



Meeting Announcement

Legislative Subcommittee

Wednesday, May 25, 2022

12:30 p.m. – 2:00 p.m.

BY VIDEO CONFERENCE ONLY

Please click the link below to join the webinar:

<https://smcgov.zoom.us/j/93404696648>

Or Dial-in:

US: +1(669)900-6833 Webinar ID: 934 0469 6648

Note: To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (650) 363-4220 at least 2 days before the meeting date.

**Please see instructions for written and spoken comments at the end of this agenda.

AGENDA

Call to Order / Roll Call / Declaration of a Quorum Present

Al Royse, Legislative Subcommittee Chairperson

Public Comment on Items NOT on the Agenda

Speakers are limited to two minutes. Roundtable members cannot discuss or take action on any matter raised under this item

CONSENT AGENDA

1. Action to Set Agenda and Approve Consent Agenda
2. Brown Act Remote Meetings Resolution pg. 3
Attachments: Memo and Resolution of Approval

AGENDA ITEMS

3. Introduction & Update from Prior Meeting, Al Royse, Legislative Subcommittee Chairperson
4. N.O.I.S.E. Legislative Update, Emily Tranter, N.O.I.S.E. Executive Director pg. 8
5. Future Legislative Needs
 - a. Health Impact on Noise, Al Royse, Legislative Subcommittee Chairperson
 - b. Alternative Noise Metrics and Where They Stand, Gene Reindel, HMMH
 - c. Air Taxi/UAM, Tim Middleton, HMMH
 - d. Supersonic, Gene Reindel, HMMH

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6. Title 21 General Discussion, Gene Reindel, HMMH

7. Adjourn

Information Only

i. Congressional Testimony Letter Chair & Vice Chair on Aviation Noise, April 1, 2022 pg. 10

****Instructions for Public Comment during Videoconference Meeting**

During videoconference of the Legislative subcommittee meeting, members of the public may address the Roundtable as follows:

Written Comments:

Written public comments may be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to amontescardenas@smcgov.org.
2. Your email should include the specific agenda item on which you are commenting.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received by 12:00 pm on the day before the meeting, it will be provided to the Roundtable and made publicly available on the agenda website under the specific item to which comment pertains. The Roundtable will make every effort to read emails received after that time but cannot guarantee such emails will be read during the meeting, although such emails will still be included in the administrative record.

Spoken Comments:

Spoken public comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The May 25, 2022 Legislative meeting may be accessed through Zoom online at <https://smcgov.zoom.us/j/93404696648>. The meeting ID: 934 0469 6648. The meeting may also be accessed via telephone by dialing in +1-669-900-6833, entering meeting ID: 934 0469 6648, then press #.
2. You may download the Zoom client or connect to the meeting using the internet browser. If you are using your browser, make sure you are using current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the Roundtable Chairperson calls for the item on which you wish you speak click on "raise-hand" icon. You will then be called on and unmuted to speak.
5. When called, please limit your remarks to the time limit allotted.



May 20, 2022

TO: Legislative Subcommittee & Interested Parties

FROM: Doreen Stockdale, Interim Roundtable Coordinator

SUBJECT: Resolution to make findings allowing continued remote meetings under Brown Act

RECOMMENDATION:

Adopt a resolution finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in-person would present imminent risks to the health or safety of attendees.

BACKGROUND:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and which waived, through September 30, 2021, certain provisions of the Brown Act relating to teleconferences/remote meetings. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of a local agency or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These waivers set forth in the Executive Order were to expire on October 1, 2021.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency.

In order to continue to hold video and teleconference meetings, the membership will need to review and make findings every 30 days or thereafter that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote social distancing. If the membership does continue to hold video and teleconference meetings, to meet the requirements of AB 361, the membership will need to adopt a resolution at every meeting.

The San Mateo County Board of Supervisors has adopted a resolution to continue remote meetings and encouraged other local agencies to make similar findings.

The membership previously found, and it remains the case, that public meetings pose risks for COVID-19 spread for several reasons. These meetings may bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

These factors continue to combine and directly impact the ability of members of the Roundtable to meet safely in person and to make in-person public meetings imminently risky to health and safety.

