



Meeting Announcement

Legislative Subcommittee

Thursday, February 23, 2023

12:00 p.m. – 1:30 p.m.

BY VIDEO CONFERENCE ONLY

Please click the link below to join the webinar:

<https://smcgov.zoom.us/j/94471821997>

Or Dial-in:

US: +1(669)900-6833 Webinar ID: 944 7182 1997

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. 4
Attachments: Memo and Resolution of Approval

AGENDA ITEMS

3. Update from Prior Meeting
Al Royse, Legislative Subcommittee Chairperson
4. Congress & FAA Reauthorization Update pg. 9
Attachment: List of members of Congressional T&I Committee and Aviation Subcommittee
 - a. FAA Reauthorization
Emily Trantor, Executive Director & National Coordinator, N.O.I.S.E.
 - b. Local Congressional Update
Kathleen Wentworth, SFO Roundtable Coordinator

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5. Examples of Possible Platform Topics

Al Royse, Legislative Subcommittee Chairperson

- a. Advocate for changes in flight procedures, non-safety vectoring, or other that would reduce or mitigate nighttime aircraft noise and its health impacts
- b. Advocate for changes to aircraft noise measurements and reporting
- c. Advocate for changes to allow increased access to insulation and other noise mitigation measures for residences and schools outside of the 65 DNL/CNEL levels
- d. Advocate for changes to the recognition of ground-based noise and the decrease and mitigation of ground-based noise and its health impacts
- e. Advocate for giving airports the flexibility to implement noise abatement procedures
- f. Advocate to include protections to residents from the noise and health impacts due to evolving technology such as Supersonic Aircraft, Urban Air Mobility (UAM), Advanced Air Mobility (AAM) and similar operations
- g. Review of previously introduced aviation noise reduction legislation by former Congresswoman Jackie Speier pg. 15
- h. Advocate for social justice in the establishment and implementation of aviation programs

6. 2023 Legislative Focus

Al Royse, Legislative Subcommittee Chairperson

- a. Develop SFO Roundtable Legislative platform
- b. SFO Roundtable letter to the FAA
- c. Communicate SFO Roundtable Legislative Platform to Congressional Committees and others
- d. Expand SFO Roundtable advocacy to potential community partners

7. FAA Letter

Al Royse, Legislative Subcommittee Chairperson

8. SFO Roundtable Platform Process

Al Royse, Legislative Subcommittee Chairperson

9. Other Items of Interest/Member Comments

Al Royse, Legislative Subcommittee Chairperson

10. Adjourn

****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 Legislative subcommittee meeting may be accessed through Zoom online at <https://smcgov.zoom.us/j/94471821997>. The meeting ID: 944 7182 1997. The meeting may also be accessed via telephone by dialing in +1-669-900-6833, entering meeting ID: 944 7182 1997, 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.



February 17, 2023

TO: Legislative Subcommittee & Interested Parties

FROM: Kathleen Wentworth, 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 February 1, 2023 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 February 1, 2023 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. 23-01LEG

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 February 1, 2023, the San Francisco Airport/Community Roundtable continued to 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 February 1, 2023; 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 Legislative Subcommittee meeting of _____.

Chairperson

Date



COMMITTEE ON
**TRANSPORTATION
& INFRASTRUCTURE**
SAM GRAVES, CHAIRMAN

Members

Majority Members: Republican

- Congressman Sam Graves (R-MO-6th) **Chair**
- Congressman Jeff Van Drew (R-NJ-2nd) **Vice Chair**
- Congressman Rick Crawford (R-AR-1st)
- Congressman Daniel Webster (R-FL-11th)
- Congressman Thomas Massie (R-KY-4th)
- Congressman Scott Perry (R-PA-4th)
- Congressman Brian Babin (R-TX-36th)
- Congressman Garret Graves (R-LA-6th)
- Congressman David Rouzer (R-NC-7th)
- Congressman Mike Bost (R-IL-12th)
- Congressman Doug LaMalfa (R-CA)
- Congressman Bruce Westerman (R-AR-4th)
- Congressman Brian Mast (R-FL-18th)
- Resident Commissioner Jenniffer González (R-PR)
- Congressman Pete Stauber (R-MN-8th)
- Congressman Tim Burchett (R-TN-2nd)
- Congressman Dusty Johnson (R-SD-At-Large)

