overflight noise;
3. Evaluate alternative metrics to the current Day Night Level (DNL) 65 standard
4. Enter into an agreement with an institution of higher education to conduct a study on the health impacts of aircraft noise exposure;
5. Deploy recently hired regional ombudsmen into communities; and
6. Make noise data as widely and publicly available as practical.

[Link to the U.S. House of Representatives' Departments of Transportation, and Housing, and Urban Development, and Related Agencies Appropriations Bill, 2020](#)

The Co-Chairs of the U.S. House of Representatives Quiet Skies Caucus sent a letter to FAA Administrator Stephen Dickson asking a number of questions on the implementation of last year's FAA Reauthorization Act. (Attached)

### ***LAX Community Noise Roundtable***

Los Angeles World Airports' consultant is finalizing the North Downwind Arrival Proposal Analysis. This item is scheduled for presentation at the January 8, 2020 Regular Roundtable meeting. Vice Mayor Eriksson continues to serve as the City's representative on the Roundtable. The public is encouraged to attend and learn more by visiting the [LAX Community Noise Roundtable's website](#).

### **Upcoming Federal Advocate's Presentation to City Council**

Since February 2018, the City Council LAX Ad-Hoc Subcommittee of Mayor Meghan Sahli-Wells and Vice Mayor Göran Eriksson, along with City staff, have been working



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with Steve Palmer, Vice President of Van Scoyoc Associates. Together, we've been working a strategic approach to address Culver City's issues with NextGen in the context of the FAA, White House and Congressional Committees of Jurisdiction. At the January 27, 2020 City Council Meeting, Mr. Palmer will provide the City Council with an update on the City's federal priorities and ways he's advancing Culver City's important issues. The Council Meeting takes place in the Mike Balkman Council Chambers at City Hall at 7 PM, and the public is invited to attend.

Be sure to visit the [City's website on airplane noise](#) to keep abreast of the City's efforts to address NextGen-related noise impacts.

## **NLC RESOLUTION #35**

**[TIS Recommendation: Approve]**

### **REDUCE THE ECONOMIC, NOISE AND HEALTH IMPACTS OF OVERFLIGHTS OF CITIES FROM IMPLEMENTATION OF NEXTGEN'S AIRSPACE REDESIGN**

**WHEREAS**, the Federal Aviation Administration (FAA) is implementing both a National Airspace Redesign—a multi-year initiative to review, redesign, and restructure the nation's airspace to meet the rapidly changing and increasing demands on the National Airspace System — and an Air Traffic Control System upgrade named “NextGen;” and

**WHEREAS**, the NextGen System allows for aircraft to fly more closely together, both vertically and horizontally, during landing and takeoff, which has concentrated flight paths at low altitudes over residential areas of the U.S. with increased frequency; and

**WHEREAS**, in some states, the FAA did not conduct Environmental Impact Studies that use a noise standard that accurately reflects the impact of NextGen routing over residential communities; and

**WHEREAS**, the U.S. Environmental Protection Agency's (EPA) Noise Control Act and the Clean Air Act Title IV- Noise Pollution indicate that aircraft and their turbojet engines are a source of noise and air pollution that require mitigation; and

**WHEREAS**, problems related to noise include stress-related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity; and

**WHEREAS**, frequent low flying aircraft increases risk on the ground and also adversely impacts economic development, property values, and the quality of life of residents;

**NOW, THEREFORE, BE IT RESOLVED**, that the National League of Cities urges Congress and the FAA to reduce the economic, noise and health impacts of the implementation of NextGen's Airspace Redesign and protect the public against NextGen-related impacts; and

**BE IT FURTHER RESOLVED** that the NLC supports FAA's goals of aircraft safety and security, and the full funding and implementation of the FAA Reauthorization Act, which includes the following major provision, among others:

- “Mandates that the ongoing study of alternative noise measurements to the current 65 decibel day-night average sound level (DNL) measurements be completed within one year”; and,
- Immediate utilization of alternative single-event noise metrics, which are better suited to analyzing noise impacts over affected communities; and,
- Acceleration of funding to NASA for research and development to address aviation noise, at its source—aircraft engines and airframes; and,
- Continued vigilance to ensure that Congress and FAA take additional steps to reduce aircraft noise and enhance the quality of life for residents and citizens affected by overflights.

## United States Senate

November 26, 2019

The Honorable Stephen Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Administrator Dickson,

I write to report on the increasing number of serious concerns from my constituents throughout Southern California regarding new or increased airplane noise in their communities. Reports indicate that this noise increase is due to new flight patterns implemented by the FAA in conjunction with the NextGen air traffic control technology. I have received complaints from residents across Southern California, including from the communities of central Los Angeles, West Adams, Monterey Park, Montebello, Culver City, Malibu, Pacific Palisades, Lake Arrowhead, Sherman Oaks, North Hollywood, Topanga Canyon, Studio City, and Laguna Niguel. My congressional colleagues and I made initial inquiries to the FAA in 2017 regarding the Southern California Metroplex and problems that our constituents are facing on a daily basis from the implementation of this system.

