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NATIONAL ORGANIZATION TO INSURE A SOUND-CONTROLLED ENVIRONMENT  
"America's Community Voice on Aviation Noise Issues" • An Affiliate of the National League of Cities

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## **N.O.I.S.E. 2017 Legislative Priorities**

### **1. Community Engagement // Advocacy**

**N.O.I.S.E. supports expanding community engagement/review and the elimination of Categorical Exclusions (CATEX) when implementing Performance Based Navigation (PBN).**

Although N.O.I.S.E. supports NextGen and its goal of modernizing the air traffic control system, Performance Based Navigation (PBN) has the potential to bring significant changes to flight patterns across the country. N.O.I.S.E. contends that the community impacts of aviation noise should be considered as a crucial part of the calculation that determines the overall benefits of the proposed changes. Changes should not be solely based on improved capacity and fuel savings. With the increased concentration of overflights due to the narrowing of flight paths and the decrease in separation between aircraft enabled by PBN, air traffic changes have become even more closely tied to changes on the ground.

Aviation noise is a health issue. Aviation noise is an economic issue. To that end, robust, two-way communication with affected communities is vital to ensuring that the impact and concerns of communities are heard and incorporated into the final design of new airspace as much as fuel savings and efficiency of airspace. This would allow communities under a new or concentrated flight path, guaranteed participation in a due process during the implementation of PBN.

As a part of efforts to ensure adequate community engagement, N.O.I.S.E. believes that both regulatory and legislative Categorical Exclusions or "CATEXes" in current NEPA regulation are not appropriate for the implementation of significant changes to our aviation system. N.O.I.S.E. supports efforts by the FAA and Congress to develop, implement and maintain a more robust community impacts process, in addition to or outside of the traditional NEPA process. This process should insure that ground impacts are considered and community concerns are not only heard, but also incorporated into PBN and traditional track changes that will change noise exposure, even if it does not reach the current FAA threshold of "measurable impacts"

In December of 2016, the following language was included in the National Defense Authorization Act, which promotes this priority: Performance-Based Navigation : This section improves the Federal Aviation Administration's (FAA) advance consultation with communities underneath the flight paths of proposed "NextGen" departure and arrival procedures, and requires the Administrator to reopen his assessment of new NextGen

procedures at Phoenix Sky Harbor International Airport and to mitigate any adverse effects on the human environment that resulted from those procedures."

## 2. Noise Metrics Review

**N.O.I.S.E. supports investigation and review of DNL and its current level of 65 as the only metric used to measure noise impact and expanding noise metrics to take into account the increased concentration of overflights due to the narrowing of flight paths and the decrease in separation between aircraft enabled by PBN procedures to insure that noise impacts are appropriately measured.**

In order to adequately understand and address the impacts of aviation noise, we must first establish adequate metrics to measure those impacts. The FAA and Members of Congress are in the process of studying whether 65 is still the appropriate DNL level for measuring noise impacts. As we move forward with NextGen, implement PBN and undertake major airport overhauls, lowering the DNL level may allow for further mitigation for impacted communities and N.O.I.S.E supports investigation of lowering the DNL level, however it will not address impacts that are caused by concentrated flight paths characterized by PBN procedures.

As DNL is an average and humans do not perceive noise in averages but rather as individual events, we believe it is time to investigate alternative metrics that could measure impacts such as:

- The psychological impact of concentrated, extended noise
- The physiological impact of infrequent, significant noise spikes during nighttime hours
- Impact of less audible low frequency noise who's vibration induces audible noise
- The length of each period of frequent, regular noise spikes "rush hours" due to over-flights
- The number of rush hours per day
- The average dB of a rush hour's noise—not day-night average
- The intensity of spikes above the average dB of a rush hour's noise
- The intensity and number of spikes above the average, for non-rush hours from 10 PM to 7 AM

Investigating a more appropriate metric to measure aviation noise impacts is crucial and will supplement efforts to greater engage the community to understand their concerns.