- Congressman Troy Nehls (R-TX-22nd)
- Congressman Burgess Owens (R-UT-4th)
- Congressman Tracey Mann (R-KS-1st)
- Congressman Rudy Yakym (R-IN-2nd)
- Congressman Lance Gooden (R-TX-5th)
- Congressman Aaron Bean (R-FL-4th)
- Congressman Lori Chavez-DeRemer (R-OR-5th)
- Congressman Mike Collins (R-GA-10th)
- Congressman Anthony D'Esposito (R-NY-4th)
- Congressman Chuck Edwards (R-NC-11th)
- Congressman John James (R-MI-10th)
- Congressman Tom Kean (R-NJ-7th)
- Congressman Marc Molinaro (R-NY-19th)
- Congressman Brandon Williams (R-NY-22nd)
- Congressman Eric Burlison (R-MO-7th)
- Congressman John Duarte (R-CA-13th)
- Congressman Mike Ezell (R-MS-4th)
- Congressman Derrick Van Orden (R-WI-3rd)

Minority Members: Democrat

- Congressman Rick Larsen (D-WA-2nd) **Ranking Member**
- Congressman Greg Stanton (D-AZ-4th) **Vice Ranking Member**
- Delegate Eleanor Holmes Norton (D-DC-At-Large) **Co-Chair of Quiet Skies Caucus**
- Congresswoman Grace Napolitano (D-CA-31st) **Quiet Skies Caucus**

- Congressman Seth Moulton (D-MA-6th) **Quiet Skies Caucus**
- Congresswoman Julia Brownley (D-CA-26th) **Quiet Skies Caucus**
- Congresswoman Frederica Wilson (D-FL-17th) **Quiet Skies Caucus**
- Congressman Hank Johnson (D-GA-4th) **Quiet Skies Caucus**
- Congressman Steve Cohen (D-TN-9th)
- Congressman John Garamendi (D-CA-8th)
- Congressman André Carson (D-IN-7th)
- Congresswoman Dina Titus (D-NV-3rd)
- Congressman Jared Huffman (D-CA-2nd)
- Congressman Donald Payne (D-NJ-10th)
- Congressman Mark DeSaulnier (D-CA-11th)
- Congressman Salud Carbajal (D-CA-24th)
- Congressman Colin Allred (D-TX-32nd)
- Congresswoman Sharice Davids (D-KS-3rd)
- Congressman Chuy García (D-IL-4th)
- Congressman Chris Pappas (D-NH-1st)
- Congressman Jake Auchincloss (D-MA-4th)
- Congresswoman Marilyn Strickland (D-WA-10th)
- Congressman Troy Carter (D-LA-2nd)
- Congressman Pat Ryan (D-NY-19th)
- Congresswoman Mary Peltola (D-AK-At-large)
- Congressman Rob Menendez (D-NJ-8th)
- Congressman Val Hoyle (D-OR-4th)

- Congresswoman Emilia Sykes (D-OH)
- Congresswoman Hillary Scholten (D-MI-3rd)
- Congresswoman Valerie Foushee (D-NC- 4th)