NextGen implementation for the Southern California Metroplex was intended to increase efficiency, reduce travel times, and reduce carbon emissions. While the Environmental Assessment reported a Finding of No Significant Impact, these communities are experiencing considerable disruptions, which may not have been properly addressed during the Environmental Assessment. My office has also been informed that the FAA public engagement process for the Environmental Assessment was conducted in a passive manner, one that may not meet the full standards of responsibility to the public. The new flight paths are focused into highly concentrated routes, which greatly bombard some residents with near-constant airplane noise. In addition to the concentrated routes, constituents have reported low flying aircraft that are potentially out of compliance with established altitude levels.

I appreciate the responses that the FAA has provided regarding our inquiry into the Lake Arrowhead waypoint and the announcement that a new route is in development to alleviate the noise impacts that have occurred affecting that community. Additionally, I appreciate your Region 9 Administrator understanding the importance of a separate roundtable for the communities impacted by the Hollywood Burbank and Van Nuys airports. The upcoming public forum on December 4<sup>th</sup> is an important step toward transparency and community engagement. This continued type of engagement and facilitation with the public and my office is necessary as we work together to serve California and to ensure transparency and accountability.



While I appreciate the FAA's efforts to date, it is critical the FAA do more to rapidly implement the noise and community engagement provisions in the 2018 FAA Reauthorization and address the negative impacts NextGen implementation has had on communities. My colleagues and I fought for the inclusion of these amendments and many of them have statutory deadlines that to my knowledge have yet to be met. To that end, I request that you submit a detailed timeline regarding the implementation of all noise amendments that were passed in the FAA Reauthorization. Furthermore, since I have not received them, I write to again request copies of all Standard Operation Procedures, Letters of Agreement, Operational Orders, Notices, and Memorandums of Understanding issued for flight arrivals at Los Angeles International Airport from January 1, 2014 through June, 2019. Production of these documents for analysis by elected offices may lead to measures that reduce the noise burden faced by our constituents. My staff and I have been diligently working to find viable solutions for many communities that are being impacted by noise pollution and we want to ensure that our work is comprehensive.

Finally, as you engage in your role as Administrator, I request that you make it a priority to hold a face-to-face town hall with impacted constituents in Southern California. Your personally meeting with impacted constituents will further enable you to understand the gravity of the problem and in turn, facilitate a timely solution. My staff has visited impacted communities and can attest to the veracity of the complaints. As the top official at the FAA, it is essential that you have a real understanding of the impacts of NextGen implementation. Thank you for your attention to this important matter.

Respectfully,



KAMALA D. HARRIS  
United States Senator

CC: Raquel Girvin, Regional Administrator FAA – Western Pacific Region  
Kim Stover, Director of Operations, Air Traffic Services Western Service Area

**Congress of the United States**  
**Washington, DC 20515**

November 5, 2019

The Honorable Stephen Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591

Dear Administrator Dickson:

We, the Chairs and Vice Chairs of the Congressional Quiet Skies Caucus, write to thank you for appearing before the Caucus on October 16, 2019. As you heard during the meeting, Members have serious concerns regarding airplane and helicopter noise and the Federal Aviation Administration's (FAA) lack of responsiveness to those impacted communities. Aircraft noise has caused sleep deprivation, homes to shake and health problems, such as increased risk of stroke and cardiovascular disease. Because you only recently began your service, we hope that this meeting can be the start of renewed engagement between the FAA, Congress and our constituents, and will lead to concrete steps to mitigate this noise.

In accordance with our meeting discussion, Members seek responses to the following questions:

- The FAA 2018 Reauthorization contained an amendment that required the FAA to provide a report on the status of TSAS technology, updates on how pilots are being trained to use TSAS, the status of TSAS installation into existing airplanes, and how the FAA plans to implement the program once all these variables are in place. That report was supposed to be provided within 180 days of enactment of the law, but that has not transpired. Please provide an update to the TSAS report.
- Multiple cities have seen an increase in airplane noise levels as airports work to accommodate flights during periods of construction. Residents were only able to learn of the change after contacting a member of Congress. Is there a way for us to work together to help notify residents, or even local governments, when there are temporary changes in flight patterns that could impact our constituents?
- Constituents and advocacy groups have repeatedly requested that an FAA representative attend airplane noise community meeting(s) and have been denied. Congresswoman Rice's district office was told that the FAA will not appear at any community meeting in the 4th Congressional District that are not affiliated with the New York Communities Aviation Roundtable (NYCAR). To date, all of NYCAR's meetings have been held in Queens, making it difficult for her constituents to attend and have the opportunity to hear from the FAA directly. Recently, NYCAR said that the FAA will not participate in community meetings unaffiliated with NYCAR without NYCAR's approval. Will you direct the Eastern Region to meet directly with residents in Nassau County, outside of

NYCAR's approval process, in order for the Eastern Region to live up to the FAA's commitment of healthy community engagement?

