

March 30, 2022

The Honorable Anna G. Eshoo
United States House of Representatives
Washington, D.C. 20515
Transmitted via email

Subject: Aviation Noise: Measuring Progress in Addressing Community Concerns
Written Testimony of the City of Palo Alto

Aviation Subcommittee of the House Committee on Transportation and Infrastructure

Dear Representative Eshoo,

The City of Palo Alto, California appreciates your leadership in addressing the ongoing concerns of our community regarding airplane noise. We thank you for this opportunity to submit this testimony as part of the official record of the House Transportation and Infrastructure Committee hearing entitled *Aviation Noise: Measuring Progress in Addressing Community Concerns*.

Palo Alto is located approximately 20 miles from San Francisco International Airport (SFO) and home to approximately 66,000 residents. Because of our location beneath the busy flight corridor for aircraft using not only SFO but also San Jose Mineta International Airport (SJC) and several much smaller general aviation airports such as Palo Alto Municipal (PAO), our residents are acutely aware of the problem of noise from aircraft overflights.

The impact of overflights has been seriously exacerbated by the advent of the FAA's NextGen and Metroplex airspace changes since 2015. Although the City and its community organizations have actively and aggressively engaged with the FAA and other aviation stakeholders in seeking productive and practical solutions to mitigate the impact of aircraft overflights, we regret that no progress has been made in reducing aircraft noise. In fact, the advent of the COVID-19 pandemic (and accompanying reduction in air traffic) has provided the only relief from overflight noise in the last many years. Since 2015, the FAA has continued to route more aircraft arrival paths over the City of Palo Alto and has failed to engage meaningfully with the community to seek ways to reduce either aircraft noise or flight track concentration, or both. The FAA has consistently shown a lack of transparency and timeliness and has exhibited no real willingness to collaborate with affected communities to address the noise impacts wrought in the implementation of NextGen.

Prior reauthorization legislation for the last several decades has included mandates for FAA to conduct myriad studies and repeatedly to reexamine its approach to noise issues. Regrettably, these mandates have only delayed implementation of new policies and practices that must be implemented expeditiously and have given FAA the fig leaf to hide behind when faced with demands for immediate action. The forthcoming FAA reauthorization legislation provides a welcome opportunity for Congress to say that there have been enough studies. Congress should provide explicit direction to the FAA on the importance of transparency and creativity in

engaging with local communities to direct the agency to implement measures to reduce annoyance from aircraft overflights.

To that end, we request that the Subcommittee include the following provisions in its draft of the reauthorization bill.

1. **Noise Policy.** FAA has not updated its national noise policy in more than a generation and continues to rely on data and reporting metrics that date from the 1970s (see next comment). FAA needs to update that policy and, in doing so, seek input from independent experts who understand the importance and difficulty of balancing operational imperatives against community impacts. *Congress should direct FAA to adopt a new national noise policy within one year, after thorough nationwide solicitation of feedback from affected communities and all other stakeholders in the national aviation system.*
2. **Noise metric and threshold.** The FAA has rigidly adhered to its single day-night average metric (DNL) for reporting noise impacts and its 65 dB DNL threshold for what it considers to be a significant noise impact for purposes of environmental review. FAA believes that it is statutorily mandated to use a single, one-size-fits-all metric and threshold for all purposes. The FAA's Neighborhood Environmental Survey (published in early 2021) has shown what the residents of Palo Alto have known for decades: the FAA's threshold is outdated and the metric does not adequately report the impacts on aircraft overflights. Instead of seeing the release of the Survey as an opportunity to start afresh with a new approach to reporting noise impacts, FAA has asserted that more studies are needed, assuring that the agency will not independently pursue meaningful changes in its policies for years, perhaps decades. While any issue can be studied to death, we believe that the time has come for Congress to direct action. *FAA should be directed, within 24 months, to develop a new metric and a new impact threshold that reflects the results of the Survey and the reality that many communities like Palo Alto that are adversely affected by overflight noise are not considered to be adversely affected by FAA's current metric and threshold. The new metric and threshold should be based not only on the results of the Neighborhood Environmental Survey but on experience from the dozens of communities nationwide that are suffering under the impacts of NextGen flight tracks.*
3. **Overflight Impact Reporting.** In addition to the importance of a new metric and threshold for reporting noise impacts more generally, FAA needs to understand that the impact of overflights is often not just a problem of noise energy but also a problem of *frequency*. A small handful of overflights may generate little community concern but hundreds of flights with the same noise level could well prove intolerable. A noise energy metric – especially an averaging metric – does not adequately capture the impact of frequency. The concentration of flight tracks, one of the benefits of NextGen, also concentrates impacts. *Congress should require that FAA develop, within 24 months, a new metric for reporting the frequency of overflights (those above a defined de minimus noise threshold) and changes in such frequency and that, upon adoption of the metric, the agency use that metric in reporting the effects of changes in flight tracks.*