Aviation Majority Subcommittee: Republican

- Congressman Garret Graves (R-LA-6th), **Chairman**
- Congressman Rudy Yakym, III (R-IN-2nd), **Vice Chair**
- Congressman “Rick” Crawford (R-AR-1st)
- Congressman Thomas Massie (R-KY-4th)
- Congressman Scott Perry (R-PA-4th)
- Congressman Bruce Westerman (R-AR-4th)
- Congressman Brian J. Mast (R-FL-18th)
- Congressman Pete Stauber (R-MN-8th)
- Congressman Tim Burchett (R-TN-2nd)
- Congressman Dusty Johnson (R-SD-At-Large)
- Congressman Jefferson Van Drew (R-NJ-2nd)
- Congressman Lance Gooden (R-TX-5th)
- Congressman Tracey Mann (R-KS-1st)
- Congressman Burgess Owens (R-UT-4th)
- Congressman Lori Chavez-DeRemer (R-OR-5th)
- Congressman Thomas H. Kean, Jr. (R-NJ-7th)
- Congressman Anthony D'Esposito (R-NY-4th)

- Congressman John James (R-MI-10th)
- Congressman Marcus J. Molinaro (R-NY-19th)
- Congressman Mike Collins (R-GA-10th)
- Congressman Aaron Bean (R-FL-4th)
- Congressman Sam Graves (R-MO-6th) (ex officio)

Aviation Minority Subcommittee: Democrat

- Congressman Steve Cohen (D-TN-9th), **Ranking Member**
- Delegate Eleanor Holmes Norton (D-DC-At-Large) **Co-Chair of Quiet Skies Caucus**
- Congressman Hank Johnson Jr. (D-GA-4th) **Quiet Skies Caucus**
- Congresswoman Julia Brownley (D-CA-26th) **Quiet Skies Caucus**
- Congressman André Carson (D-IN-7th)
- Congressman Mark Desaulnier (D-CA-11th)
- Congressman Greg Stanton (D-AZ-4th)
- Congressman Colin Z. Allred (D-TX-32nd)
- Congresswoman Sharice Davids (D-KS-3rd)
- Congressman “Chuy” García (D-IL-4th)
- Congressman Jake Auchincloss (D-MA-4th)
- Congresswoman Mary Sattler Peltola (D-AK-At-large)
- Congresswoman Hillary J. Scholten (D-MI-3rd)
- Congresswoman Dina Titus (D-NV-3rd)
- Congressman Donald M. Payne Jr. (D-NJ-10th)
- Congressman Salud O. Carbajal (D-CA-24th)

- Congressman Robert Menendez (D-NJ-8th)
- Congresswoman Frederica S. Wilson (D-FL-17th)
- Congressman Rick Larsen (D-WA-2nd) (ex officio)

CA-14 – 2019 AVIATION LEGISLATION

<p>HR 5106 REST Act Access restrictions</p> <p><i>Restore Everyone’ Sleep Tonight</i></p>	<p>REST Act</p> <p><i>Allows airports, voluntarily, to impose a curfew, under specified circumstances, at any time between 10 pm and 7 am, and permits penalties for curfew violations, with exceptions for emergencies, public safety, and other circumstances.</i></p>
<p>HR 5107 SNORE Act Residential Noise Mitigation</p> <p><i>Serious Noise Reduction Efforts Act</i></p>	<p>SNORE Act</p> <p><i>Establishes a program at San Francisco International Airport (SFO) to noise insulate 200+ homes per year in specific areas or provide financial support to the cities impacted by noise, as defined. Failure to do so would result in penalties</i></p>
<p>HR 5110 APPRISE Act Aviation roundtable technical representative to participate in FAA flight design process</p> <p><i>All Participating in Process Reaching Informed Solutions for Everyone</i></p>	<p>APPRISE Act</p> <p><i>Ensures that community knowledge and input is represented in the FAA flight procedure design process. An aviation roundtable technical representative will be allowed to fully participate in the FAA procedure design process for procedures affecting their communities. Roundtable technical representatives will participate on the same terms and conditions as representatives from airports, airlines, and procedure proponents.</i></p>
<p>HR 5108 SHHH Act Continuation of the processing of NIITE & HUSSH Nighttime noise abatement flight departure procedures.</p> <p><i>Southbound HUSSH & NIITE Help Households</i></p>	<p>SHHH Act</p> <p><i>Supports formally initiating and continuing the standard processing of the proposed San Francisco International Airport (SFO) NIITE Departure Southbound Transition and the Oakland International Airport (OAK) HUSSH Departure Southbound Transition. The FAA would provide staffing and support to the SFO Roundtable, would not prohibit the SFO Roundtable from formally initiating the procedures, would permit Roundtable technical representatives to participate on the FAA Procedure Based Noise (PBN) Committees, and would require the FAA to follow the standard PBN process without gratuitously adding requirements or withholding permissions.</i></p>