### **3. Health Impacts Studies**

**N.O.I.S.E. supports increased funding for studies on the health impacts of aviation noise.**

There are currently very few federal studies pertaining to the human impact of the concentration of flights associated with PBN procedures. Some communities do not have the ability to mitigate noise below flight paths and their citizens are exposed to continuous concentrated noise. Although there may not necessarily be an increase in decibels from the planes, there are unknown potential impacts from the increased number and frequency of flights under a given PBN procedure.

Although N.O.I.S.E. has supported the implementation of NextGen technologies as a part of their formal legislative platform in the past, we assert that there must be proper investment into research and development on the health and psychological impacts of that type of the resulting noise due to the more concentrated flight paths. These studies need to begin as soon as possible in order to protect the health of affected communities and mitigate avoidable damage.

### **4. Sound Insulation Program Funding**

**N.O.I.S.E. supports implementing Sound Insulations Programs Resulting from Part 150 Program studies to the standards used prior to the September, 2012 Public Guidance Letter (PGL-12-09)**

A Part 150 program is a noise mitigation master plan developed by the airport and communities to address noise impacts and is funded by the Federal Aviation Administration (FAA) out of the Airport Improvement Program (AIP). One outcome or tool of a Part 150 is a sound insulation program where homes are mitigated for noise by providing improvements to windows or heating and cooling systems. Insulation programs historically have mitigated homes within the 65 DNL noise contour. A Public Guidance Letter (PGL) was issued by the FAA to change the AIP handbook in August, 2012 and amended in November, 2012.

In order to be eligible for insulation, properties must meet a 2-stage eligibility test: the property must be in the 65 contour and the property must meet an interior noise level requirement (45 dB or greater). Additionally, use of Passenger Facility Charges (PFC's) is no longer considered eligible to be used to mitigate beyond the stated criteria. The FAA maintains that this is not a new policy and that this PGL serves to clarify their noise policy that has been in place since the mid-1980's. Previously, however, common practice dictated that properties need only be within the 65 DNL to qualify for mitigation.

In addition, given the age of some SIP programs in the United States, as well as the increase in traffic density at our nation's airports and improved technologies, N.O.I.S.E.

supports the development of criteria for eligibility for SIP funding for “second round” implementations.

## **5. Air Traffic Control Privatization**

### **N.O.I.S.E. opposes privatization of the air traffic control**

N.O.I.S.E. has advocated strongly for community engagement opportunities when air traffic patterns are changed. Under a federally-operated Air Traffic Control (ATC) system, those opportunities are the result of persistent advocacy by the community and often times at the request of elected officials at the Congressional level. Although small communities have a role in the proposed advisory board of the new private air traffic control, airport-adjacent communities are concerned that without a mechanism for compelling the private company to meet and discuss their concerns over ground and noise impacts of airport traffic. Authors of this proposal in the House have assured interest groups that community concerns will still be managed by the FAA and not the private ATC. However, because of the great importance that N.O.I.S.E. and its members place on the ability to build relationships and trust with local air traffic employees, our concerns with this proposal remain.

## **6. N.O.I.S.E. supports effort to reinstitute The Environmental Protection Agency’s (EPA) Office of Noise Abatement and Control (ONAC).**

The EPA office of Noise Abatement and Control was previously responsible for oversight and regulation of aviation noise, however, in 1981, the Office was defunded due to budget cuts. There are currently legislative efforts, such as Congresswoman Grace Meng’s (NY) “Quiet Communities Act of 2015” (H.R.3384) which requires the Environmental Protection Agency (EPA) to combat aviation noise pollution. This legislation would reinstate the ONAC, and also require the EPA Administrator to conduct a study of airport noise and examine the FAA’s selection of noise measurement methodologies, health impact thresholds, and abatement program effectiveness. N.O.I.S.E. supports this legislation and the reinstatement of the ONAC in order to provide proper checks and balances to FAA noise policies and procedures that impact residents and the environment on the ground under flight paths and in airport-adjacent communities.