



April 8, 2021

Filed electronically through www.regulations.gov

Docket Number FAA-2021-0037

Mr. Donald Scata

Office of Environment and Energy

Federal Aviation Administration, DOT

RE: Comments on the Federal Aviation Administration's Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities to Inform Aircraft Noise Policy

Dear Mr. Scata:

The Cities of East Palo Alto, Los Altos, Menlo Park, Mountain View, and Palo Alto, California (the Cities) appreciate the opportunity to submit these comments regarding the Federal Aviation Administration's (FAA) Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities to Inform Aircraft Noise Policy; Docket ID No. FAA-2021-0037.

As with many municipalities around the country, the Cities play pivotal roles in the conversation about aircraft noise. In the case of Palo Alto, the City plays dual roles - as a government responsive to its residents' concerns about noise issues and also as the sponsor of a federally obligated airport (Palo Alto Airport, PAO). Aircraft noise is an important issue in many communities, and the Cities are encouraged by the FAA's significant work to better understand the current state of community levels of concern.

In particular, the Cities believe the publication of the recent Neighborhood Environmental Survey (NES) represent a clear inflection point for FAA noise policy. The Cities understand that FAA does not intend to take any specific regulatory actions in reliance on the NES alone, and appreciates that FAA has committed to considering public and stakeholder input before implementing any changes in agency policies or regulations. Nonetheless, the Cities believe that given the robust analysis conducted in the NES and the significant, illustrated differences from current baseline assumptions, FAA should use the NES as an important tool in immediately examining and potentially adjusting FAA noise policies.

For more than a generation, FAA has relied on the *Schultz Curve* (and its predecessors and progeny) and the 65 dB DNL as the threshold for agency decision making in a wide variety of contexts. Based upon historic data, agency policy assumes that for most purposes, areas outside the 65 dB DNL threshold do not experience significant noise impacts. For almost as long, residents have complained about impacts outside the 65 dB DNL contour, suggesting that

Comments on the Federal Aviation Administration's Overview

FAA's baseline assumptions and reliance on the *Schultz Curve* did not reflect the reality of noise issues on the ground. With the advent of NextGen and realignment of flight paths around the country in the last several years, complaints from residents outside the 65 dB DNL contour have exploded. This evidence only reinforces the conclusions of the NES that levels of community annoyance are far greater than predicted in the *Schultz Curve* and similar studies. The Cities and our residents are no exception to this trend and have experienced significant impacts from nearby flight track realignments in areas far outside the 65 dB DNL contour.

The NES and the new National Curve shows a clear and significant departure from the *Schultz Curve* and "a substantial increase in the percentage of people who are highly annoyed by aircraft noise over the entire range of aircraft noise levels considered, including at lower noise levels." In contrast to earlier research that formed the basis for the *Schultz Curve*, the NES was focused solely on aviation noise and used updated, best-in-class survey methodology.

These findings validate the concerns and complaints about aircraft overflights expressed by residents who live and work outside the 65 DNL, including many of those in and around the Cities. At the bare minimum, the results of the NES suggest that the *Schultz Curve* has outlived its usefulness and FAA must immediately reassess its threshold for noise-affected communities. The NES also calls into question whether the continued use of the DNL as the FAA's sole, "one-size-fits-all" decision-making metric remains viable or whether different/additional metrics should be used to report noise impacts in a more comprehensive manner. For example, the NES suggests that a NUMBERABOVE50 metric, which is premised on a 50 dB noise level and associated with "noticeable" aircraft overflights, may be appropriate in some circumstances. Furthermore, metrics and thresholds for determining the significance of impacts must reflect the local noise environments including ambient noise.

In the *Federal Register* notice opening this docket, the FAA specifically asked for comments on the following questions:

1. What, if any, additional investigation, analysis, or research should be undertaken in each of the following three categories:
 - Effects of Aircraft Noise on Individuals and Communities;
 - Noise Modeling, Noise Metrics, and Environmental Data Visualization; and
 - Reduction, Abatement, and Mitigation of Aviation Noise.
2. What other factors (e.g., survey methodology, aircraft design, and social/demographic considerations) may contribute to the increase in annoyance shown in the NES results?
3. What, if any, additional categories of investigation, analysis, or research should be undertaken to inform FAA noise policy?

The Cities understand FAA's desire to complete additional research and determine whether the results of the NES are attributable to factors that have not been examined. The Cities do not have the expertise to suggest specific new areas or strategies for research, though we believe that the existing and ongoing research represented in the *Federal Register* notice provides a broad and welcome evaluation of aircraft noise issues. The Cities caution FAA, however, against engaging in repeated and continual research on these (or other) issues indefinitely when the

Comments on the Federal Aviation Administration's Overview

results of the NES – even if partially attributable to factors not specifically considered – make it clear that immediate FAA regulatory response is warranted. Considering the NES findings, the FAA should quickly lay out a timeline for addressing the viability of the 65 dB DNL as both a threshold for significance and underlying metric. FAA should entertain interim metrics and thresholds while it develops a revised comprehensive national framework consistent with both the results of the NES and the mandates of the Airport Safety and Noise Abatement Act of 1979.

As a further measure, the Cities encourage FAA to ensure that data sets on ongoing and recently completed research is made available to the public as soon as possible. For example, the Cities suggest that the data sets underlying the conclusions of the NES be released quickly. FAA has been in possession of this data for several years, and there is no reason that it should not be released as soon as practicable. Other ongoing research described in the notice (e.g., sleep disturbances and supplemental noise metrics) should be made publicly available to the extent possible. This will help speed the process of making appropriate policy modifications.

The Cities advise FAA to be cognizant of its own role in communicating with the public and other stakeholders on such changes and aircraft noise issues in general. As this process continues to evolve, the Cities strongly support any FAA effort to provide accessible and understandable interpretations of its research findings – and future policy changes – to assist local governments and airport sponsors in communication with the public. FAA should acknowledge in all appropriate fora – for NEPA analyses, Part 150 analyses and in analyses mandated by myriad other federal statutes – that the 65 dB DNL threshold has been called into question and should invite use of 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 NES study and is sensitive to community concerns. It further would demonstrate that the agency intends to address the implications of this study immediately rather than engage in a process which could take years to reach a final, nationwide approach.

Once again, the Cities appreciate the FAA's efforts on these issues. The Cities look forward to thoughtful FAA action based on the significant results of the NES, and FAA's publication of additional research as necessary.

DocuSigned by:



586C5633922F48D...

Jaime Fontes

City Manager, City of East Palo Alto

DocuSigned by:



5A5434FCD74B445...

Brad Kilger

Interim City Manager, City of Los Altos

DocuSigned by:



9F62D85570574C7...

Starla Jerome-Robinson

City Manager, City of Menlo Park

DocuSigned by:



D5DFCB636B67439...

Kimbra McCarthy

City Manager, City of Mountain View

DocuSigned by:



F2DCA190CC8D4F9...

Ed Shikada

City Manager, City of Palo Alto