<p>HR 5109 F-AIR Act Directs the FAA to develop expanded plans and policy for use of airspace.</p> <p><i>Fairness in <u>A</u>irspace <u>I</u>ncludes <u>R</u>esidents</i></p>	<p>F-AIR Act</p> <p><i>Amends the FAA’s prioritization of U.S. airspace use. Safety in managing U.S. airspace would remain the first priority. Secondary priorities would put noise and health impacts to residents and other environmental concerns on an equal basis with efficiency. It would also require the FAA to update their Mission Statement to align with the revised airspace priorities.</i></p>
<p>HR 5105 RESPECT Act Requires FAA staff to answer questions and attend meetings upon request of a member of Congress.</p> <p><i>Responsive <u>E</u>mployees <u>S</u>upport <u>P</u>roductive <u>E</u>ducated <u>C</u>ongressional <u>T</u>alk</i></p>	<p>RESPECT Act</p> <p><i>Requires FAA staff to answer questions submitted in writing by Members of Congress relating to flight procedures or other data affecting their district within 90 days. It would also require FAA staff to appear at a meeting or town hall with a Member of Congress with 30 days’ notice and under the same terms and conditions as specified by the FAA for appearances at Aviation Roundtables.</i></p>
<p>HR 5111 NOTIFIED Act Requires FAA to notify public officials of proposed new or modified flight procedures.</p> <p><i>Notify <u>O</u>fficials <u>T</u>o <u>I</u>nforn <u>F</u>ully & <u>I</u>mpel <u>E</u>ducated <u>D</u>ecisions</i></p>	<p>NOTIFIED Act</p> <p><i>If a new or modified flight path is proposed through the FAA Procedure Based Navigation (PBN) process, the FAA would be required to notify City Councils, Boards of Supervisors, Members of Congress, and Aviation Roundtables within 5 miles of the flight path in question. Notification shall include the flight procedure name, approximate path, approximate altitudes, and other pertinent information.</i></p>
<p>HR 5112 LEAVE Act</p> <p>A state cause of action for ground-based noise or nuisance is not precluded by federal law.</p> <p><i>Low-frequency <u>E</u>nergetic <u>A</u>coustics and <u>V</u>ibrations <u>E</u>xasperate.</i></p>	<p>LEAVE Act</p> <p><i>As an airplane leaves from an airport, its takeoff generates significant amounts of ground-based low-frequency noise and vibration impacting residents in the vicinity. While measurement, standards, and mitigation of airborne flight noise is well defined, low-frequency noise and vibration caused by an airplane on the runway at high thrust levels accelerating for take-off is not yet established. The bill would lead to the establishment of standards and remedies related to ground-based noise (GBN).</i></p> <p><i>If enacted, the bill would permit a state cause of action for GBN if a state has undertaken a study of GBN at an airport, determined the amount of GBN, and identified a level of substantial negative impact and any diminution in real property values caused by such GBN. Before a cause of action would be permissible:</i></p> <ul style="list-style-type: none"> <i>-the state must complete a study of ground-based noise at the airport in question</i> <i>-the state must set a limit for ground-based noise emanating from the airport</i> <i>-the airport would have to be shown to have exceeded that limit.</i>