



601 Pennsylvania Ave NW, Suite 250
Washington, D.C. 20001
T. 202-737-7950
F. 202-273-7951

www.aopa.org

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Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140, West Building Ground Floor
Washington, DC 20590-001

Re: Docket Number FAA-2023-0855; *Request for Comments on the FAA's Review of the Civil Aviation Noise Policy*

Civil aviation noise policy directly impacts the survival of our nation's general aviation (GA) airports. On behalf of our members, the Aircraft Owners and Pilots Association (AOPA) submits the following comments.

Experience has shown the 65 DNL standard to be an ineffective measure to prevent noise complaints precipitated primarily due to incompatible land use decisions by local officials. At the conclusion of this review process, we believe you will find that updated guidance for FAA staff and for airport sponsors is long overdue. GA airports are economic engines for local communities, and this is an opportunity to help ensure their success. We urge you to update all pertinent guidance and lead state and local governments toward responsible land use planning.

Scope of AOPA Comments

Our comments will focus on general aviation noise issues rather than airline noise issues. Specifically, our intent is to comment on noise issues caused by incompatible land use. We decline to comment on noise policy with respect to aircraft certification, the NEPA process, or the technical aspects of developing a noise metric.

AOPA is in a special position to comment on the state of compatible land use planning around airports. As part of our mission to preserve and promote airports, we engage with airport sponsors and their adjacent local governments whenever we become aware of a land

development plan that may be incompatible with an airport. We understand that incompatible land uses are the first steps in a chain of events that may lead to the permanent closure of an airport.

As you know, the motivations and competencies of airport sponsors vary widely across the system. Thousands of airport sponsors of various structures and sizes operate airports while contending with their unique economic and political factors. Some are staffed by professionally trained and highly experienced airport executives with the backing of a government that values their airport(s). Some are staffed by local government employees without any airport management experience and are overseen by disengaged local officials. Worst of all, some are positively attempting to undermine their own airport and are succeeding.

Our single objective in providing these comments is to draw the attention of policymakers to a problem that has affected public airports for decades: the proliferation of incompatible land uses in their proximity.

AOPA Response to Question #1

The FAA now has direct experience with the noise effects of rotorcraft and general aviation fixed wing aircraft. There have been calls to shut down or restrict airports that primarily serve these aircraft due to community perceptions of noise. For example, East Hampton Airport (JPX) has been embattled for years because of seasonal helicopter noise. Montgomery County Airpark (GAI), an airport originally constructed in a rural area but now severely encroached, has faced demands from nearby residents to restrict flight training due to piston aircraft noise. The complaints were so persistent that the sponsor and the FAA hosted a community meeting to respond to residents and explain FAA noise programs to a mostly hostile audience. According to AOPA's airport advocacy casework records, there have been instances of this type of problem at more than 60 airports in the last four years. We understand the FAA is aware of many of them and we are available to discuss particular cases at your request.

It is our observation that the noise level determines the annoyance of communities regardless of which type of aircraft the noise comes from. The results of the Neighborhood Environmental Survey (NES) seem to corroborate this as it sampled a diverse set of airports and measured annoyance levels against noise exposure levels without accounting for different air vehicle types. No similarly thorough study has been made of the effect of noise caused by different air vehicle types. Such a study could not account for new entrants until they are fully integrated into the National Airspace System (NAS). Until new data becomes available, it is unnecessary for the FAA to incorporate their differences into policy.

AOPA Response to Question #2

We cannot express the interests or concerns of communities in the vicinity of airports, but we have a general observation gleaned from our decades of experience witnessing the issues that arise from residential land use near airports. Communities are annoyed by aircraft noise even if they are located further away from the airport than the 65 DNL boundary. The NES resulted in data which confirms that observation. The Airport Cooperative Research Project (ACRP) published a synthesis of noise programs outside the 65 DNL¹. Among other conclusions, the report stated that “...substantial complaints exist in areas outside the DNL 65 contour,” and that both Federal and international noise policies are moving outside the 65 DNL².

AOPA Response to Question #3

The DNL provides a general estimate of the noise levels experienced at the locations of different noise contours. Since it is developed using noise measuring equipment, it cannot account for other human factors that drive residential complaints about noise. For example, an aircraft traversing the airspace over a home will produce increasing noise until the noise level peaks, followed by a decreasing noise until it is inaudible to residents on the ground. If residents know what an aircraft engine sounds like, then they know it is an aircraft flying over their home. Some

¹ Synthesis report accessible at <https://doi.org/10.17226/14271>

² ACRP Synthesis 16, *Compilation of Noise Programs in Areas Outside DNL 65*: Page 10

residents enjoy it or are indifferent to it. For others, that knowledge adds an element of annoyance, or even fear, which drives them to complain about the noise.

They aren't complaining only because they find the noise unbearable, they are complaining about the full experience of having aircraft fly overhead. This full experience isn't measured by noise monitors and cannot be expressed in terms of DNL.

