

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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Community Involvement

FAA ACCEPTS NAC RECS, NAMES JULIE MARKS TO BE COMMUNITY INVOLVEMENT MANAGER

The FAA has accepted the NextGen Advisory Committee's recommendations on ways to improve community outreach when implementing NextGen Performance-based navigation (PBN) procedures and airspace changes.

The agency also has named Julie Marks to the new position of Community Involvement Manager for Airspace Projects in FAA's Air Traffic Organization (ATO). She formerly served as manager of Environmental Policy and Operations.

FAA told the NAC at its Oct. 5 meeting in Orlando that it has begun a new process, based on the NAC's recommendations, to better educate and communicate with the public about airspace changes.

FAA plans to expand its current process of community outreach by adding "multiple layers of engagement" with stakeholders in order to make the collaborative process of airspace redesign more transparent to airports; local, state, and federal governments; community organizations; and the general public.

Public outreach will be integrated into the PBN study, design, and implementa-

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Research

'FRUSTRATED MINORITY' OF CITIZENS FILING MOST NOISE COMPLAINTS, THINK TANK FINDS

A study just issued by a major conservative think tank evaluated aircraft noise complaint data at nine U.S. airports and found that the majority of complaints at most of these airports were filed by just a handful of people whose influence, the study authors contend, runs the risk of impeding much-needed improvements to the aviation system that would benefit their communities.

"There are worrisome signs that this small, frustrated minority of citizens is affecting aviation policy," Eli Dourado and Raymond Russell, researchers at the Mercatus Center at George Mason University, concluded in their paper "Airport Noise NIMBYism: An Empirical Investigation."

"Airport noise can be a nuisance but it is also necessary for economic activity in the modern world," they wrote. "Airport noise policy must strike a reasonable balance between noise abatement and the economic benefits associated with noisy airplane takeoffs and landings. However, because the majority of noise complaints come from a small number of loud objectors, there is a danger that this balance has been tilted too far in the direction of noise abatement," they asserted.

"We hope that increasing awareness of the lopsided distribution of noise com-

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Community Involvement ... FAA tells the NextGen Advisory Committee that it has accepted the NAC's recommendations on ways FAA can improve its community outreach when instituting NextGen procedures and airspace changes; Julie Marks is named to the new position of FAA Community Involvement Manager - p. 139

Noise Complaints ... Only a 'frustrated minority' of citizens is responsible for filing the vast majority of the noise complaints at most of the nine airports whose noise complaint data was analyzed in a new study by a conservative think tank that could influence thinking in Congress.

This handful of complainers is influencing FAA noise policy and risks impeding much-needed improvements to the aviation system, the study authors assert. But acoustical and legal experts disagree and city officials express their great concern over the implications of the study - p. 139

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tion processes and airspace designs will be refined based on public outreach and airport input.

FAA will continue to use a workshop format to allow the public to provide feedback on airspace changes and will use visual props to illustrate changes in flight paths and explain why they are being made.

FAA also has added a new section on Community Engagement to its NextGen website (www.faa.gov/nextgen). The new section has links to individual Metroplex airspace projects with updates on their status.

NAC Recommendations

Last June, the NAC's PBN Blueprint Task Group sent recommendations to FAA on ways to improve the agency's community's community outreach efforts (28 ANR 86).

The Task Group urged FAA to do the following:

- Form a specialized outreach team of professionals trained to engage in local community outreach;
- Develop specific Local Community Outreach Toolkits tailored for, and able to be understood by a wide range of audiences for the Community Outreach Strategy for specific PBN procedure efforts based upon an assessment of the local community needs;
- Develop ongoing and scalable Community Outreach Programs in collaboration with local airports in order to establish a basis of communication and collaboration with local communities that can help support PBN procedure implementation;
- Disseminate both this document as well as the original Blueprint for Success to Implementing PBN to airport operators, airlines and other stakeholders to encourage and foster successful community engagement efforts; and
- To the extent practicable, incorporate the best practices outlined throughout this document for (1) preparation; (2) education; (3) engagement; (4) advocacy; and (5) post-implementation steps in PBN-related community engagement.

Complaints, from p. 139

plaints can help promote noise standards that strike an appropriate balance and facilitate the advancement of faster and cheaper commercial flight."

The Mercatus Center, one of the best-funded think tanks in the U.S., was founded by the Koch Family Foundations and is described by a Democratic strategist as "ground zero for deregulation policy in Washington."