- What is the status of the provisions in the 2018 FAA Reauthorization related to noise, especially regarding research on health impacts from aircraft noise?
- The report accompanying the Transportation, Housing and Urban Development, and Related Agencies FY 18 Appropriations bill directed the FAA to increase regional staff to address community concerns with airplane noise. What is the current status and timeline for onboarding these new regional staff?
  - What is the status and timeline for onboarding community engagement officers to be located within the regions they serve?
  - What is the plan for outreach and introduction of the new regional staff to the affected communities?
  - How will the public within the affected areas be made aware of the new staff and how will they be able to interface with them and present their comments and concerns?

- There was an agreement with the FAA and TRACON, which was signed June 13, 2019 to be implemented on June 24, 2019, with a cancellation date of April 15, 2020, that would help reduce the noise levels in Nassau County and Western Suffolk with some approved procedures. The first regulation instructs planes to fly at an elevation of at least 4,000 feet when operating west of Deer Park. The second instructs planes flying 15 miles or more from JFK to stay at least 3,000 feet in elevation when 22R is not open. Both regulations would be 24 hours a day.

However, the FAA informed Congressman Suozzi that it could not proceed because "the FAA did not follow their own internal procedures properly and the new measures needed to be studied with an Environmental Assessment Study."

- Why would an environmental assessment study be necessary if the only effect of the June 13, 2019, plan would be to increase the elevation of approaching flights? The only impact for people on the ground is decreased noise level.
  - What concrete measures have been taken to elevate the height of the flights approaching JFK?
  - When will the new noise abatement procedures be approved?
  - Where is the FAA regarding the agreement that was signed June 13, 2019, which was to be implemented June 24, 2019?
- The Noise Annoyance Survey was due in January 2019, and we have been told for months that legal/administrative review continues. We have also heard that scientists at Department of Transportation (DOT) are not satisfied with the rigor of the science in the Survey and it is possible that the reports will never be issued. When will the Noise Annoyance Survey be released to the public?



- We have been told by (former) Regional Administrators as far back as 2015 that flight path dispersal was being studied. What is the status of research, planning, and implementation of dispersed flight paths for NextGen RVAV/RNP flight procedures?
  - Are there any reports, white papers, overviews, scientific papers, etc.;
    - (1) about this kind of dispersion technology in general
    - (2) about the specific flight path dispersal program being developed under the auspices of the FAA?
  - Which FAA department, section or group is responsible for developing or overseeing development of this flight path dispersal? Is it being developed in-house or under contract? If contract, who is the contract vendor?
  - Does this flight path dispersal exist in any type of prototype or Beta testing? Does this flight path dispersal exist in ATC use in any U.S. or foreign airspace?
  - Is there any documentation on a planned timeline for implementation of flight path dispersal?
  - Are there any pre-conditions to the implementation of flight path dispersal?
- Are there alternatives to the technology of flight path dispersal being used by procedures developers to replicate some kind of dispersion?
  - For example:
  - (1) Airports alternating two or more departure or arrival procedures that essentially fulfill the same general route but vary the path slightly.
    - Do these alternative procedure versions alternate on even/odd days of the month or time of day (like Heathrow)?
  - (2) Are there any plans to incorporate HEADINGS instead of TRACKs for a portion of the procedure? Or alternating use of transitions to/from the arrival or departure procedure?
    - If so, can you point to any examples at U.S. airports or foreign airports?
- Have there been any recent modifications to the Opposite Direction Operations (ODO) standards and regulations in the past few years?
  - Are there any airports which may have received waivers for ODO using different than standard regulations?
- Are there any RNAV flight paths which incorporate a HEADING (not TRACK) as part of the procedure? Please provide the name of the procedures and the airport in use.
- Have any waivers from standards been issued to allow a RNAV Arrival (STAR) to connect to an RNP approach? If so, which STAR/Arrival at which airports?

