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**To:** [Angela Montes](#)  
**Subject:** Public input for Agenda item #4, Legislative Subcommittee  
**Date:** Wednesday, February 22, 2023 8:38:32 AM  
**Attachments:** [Priorities for the 2023 Reauthorization .pdf](#)  
[Summary topics for the 2023 Reauthorization-7.pdf](#)

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Dear SFO Roundtable Legislative Committee,

Please note that the General Accountability Office has updated the status on their report "**FAA Could Improve Outreach Through Enhanced Noise Metrics, Communication, and Support to Communities.**" The updates reflect a variety of areas where the FAA is updating guidance, potential changes that are critical to know as early as possible to better refine any ideas for the 2023 Reauthorization. Anything you can do to find out the approximate time when the FAA will share more info is appreciated.

The updates can be found at the end of the page @ <https://www.gao.gov/products/gao-21-103933>

I would also like to mention that Sky Posse Palo Alto has recently shared an update with a list of eight priorities for the 2023 Reauthorization. Attached is the list and summary slides of the topic.

One of the priorities on the Sky Posse list is to reform the environmental step in the IFP Instrument Flight Procedures design and amendment processes. This is a topic that often gets conflated or confused with NEPA, and the FAA's "Community Involvement" rules - causing tremendous problems for citizens. For example, one of the ideas the SFO RT has considered is HR 5111 the "NOTIFIED ACT" - this concept could fall under the FAA's community engagement process but **does not and should not be a tool for the FAA to use, to declare a CATEX by virtue of "notifying"** officials of their choice. Imagine if Stanford University would carry out an expansion in San Mateo by "notifying" someone in Carmel and the folks in Carmel said it sounded great. Another issue is what standards are being used to disclose noise impacts. The practice by SFO and the Roundtable is regrettably to still accept looking at samples of samples of loudness, and not consider *cumulative* impacts, or other metrics.

One way to prevent the confusion between IFP, NEPA and Community Engagement is if your consultant Gene Reindell could provide the specific statutes for each of your recommendations. Are your ideas intended to change NEPA? the IFP process, or Community Engagement which so far has Sec 176 pursuant to the 2018 Reauthorization but it was done before the NES.

Lastly, I would suggest not using the acronyms like SNORE and SHHH for proposals because they don't sound serious. At least from seeing so many people devastated by the effects of Nextgen on their community, and personal health, it doesn't reflect the seriousness of the problems.

Thank you,

Jennifer

**Sky Posse Palo Alto**  
**Priorities for the 2023 FAA Reauthorization**  
February 10, 2023

1. **Update the FAA's aviation noise abatement policy, last written in 1976, to more specifically consider the geographic extent of the problem and types of impacts:** The FAA's [recent scientific studies](#) show that jet noise has been underestimated near airports but flight path noise affects more people than just those near airports, as much as 100 miles away. Air traffic noise is also not just an annoyance but a health hazard, affecting people in their homes, at work, at school and in natural environments. The FAA's 1976 noise abatement policy, [ANAP](#) focuses on airports and FAA's historical practice is to track progress by counting the reduction in the number of people annoyed among populations close to airports. When measuring success in noise abatement, the FAA needs to more specifically consider the range of effects--both annoyance and health--affecting a broad geographic area, and develop new noise abatement policies to serve populations affected by flight paths and heavily trafficked air corridors beyond the vicinity of airports.
  
2. **Provide for permanent noise monitoring on a Metroplex basis:** There are two types of data and methods to assess noise - modeling and ground noise measurements with permanent or temporary monitors. The FAA limits their responsibility of quantifying noise to modeling alone, and does not consider community ground measurements. Airports, on the other hand, deploy noise monitors with federal funding but exclusively for airport contours, and deny permanent monitoring of flight paths because it is deemed "revenue diversion." Permanent monitors should be allowed, as needed, on a Metroplex basis. Furthermore, GAO's recommendations to improve FAA outreach to communities about Precision Based Navigation impacts, and the FAA's NEPA obligations which go beyond airport contours rest on the most advanced measurements. The Northern CA Metroplex, among the 10th most congested airspaces and the Bay Area with three international airports in densely populated areas, needs to have the right equipment and tools for the FAA to accurately capture, analyze, and communicate noise information.
  
3. **Close the loopholes that the FAA uses to arbitrarily declare CATEX:** When the FAA states that air traffic changes are all "interconnected and interdependent" this is especially true for noise, yet the FAA denies analysis and outreach by using arbitrary concepts to declare their actions CATEX. New rules are needed to override the FAA's perfunctory judgments about CATEX. For example, "overlays" for Precision Based Navigation underestimate potential impacts and should be denied as a justification for CATEX when the agency's action involves a potential concentration of flight paths. By any reasonable standard, Precision Based Navigation demands more analysis and outreach, not less. [GAO's recommendations](#) for enhanced noise metrics, communications, and support to communities are moot if the FAA declares CATEX for any action.