That market-oriented zeal is evident in Dourado and Russell's paper on aircraft noise complaints, which is being picked up by news outlets around the country.

"It would be a mistake to allow the preference of a vocal but minuscule minority of citizens, however sympathetic their circumstances, to impede much-needed improvements in aviation," such as the implementation of NextGen flight

paths and development of new supersonic aircraft, Dourado and Russell argued, contending that new SSTs should not be subject to subsonic aircraft noise standards.

"Holding supersonic aircraft to subsonic noise standards would hamper the viability of the new market," they asserted.

"Aircraft noise standards are already quite strict and they create real economic and environmental costs associated with lower aircraft fuel efficiency," the researchers said.

They noted that, in recent decades, the FAA has imposed progressively more stringent noise standards on aircraft operating in U.S. airspace.

"While noise abatement is desirable, it can have significant costs – particularly on the fuel efficiency of aircraft – resulting not only in higher carbon emissions but also in higher ticket prices," they argued.

Implications of Paper Concern N.O.I.S.E.

The N.O.I.S.E. organization – which represents elected officials of jurisdictions with aircraft noise problems – told ANR it has "great concerns" with the implications of the Mercatus Center report.

"To suggest that noise impacts are captured and dialogue and policies are implemented only based off of citizen complaints is misleading," Brad Pierce, N.O.I.S.E. president and Aurora, CO, City Council Member, told ANR.

"We too have concerns with the noise complaint system at many U.S. airports, but as we know from the FAA, noise policy is not determined based on complaints – it is based on modeling using long standing and still implemented metrics.

"We too agree that centering the discussion solely on noise complaints would be ineffective. However, what this report suggests is that there is no further dialogue, discussion and collaboration between impacted communities and the FAA and airports beyond call logs of complaints.

"The N.O.I.S.E. organization participates and is engaged in these discussions at U.S. airports every day and we encourage the FAA and federal policy makers to continue the effort to take community impacts into strong consideration when implementing new technologies and changing airspace."

Criticism of Study

Because the Mercatus Center paper has the potential to significantly influence congressional discussions on matters regarding NextGen flight path decisions, privatization of FAA's air traffic control system, and noise policy issues, ANR asked two experts with in-depth knowledge of FAA noise policy development and the legal structure underpinning it to comment on the study.

ANR also asked one of the authors of the paper, Eli Dourado, to address several questions posed by ANR.

Dourado is a research fellow at the Mercatus Center, which is located in Fairfax, VA, and director of its Technology Policy Program.

Thesis Both Simplistic and Wrong

Following are comments by Dr. Sanford Fidell, a Los Angeles-based psychoacoustician and expert on how communities respond to aircraft noise. He is one of the architects of recently revised ICAO Standard 1996-1 on measurement and assessment of environmental noise:

“Airport Noise NIMBYism: An Empirical Investigation” by Eli Dourado and Raymond Russell, posted to the website of George Mason University’s Mercatus Center, is an analysis produced by a graduate student and an undergraduate of the influence of aircraft noise complaints on U.S. aircraft noise regulatory policy.

Its thesis is both simplistic and demonstrably wrong. The work proceeds from several incorrect assumptions:

- 1) That noise complaints play a substantive role in awards of federal subsidies to airport infrastructure projects (they don’t);
- 2) That the historic imposition of source level restrictions on aircraft types have been motivated primarily by concerns about aircraft noise impacts (they were in fact developed and encouraged by aviation interests to secure much lower operating costs of replacement aircraft); and
- 3) That airports always represent the best and highest economic uses of land.

The authors further seem unaware:

- 1) That all regulation seeks to balance conflicting societal interests, not to overwhelmingly favor one set of interests over others;
- 2) That their insights about aircraft noise complaints are hardly novel; and
- 3) That the professional, peer-reviewed technical literature on aircraft noise effects offers far more rigorous analysis of ratios of complainants to complaints.

Even more disturbingly, however, Dourado and Russell complain about the ability of their fellow citizens (whom they denigrate as “NIMBYs”) to exercise their Constitutionally-guaranteed rights of free speech and to petition elected officials.

This complaint suggests a preference for a more business-oriented political system, if not a general impatience with the untidiness of democracy. After all, Mussolini’s Fascists are popularly (if incorrectly) credited with making Italy’s trains run on time, and China quickly builds dams, bullet trains, airports and even complete cities by the simple expedient of ignoring opposition to infrastructure projects.