- Please provide the current status and timeline for all safety and noise related items from the 2018 FAA Reauthorization Bill.
- How does the FAA plan to address existing noise problems experienced at completed metroplex projects – such as the D.C. Metroplex?
- Does the FAA see resolving noise issues arising from the Metroplex/NextGen project as part of its core mission? Or is it the position of the FAA that Congress should authorize another agency to have oversight capabilities on airplane and helicopter noise pollution?
- Please explain why, according to the August 2019 report from the Inspector General of DOT, some Metroplex sites “did not achieve expected fuel saving benefits for various reasons, including designs that increased time and distance flown for some procedures and factors that were initially considered, such as changes to wind speeds.”
  - Please explain which sites are not meeting expected fuel savings and list the reasons for each site.
  - Please explain how the FAA is planning to improve community outreach and communication near Metroplex sites and provide a timeline for the implementation of these plans.
- What plans does the FAA have, if any, to utilize the findings of your in-progress study on the health determinants of noise impacts on communities?
  - Are there plans to make changes in approved flight paths or restricted flight zones in front-line communities that have been disproportionately impacted by such flights?
- Is the FAA considering, or has it ever considered, phasing-out Stage 3 aircraft from service in U.S. airspace through regulatory action or any other manner?
- When are regional FAA community liaison officers going to begin their duties? As soon as one is in place for the New York City Metroplex, please share their contact information with the office of Congresswoman Ocasio-Cortez.
- When is the work plan for the NY/NJ/PHL airspace project going to be published in the Federal Register for public comment?
- What role, if any, has the FAA played in the planning, design or development of the LaGuardia AirTrain project?

- What regulatory action is your agency pursuing, if any, to combat climate change's impact on airports like LaGuardia and communities near airports?
- Congressman Neguse sent a letter to then-Acting Administrator Elwell on May 21, 2019, regarding NextGen noise concerns, and his staff sent an additional copy via email to the Office of Government and Industry Affairs at the FAA. Aside from acknowledging receipt of the email, they have yet to hear anything else from your agency. He requests that you review the requests in the letter (copy attached), and please provide a response to that initial inquiry as soon as possible.
- Can you please provide concrete steps you will take as Administrator to improve communication with constituents?
- A study has been authorized by Congress for the FAA to research alternatives to the day-night average sound level ("DNL") testing, including the use of actual noise sampling data. In South Boulder County, Colorado there has not been any actual noise sampling done to test the noise levels. Why has noise sampling not been done in the areas where constituents are highly impacted—such as in Nederland and the Indian Peaks Wilderness—where the NextGen flight path now routinely routes aircraft directly over?
  - Further, when designing flight paths, how can you take into account:
    - The needs of each distinct community, such as geological features which amplify sound waves from aircraft; and
    - The impact on sensitive wilderness areas to both wildlife and humans?
- Many constituents worry about the health and environmental impacts of leaded gasoline used by smaller, low flying aircraft (such as those used for pilot training) near their homes, and it is a great concern. Can you provide an update on the development of alternatives to leaded gasoline for small aircraft through your Piston Aviation Fuels Initiative?
- The public comment period for the Denver Metroplex Environmental Assessment ended on June 6, 2019. Participants were advised the FAA would review and respond to their comments. Have constituents who participated in the comment period received a response from the FAA?
  - Do you plan on responding to individuals who participate in public comment periods?
- Many constituents are deeply and rightfully concerned about the increased flight traffic they have experienced as a result of the concentrated flight path of NextGen. Have you considered modifying NextGen to allow for a more dispersed flight pattern, so that the noise pollution is not continually concentrated

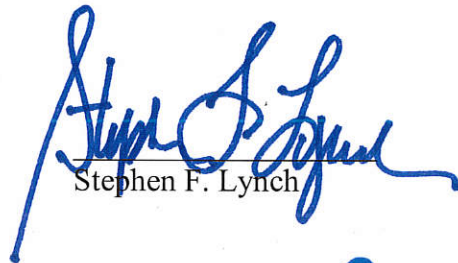
over the same homes? If not, please provide specific reasons why you are not considering dispersion.


- Can you please give updates on FAA's implementation of a central repository for constituent complaints?
- Given the FAA's history of unresponsiveness, how will the FAA differ under your guidance?

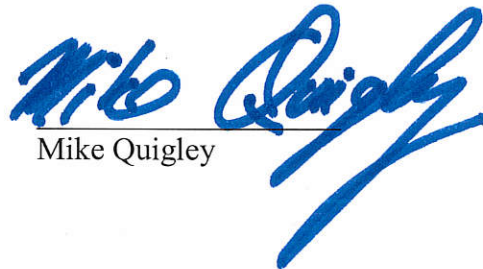
We appreciate your attention to these matters and ask that you respond to our written questions within 30 days of the date of this letter, in accordance with your verbal commitment.

Sincerely,

  
Eleanor Holmes Norton

  
Stephen F. Lynch

  
Thomas R. Suozzi

  
Mike Quigley