The difference between actual noise and perceived noise is further evidenced by the fact that a piston powered airplane flying in an airport's traffic pattern is producing noise levels similar to or lower than street traffic or residential landscaping equipment. Yet, those noises are accepted while aircraft noise may not be.

AOPA Response to Question #4

The question pertains to the comparison of different noise averaging methods. AOPA declines to respond as it is outside the scope of our expertise.

AOPA Response to Questions #5 and #6

These questions generally pertain to changes on airport property rather than changes in noise exposure caused by incompatible land use off airport property. Any FAA guidance which refers to the 65 DNL as a threshold for residential compatibility, including FAA Orders 1050.1 and 5050.4, should be updated to reflect the findings of the NES.

Expected changes could be identified during the airport master planning process and then disseminated through the sponsors and adjacent governments' planning documents. For example, airport planners will update the fleet mix for the airport and forecast changes to operations. The FAA is part of the master planning process, so during the process the FAA will learn about confirmed or potential changes to operations.

If the FAA expects a change to result in an increase in noise exposure, the agency could send a notice to the pertinent local governments.

Local governments maintain comprehensive plans which indicate current and future land uses. The comprehensive plan is an important tool in land use planning. It typically contains a zoning map. When a zoning map is created, it accounts for the airport's operations and establishes compatible land use zoning. In theory, the comprehensive plan protects airports from incompatible land use.

In practice, real estate developers are experts in getting property re-zoned when a new zoning designation is necessary for their desired project. They will retain consultants and attorneys, overwhelm local planning boards with a grand vision, avoid exposing their project to the general public, and start gaining early approvals for their project before anybody considers the impact on the airport.

Although land use planning should be a transparent process in most places, experience shows us that early hearings for projects which may be a threat to an airport are not well attended. Public notices for these hearings are given an obscure label (a series of letters and numbers) and description which satisfies the law but may not clearly describe the project or its impacts. The public notice gets lost in a list of similar looking notices and is overlooked.

Some real estate developers use this to their advantage as it limits citizen awareness of the details. For example, in one city where incompatible land use was approved, the initial hearing for a residential development next to the airport was only attended by the proponent and a quorum of planning commissioners and their staff. The hearing was held during weekday business hours when most citizens are at their occupation and unable to attend.

The real estate developer is further advantaged by their firm's experience with the process. They are in the business of appearing before planning commissions and getting a successful outcome. Meanwhile, the requirements to become a planning commissioner may be as minimal as being a

resident and volunteering for the role. The imbalance of expertise and experience contributes to real estate developers gaining early momentum.

We observe that, in most cases where AOPA is asked to intervene, it is near the end of the political process to approve the incompatible land use. In other words, it is during one of the final hearings for the project and long after the real estate developer has gained buy-in from the local government. To make matters worse, airport managers understand this problem but are often employed by the same government that has jurisdiction over the land use. In those cases, they are not able to speak publicly about the issue. The FAA can help local governments make more informed decisions by updating the noise metric and communicating it effectively. Airport sponsors should be encouraged to incorporate the updated noise guidance in local land use plans to reduce future noise complaints.

AOPA Response to Questions #7 through #10

These questions pertain to evaluation of noise thresholds as they apply to the NEPA process. AOPA declines to comment on NEPA thresholds at this time. Question 10 also asks commenters which other issues or topics should be considered by the FAA during this review. AOPA provides a list of recommendations at the end of this document.

AOPA Response to Question #11

In this question the FAA asks for studies and sources of data which were not listed in the NES technical report bibliography. At the nexus of noise and land use, the ACRP has published the following reports which should be reviewed as the FAA develops future noise policies.

1. National Academies of Sciences, Engineering, and Medicine. 2009. *Compilation of Noise Programs in Areas Outside DNL 65*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14271>

2. National Academies of Sciences, Engineering, and Medicine. 2019. *Guidebook on*

Effective Land Use Compatibility Planning Strategies for General Aviation Airports. Washington, DC: The National Academies Press.

<https://doi.org/10.17226/25633>

3. National Academies of Sciences, Engineering, and Medicine. 2009. *Aircraft*

Noise: A Toolkit for Managing Community Expectations. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14338>

Recommendations

AOPA recommends the following actions:

1. Distribute printed copies of AC 150/5190-4B to every airport sponsor accompanied by a letter urging them to incorporate the guidance into their planning documents. This will greatly assist airport sponsors during land use planning events.
2. Seek input from FAA Airports Regional Offices and ACO-100 regarding airport sponsor issues with incompatible land use and noise complaints.
3. Formally recognize the 65 DNL standard has failed to mitigate aviation noise complaints from communities and develop a new metric based upon the findings of the NES.
4. Convene a joint FAA-Industry working group, to include AOPA, to facilitate the creation of the updated noise policy and subsequent outreach and education plans.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Adam Williams

Manager, Airport Policy