As noted above, under AB 361, local agency bodies were required to return to in-person meetings on October 1, 2021, unless they chose to continue with fully teleconferenced meetings and made the prescribed findings related to the existing state of emergency. At its meeting of April 6, 2022 the membership adopted a resolution wherein the membership found, among other things, that as a result of the continuing COVID-19 state of emergency, meeting in-person would present imminent risks to the health or safety of attendees.

The April 6, 2022 resolution also directed staff to bring an item to the membership prior to its next meeting to consider making the findings required by AB 361 in order to continue meeting under its provisions.

DISCUSSION:

We recommend that your Board or Commission avail itself of the provisions of AB 361 allowing continuation of online meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days with the opportunity to renew such findings, is attached hereto.

FISCAL IMPACT:

None

RESOLUTION NO. 22-01LEG

RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM, MEETING IN PERSON FOR MEETINGS OF THE SAN FRANCISCO INTERNATIONAL AIRPORT/COMMUNITY ROUNDTABLE WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

RESOLVED, by the San Francisco Airport Community Roundtable that

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder, and as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without

fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days or when meeting next; and,

WHEREAS, the San Francisco International Airport/Community Roundtable has an important interest in protecting the health and safety of attendees, and welfare of those who participate in its meetings; and

WHEREAS, at its meeting April 6, 2022, the San Francisco Airport/Community Roundtable adopted, by unanimous vote, a resolution wherein the membership found, *inter alia*, that as a result of the continuing COVID-19 state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, The San Francisco Airport/Community Roundtable has not met since its regular meeting on April 6, 2022; and

WHEREAS, the membership has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to impact the ability of members of the Roundtable to meet in person because there is a continuing threat of COVID-19 to the community, and because membership meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing people together from across the community); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the membership deems it necessary to find that meeting in-person would present imminent risks to the health and safety of

attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The Roundtable finds that meeting in person would present imminent risks to the health or safety of attendees.
3. Staff is directed to return no later than thirty (30) days after the adoption of this resolution or at their next regular meeting with an item for the Legislative Subcommittee Meeting of the Roundtable to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

* * * * *

Adopted at the Regular meeting of _____.

Chairperson

Date

To: San Francisco Noise Roundtable Legislative Committee
From: National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E.)
Date: May 20, 2022

FAA Budget Highlights

- Under the FY23 Budget proposal, there is \$23.6 billion for the Federal Aviation Administration (FAA), including \$11.9 billion for operations and \$17.5 million to address aircraft certification reform legislation.
- In addition, the recently passed bi-partisan infrastructure bill included \$5 billion for airport improvements over 5 years. The FAA has started investing the first \$1 billion of \$5 billion into the country's air traffic control system.

Aviation Congressional Highlights

- On March 23rd, the U.S. House Transportation and Infrastructure Committee: Subcommittee on Aviation Hearing Aviation Noise: Measuring Progress in Addressing Community Concerns
 - Testimonies from various stakeholders, including N.O.I.S.E. Executive Director Emily Tranter, were given in the committee covering the progress and needed legislative action from Congress.
 - Ms. Tranter indicated that Congress and the FAA have made dedicated strides toward focusing on community engagement over the last decade.
 - These efforts include the FAA creating an office of community engagement in the Air Traffic Organization and engaging directly with airport roundtables. It also includes individual Members and this Committee responding to constituent concerns through legislative action, funding the study of noise metrics, and by creating the Quiet Skies Caucus.
 - She also highlighted that understanding local dynamics is vital towards finding and implementing meaningful solutions.
 - Early and frequent communication by the FAA, the airport and other industry stakeholders with the impacted communities—through a roundtable-or by other public means is, in our experience, key toward community awareness, engagement and understanding of noise changes. Even changes that do not require environmental review should be paired with robust community outreach far ahead of any planned changes to the airspace that could impact noise.

N.O.I.S.E. Participation in UC Davis Aviation Noise & Emissions Symposium May 2022

- N.O.I.S.E. President Brad Pierce participated in the UC Davis Aviation Noise and Emissions Symposium in May, 2022 by presenting on prior and current legislation related to the impacts of aviation noise on health. A link to Mr. Pierce's presentation can be found here: [Brad Pierce NOISE Presentation--UC Davis 2022.pdf](#)

N.O.I.S.E. looks forward to joining the legislative committee meeting to elaborate on these updates and answer any questions!