4. **Responsiveness.** One of the recurring themes in Palo Alto and other communities affected by aircraft overflights is that FAA is non-responsive and takes years to study and evaluate options to address noise impacts, all the while the impacts continue or increase. *Congress should direct a precise deadline for the agency to address (and resolve, to the extent practical) community concerns about overflight noise when those concerns are conveyed by a local government like the City.*
5. **Advanced Community Feedback.** One recurring theme in flight track changes is FAA's penchant for conducting a perfunctory community outreach effort and then, only after implementation, to engage in broader efforts to understand the impacts of its actions when there is community outrage. This approach has not only resulted in dozens of lawsuits nationwide over the legal adequacy of FAA's environmental analyses (and several legal losses for the FAA), but has also seriously undermined confidence in the agency. The City supports the recommendation in the GAO September 2021 Report on Aircraft Noise, in which the authors stated, "The Administrator of the Federal Aviation Administration should update guidance to incorporate additional communication tools that more clearly convey expected impacts, such as other noise metrics and visualization tools related to proposed PBN implementation." FAA should use, in all appropriate fora – for NEPA analyses, Part 150 analyses and in analyses mandated by myriad other federal statutes – alternative metrics and alternative thresholds when local expectations dictate. Such flexibility would be productive in demonstrating to the public that FAA understands the implications of the Neighborhood Environmental Survey and is sensitive to community concerns. It further would demonstrate that the agency intends to address the implications of that study immediately rather than engage in a process which could take years to reach a single nationwide approach. *Congress should direct FAA to engage in a robust community engagement process (and environmental review) before proposing any significant change in flight tracks.*
6. **Transparency.** Designing flight tracks is complex and mapping of flight track impacts is likewise complicated. But the FAA makes little or no effort to educate the community about flight track locations, frequency of use, and on-the-ground impacts in language that is understandable and accessible. *Congress should direct that FAA produce maps, analyses and other data about new flight tracks in advance of implementation that are readable by an ordinary resident using common, publicly available software (like Google Earth), at a scale that allows understanding of impacts at a neighborhood level.*
7. **Balancing.** FAA has asserted the changes in flight tracks – especially those implemented as part of its NextGen initiative – will improve aircraft efficiency and will benefit the national airspace system. While that is undoubtedly true in many instances, FAA believes that it does not have the statutory mandate to balance those efficiencies with community impacts. In essence, the NextGen initiative considers only safety and efficiency, not environmental impacts. *FAA should be statutorily mandated to balance community needs and impacts and to demonstrate that any proposed changes in flight tracks are optimally designed to balance safety and efficiency with noise impacts. FAA should be required to report, in a simple, understandable manner, the safety and*

efficiency benefits and how the balancing of those benefits against impacts has been optimized. The agency's environmental documentation must include a balancing analysis that shows that the agency has adopted the optimal balanced approach, not just an approach that maximizes efficiency and safety.

8. **Environmental Review.** FAA makes liberal use of categorical exemptions under NEPA and other tools to minimize or eliminate environmental review. *FAA should be required to conduct a public Environmental Assessment on flight track revisions whenever requested by an affected local government. FAA should be required to solicit views of affected local governments as part of the planning process for any new flight track sufficiently in advance and with sufficient information that the local government can make an informed decision whether to formally request preparation of an Environmental Assessment.*
9. **Congressional Oversight.** In the last decade, several special and ad-hoc Congressional studies and committees have been convened to examine the impacts of aircraft overflights. In early 2016, Congresswomen Speier and Eshoo and Congressman Farr formed their own Select Committee on South Bay Arrivals, representing these three Congressional Districts. The need to create the committee is evidence enough that the affected Members understood that FAA was not adequately informing the community and addressing the very real impacts of NextGen on the South Bay communities. To be blunt, even after this committee issued its report in late 2016, FAA did not act for years and, even after that delay, refused to implement the thoughtful, balanced solutions that the committee developed. There is no reason why getting a final FAA response should have taken this long, especially given the best efforts to engage with the FAA by affected communities, the Santa Clara Santa Cruz Roundtable, and our Members of Congress. *Congress should establish a special oversight committee whose responsibility is to oversee FAA implementation of the recommendations made here and the noise-related mandates in the new reauthorization legislation.*

The City of Palo Alto appreciates this opportunity to present our recommendations on legislative language for the forthcoming FAA reauthorization legislation.

Should you have any questions regarding this letter, please contact City Manager Ed Shikada at ed.shikada@cityofpaloalto.org.

Respectfully,



Patrick Burt
Mayor, City of Palo Alto
cc: Palo Alto City Council