Dourado and Russell seem to regret that in America, industry must still attempt to socialize costs while privatizing profits the old-fashioned way: by lobbying Congress (think ANCA) and regulatory agencies for operating and construction subsidies. As Churchill observed in 1947, democracy remains “... the worst form of Government except all those other forms that have been tried from time to time.”

Diminishes Impact of Aviation Noise

Following are comments by Steven Taber of the Taber Law Group in Irvine, CA, who formerly served as an FAA attorney and now represents communities impacted by aircraft noise from NextGen flight path changes:

The report diminishes the impact of aviation noise on communities by showing that in several cases a few individuals or households accounted for a high percentage of noise complaints. The implicit conclusion is that if people really were affected by aviation noise there would be more unique complainers. This is an unreasonable conclusion.

First, this conclusion assumes that noise complaints are a statistically good example of the communities’ opinion of aviation noise. There is no research to support this conclusion.

The article by Fidell, Mestre and Sneddon in the Jan-Feb 2012 edition of *Noise Control Engineering Journal* (title: “A potential role for noise complaints as a predictor of the prevalence of annoyance with aircraft noise”) reaches valid conclusions about noise complaints.

Second, it has been my experience that many residents do not believe that noise complaints are an effective tool for expressing their discontent about aviation noise. Because of their belief they do not file noise complaints even though they are severely affected by aviation noise. The issue with filing noise complaints with the airport and/or FAA is that residents in communities do not see any results from filing noise complaints.

Another concern is the report’s emphasis on economic considerations. The report authors continue “[t]here are worrisome signs that this small, frustrated minority of citizens is affecting aviation policy.” They claim that noise abatement has an effect on fuel efficiency, which increases carbon emissions and raises ticket prices. Therefore, the economic considerations should outweigh the concerns of a few “annoying,” but vocal, citizens.

This ignores the very real health effects that aviation noise has on people. Summarily dismissing the residents’ concerns as being the result of a “small, frustrated minority” ignores the breadth of the community’s opposition to an increase in aviation noise.

The report ignores the FAA’s duty to protect these communities. See “[T]he Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare.” 42 USC § 4901(b); see also 49 U.S.C. § 40103(b)(2) “Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for . . . protecting individuals and property on the ground.” The statutes do not state that the FAA should take airline ticket prices into account when deciding whether noise abatement is appropriate.

While the report does not propose any firm policy options, it is worrisome that the effect of aviation noise on communities should be downplayed because only a few vocal

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individuals are filing noise complaints. There is enough evidence that the health, as well as the economic, effects of aviation noise have a wide ranging effect on communities.

Finally, the report ignores the FAA's obligations under the law. When the FAA was reauthorized in 2003 and the FAA began its roll-out of NextGen, the Congress directed the FAA to "take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents." 49 U.S.C. § 40101 note, Vision 100 - Century of Aviation Reauthorization Act of 2003, Pub.L. No. 108-176, § 709(c)(7). The report is asking the FAA to ignore its statutory duties.

Not the Final Word on Right Policy Balance

Following are comments by paper author Eli Dourado:

Airport noise policy is made in an incredibly complex way, entailing both legislative action and input from several agencies at the federal level, as well as local and international components.

The purpose of our study is not to claim that there is a direct pathway from citizen complaints to FAA policymaking on noise. Rather, it is simply to document that, by one available metric, policy input from the public is highly concentrated in a tiny minority of people.

Moreover, although many policymakers are aware of the skewed distribution of complaints, others, such as members of Congress, may not be.

Although there may be better conceptual measures of public input or of its impact on policy, the distribution of complaints is available data. We do not believe our paper to be the final word on whether airport noise policy strikes the right balance, but taking account of this available data is a necessary part of the discussion.

As is the case with all papers published by the Mercatus Center, our paper was subject to double-blind peer review. Our paper received both constructive and critical feedback from reviewers who are experts in relevant fields and, based on their comments, extremely familiar with the issue of airport noise. Now that our paper is published, we welcome further research, including opposing views, on whether airport noise policy strikes the right balance and why.

My interest in airport noise policy stems from my broader interest in aviation innovation. I would love to live in a world with radically cheaper, faster, and more convenient flight. Some of the barriers to this are technological and others are regulatory. While we cannot fully deregulate aviation in pursuit of innovation, we can at least ensure that regulation strikes the right tradeoff between competing interests.

His paper can be downloaded at

<https://www.mercatus.org/publications/airport-noise-nimbyism>

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