April 1, 2022

Brian Bell
Democratic Staff Director
Subcommittee on Aviation
Committee on Transportation and Infrastructure
U.S. House of Representatives

Re: Aviation Noise: Measuring Progress in Addressing Community Concerns Testimony

Dear Mr. Bell:

Thank you for allowing the San Francisco Airport/Community Roundtable (SFORT) to enter written testimony into the record for the Aviation Noise: Measuring Progress in Addressing Community Concerns hearing. The SFORT is in its 40th year of providing community noise reduction recommendations related to aircraft and airport operations from the San Francisco International Airport (SFO) to airport management, FAA staff, and airline representatives. The Roundtable Membership consists of 24 appointed and elected officials from the City and County of San Francisco, the County of San Mateo, and most cities in San Mateo County representing nearly 2,000,000 people. As the Chair and Vice-Chair of the Roundtable, we submit this information that we feel represents the group to the best of our ability.

The topics listed below are only some of the items that are very important to the members of the SFORT and the constituents that they represent.

The reduction of nighttime noise exposure is a critical component to the health of communities around the airport. Undisturbed sleep of sufficient length is essential for daytime alertness and performance, quality of life, and health. As aircraft noise is intermittent noise, its effects on sleep are primarily determined by single event noise levels. Repeated noise-induced awakenings can impair sleep quality through changes in sleep quality including delayed sleep onset, early awakenings, less deep sleep, and more time spent awake and in superficial sleep stages. There are numerous studies discussing the effect of sleep deprivation on health and on communities. During the existence of the SFORT, and particularly in recent years since the introduction of the Next Gen procedures, we have heard repeated and numerous examples of residents impacted by aviation noise, and in particular that of nighttime noise. These comments have increased significantly in recent years. These comments include not just the annoyance of being unable to sleep uninterrupted through the night but of the effects

on mental health, physical health, especially impacts on children and their ability to function in school and elsewhere, and just the enjoyment of life in general. We recognize and appreciate the necessity of some nighttime aviation but would strongly suggest that it be limited outside of defined hours, we would recommend 11:00 p.m. to 5:00 a.m., and be limited to that of necessity, e.g., medical, emergency, and needed cargo flights. There is also an increased public awareness of aviation noise, evidenced in part by both the creation of numerous citizen groups that formed due to the concern over this issue and of our legislator's failure to adequately act. More and more citizens are becoming concerned over aviation noise and their perception of a failure to address. There is an increased public concern, which will likely only be more pronounced as passenger and cargo flights increase as we return to normalcy post-pandemic. We desire to have flight paths be more over water and less over land, consistent with the mission around safety, efficiency (AND noise reduction). With the advent of Next Gen, the paths changed and now are increasingly over land versus water, at least around SFO, due to the efficiency standard and reduced attention to noise impacts. However, if noise is added to the considerations, higher use of water paths would likely be the natural result. More opportunities are needed to work with the FAA and airports to limit nighttime operations. As an example, through ongoing advocacy by the SFORT, changes were recently made to the hours of operation and the required path of the NIITE/HUSSH departures from San Francisco International Airport and Oakland International Airport that will benefit the residents of San Francisco and the Bay Area Peninsula. But these changes do not go far enough. We urge Congress to reinstate the ability for airports to institute a nighttime curfew to provide quiet hours for communities.

The metrics used by the FAA to measure the impacts of aviation noise do not accurately portray the effects of noise on communities. The Day-Night Average Sound Level (DNL) metric is currently used by the FAA. The DNL measures the average sound generated by aircraft operations over the course of 24-hours. Given the cumulative nature of this metric, having a small number of loud aircraft flying overhead through the course of a day can have the same DNL as multiple quieter aircraft. Congress should require the FAA to use additional metrics to account for the frequency of noise exposure, not just the daily average. The FAA should replace agency-wide use of the CNEL/DNL metric with a supplemental metric such as NA (Number Above) number of events above a certain decibel level such as in NEPA, Part 150, and AIP/PFC Funding of Noise Mitigation, consider duration within the agency approved metric(s). Using a supplemental metric that factors in duration, such as TA (Time Above), and break out noise metric standards in terms of frequency (such as low and high frequencies) would give a more accurate picture of what communities around the airport are being subjected to. Priority should also be given to establishing a new policy to employ the NES, rather than the FICON/Schultz Curve, to better represent aircraft noise impacts to communities.