**Sky Posse Palo Alto**  
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4. **Reform the FAA's environmental step in the Instrument Flight Procedures Review (IFP) design and amendment process:** The FAA's "environmental" step in the "IFP" process is how the FAA complies with national environmental policy that calls for the agency to understand *local context before* it takes action, and by accurately describing likely impacts to those who may be affected. However, the FAA's NEPA due diligence about community or local consultation happens [after](#) the FAA has made design decisions, only involving industry stakeholders, and without knowing the potential impacts. To justify local consultation, at SFO the FAA has been [relying on officials](#) who do not represent the jurisdictions that stand to be affected. The FAA's portal where airspace changes are published (the "IFP Gateway") does not disclose what communities are affected or how, and there is a disclaimer that the site is only for an aeronautical audience. Therefore, a person that stands to be negatively affected by an airspace change would not know if something material has happened or when a 60-day time period for petitioning a review has gone into effect. These protocols are pitting various interests against each other and need to be improved by requiring baseline impacts to be better documented, and likely impact scenarios disclosed by the FAA to communities *before* proceeding to the FAA's technical and industry groups.
  
5. **Improve FAA's public communication standards to include periodic noise maps to prevent misleading representations about noise and impacts:** Terms like "no significant impact" are legal terminology but what people want to know is what level of noise to expect in their community and to receive clear explanations when something is changed. An adequate communication standard is to periodically produce comprehensive noise maps and clear explanations about impacts. EU countries are [required to produce noise maps](#) and are fined for not doing so. The public expects this transparency, policy makers need it, and material environmental impacts from an industry (such as noise and ultrafine particles) affecting millions of people should not be allowed to be glossed over.
  
6. **Update Provision 214 (d) in the 2012 Reauthorization, to improve how the FAA measures and tracks noise reduction when assessing the performance of Nextgen Technologies:** In 2013, the FAA's first and only report to Congress on performance metrics was a general plan which included a web page titled "Performance Snapshots" which is broken. A [2021 Inspector General Audit on Nextgen](#) states that the FAA *is developing operational metrics* but the Inspector General stated "the FAA could not provide a date for when these metrics would be available and used to assess Nextgen's performance." Because the Nextgen project is a public-private partnership, transparency about benefits and costs to the public is very important. In addition to developing operational metrics, the FAA needs to develop environmental metrics which in the case of Precision Based Navigation, includes noise.

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7. **Clarify FAA's mandates about public health, and resolve potential conflicts of interest with private interests:** The FAA's 1976 Aviation Noise Abatement Policy states that in 1972 Congress amended noise regulation in two ways - by adding consideration of "protection to the public health and welfare" and adding the Environmental Protection Agency (EPA) to the rulemaking process. The FAA's policies and practices have not been updated to reflect that with the 1996 Reauthorization Act, Congress [ended](#) the FAA's 1958 dual mandate of safety and promotion of aviation due to potential conflicts of interest, and gave promotion of aviation to DOT. The Boeing Max tragedies, Southwest's scheduling issues that are under investigation, as well as the troubles with noise from the Nextgen implementation illustrate that the agency has non-transparently been given or taken powers beyond Administrative duties to make trade off decisions. For example, the Air Traffic Organization has a dual mission of "safety and efficiency." The term "efficiency" is used loosely; it could mean that the ATO should operate efficiently, or for a navigation procedure to be fuel efficient; but "efficiency" can involve trade offs about balancing safety and the public interest with pressure from industry for growth and profit margins. ATO and DOT have potential conflicts of interest between their efforts to assist private air mobility or supersonic enterprises and their responsibility to mitigate aviation noise and ultrafine particulates affecting the public. New oversight initiatives may be in order to address this.
  
8. **Add whole house air filters to mitigation options:** When the FAA and airports insulate homes near airports for noise, whole house air filters should be considered, as well as offering whole house air filters to families with school aged children that experience high levels of jet traffic in their community. The science is clear that ultrafine particles, and in combination with noise, can present deleterious impacts to children.

# Priority Topics

- **Scope of the aviation noise problem** Update the FAA's aviation noise abatement policy (ANAP), last written in 1976, to more specifically consider the geographic extent of the problem and types of impacts.
- **Permanent noise monitors for Metroplex** Provide for permanent noise monitoring on a Metroplex basis.
- **FAA Catex** Close the loopholes that the FAA uses to arbitrarily declare CATEX.
- **FAA "IFP" Gateway** Reform the FAA's environmental step in the Instrument Flight Procedures Review (IFP) design and amendment process.

# Priority Topics - continued

- **Periodic Noise Maps** Improve FAA's public communication standards to include periodic noise maps to prevent misleading representations about noise and impacts.
- **Nextgen Performance metrics** Update Provision 214 (d) in the 2012 Reauthorization, to improve how the FAA measures and tracks noise reduction when assessing the performance of Nextgen Technologies.
- **FAA Conflicts of interest** Clarify FAA's mandates about public health, and resolve potential conflicts of interest with private interests.
- **Air filters as mitigation option to protect children** Add whole house air filters to mitigation options.