Congress should require the FAA to incorporate ground-based noise metrics and standards into the overall analysis of aviation noise impacts. Ground-based noise may have a greater impact than in-flight noise on the quality of life for certain communities, especially

those located close to airports. Requirements such as all electric ground equipment and time limitations on auxiliary power units used by aircraft at the gates could lessen the impacts on the nearby communities. The FAA needs to look at all noise from airport operations including those from alternate flow operations and maintenance run ups. The FAA needs to include low frequency noise measurements, the duration of the noise and the fact that all departures add to low frequency noise to close in communities. Failure to include low frequency departure noise results in the FAA statistics on numbers of people impacted by airport noise to be inaccurate and misleading and undermines the impact of aviation noise on many who are the most affected. The impact is not only noise caused by flight, but the cumulation of every flight creating noise for greater duration and in greater decibels due to the additive function of multiple noise events happening at the same time.

Policymakers should pay particular attention to underrepresented and underserved neighborhoods and communities throughout the country. A disproportionate number of communities that are negatively impacted by aviation noise are historically disadvantaged communities. Often, aviation noise is exacerbated by environmental impacts of air travel and can have a significant impact on quality of life particularly in under-resourced communities. The underrepresented and underserved neighborhoods and communities are generally the least able to mitigate aviation noise and are often forced by circumstances to live closest to airports and aviation noise sources. Even if not living within an airport contour, they are often directly under flight routes. They often don't have the resources to minimize the noise. Accordingly, we recommend that in addition to the other noise measurement and reduction recommendations, noise insulation programs should be significantly expanded with federal funding to airports to accommodate added sound insulation treatments on properties outside the 65 CNEL/DNL contours but underneath a flight path.

NEPA needs to consider environmental noise as well as the environment. Environmental noise is defined as unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity. The National Environmental Policy Act (NEPA) establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and it provides a process for implementing these goals within the federal agencies. NEPA requires federal agencies to consider the potential environmental consequences of their proposals, to consult with other interested agencies, to document the analysis, and to make this information available to the public for comment before the implementation of the proposals. Failure to consider noise as an equal factor at least to that of efficiency does irreparable harm to public health and fails to recognize that noise in and of itself is a form of pollution that needs attention. We recommend that the FAA Office of Environment and Energy be reinstated to address community noise impacts as part of the FAA process. Additionally, allowing the use of Categorical Exclusions for projects that will have negative noise implications for the public should be limited. NEPA should be followed and should require all federal agencies, including

the FAA, to assess, consider, and disclose noise impacts and other environmental effects when considering federal approval or funding of airport development projects and airspace redesign. What and who is underneath a flight path is just as important and crucial as the efficiency of that path.

FAA Community Engagement Officers (CEO) should be given greater responsibility/authority to make decisions. While having a FAA representative at public meeting is appreciated, the public deserves more than just someone who listens. The FAA established the CEO position within each of FAA's nine regional offices to serve as a regional ombudsman and coordinate public outreach with the appropriate FAA officials. These officials are required to make recommendations to the Regional Administrator to address concerns raised by the public and improve the consideration of public comments in the decision-making process, among other responsibilities. In practice, though, the CEO is merely the go-between for the community roundtables and the FAA. CEOs only take information down and must rely on other departments and branches within the FAA to get questions answered. This process takes months, as questions asked at one public meeting will not be answered until the next one. If CEOs were subject matter experts, **or** subject matter experts were made available on a more timely or real time basis (easier to do because most of our meetings are virtual or likely to be hybrid meetings in which virtual attendance is available), public questions would be able to be answered in a more real time way which would make for a more productive interaction with the FAA.

Our SFO Airport/Community Roundtable again appreciates the opportunity to enter our aviation noise concerns into the official record.

Regards,



Sam Hindi, City of Foster City
Roundtable Chairperson



Al Royse, City of Hillsborough
Roundtable Vice-Chair

CC: Congresswoman Jackie Speier