

Analysis of Recently Introduced Federal Legislation

Presented To: ***LAX/Community Noise Roundtable***
Presented By: Gene Reindel, Facilitator

March 11, 2020

Background

- The United States House of Representatives and Senate (with support from the bipartisan Congressional Quiet Skies Caucus) have recently introduced a number of bills in response to:
 - Perceived increased noise exposure from FAA implementation of NextGen flight paths
 - The FAA's current approach to community roundtables and community engagement
- Eight (8) of the 11 bills have original co-sponsorship support of Los Angeles Metropolitan Area representatives
 - Thirteen individual LA Metro Area congressional representatives support some of these bills
- Additional bills seek to resolve gaps in regulation regarding airplane noise and air pollution and their impacts on health:
 - One focuses more generally on health impacts from airport noise and air quality
 - One focuses specifically on characterizing ultrafine particles
- None of these bills have been taken up within the committee of submittal or have been voted out of committee



Background (continued)

- In addition to introduced legislation, Reps. Schiff (D-CA-28) and Sherman (D-CA-30) drafted and forwarded a letter to the Government Accountability Office (GAO), a nonpartisan, independent watchdog agency with independent experts with broad authority, to investigate and audit federal agencies
 - GAO will investigate whether FAA adequately:
 - measures noise
 - mitigates impacts
 - conducts public outreach
 - GAO will make recommendations at the conclusion of their investigation

Bills and Federal Actions of Interest

- H.R.5105 Responsive Employees Support Productive Educated Congressional Talk (RESPECT)
- H.R.5106 Restore Everyone's Sleep Tonight (REST)
- H.R.5107 Serious Noise Reduction Efforts Act (SNORE)
- H.R.5108 Southbound HUSSH & NIITE Help Households (SHHH)
- H.R.5109 Fairness in Airspace Includes Residents (F-AIR)
- H.R.5110 All Participating in Process Reaching Informed Solutions for Everyone (APPRISE)
- H.R.5111 Notify Officials to Inform fully & Impel Educated Decisions (NOTIFIED)
- H.R.5112 Low-frequency Energetic Acoustics and Vibrations Exasperate (LEAVE)
- H.R.976 / S.2506 Air Traffic Noise and Pollution Expert Consensus Act of 2019 (ATNPEC)
- H.R.2351 Protecting Airport Communities and Particle Emissions Act (PACPE)
- H.R.5874 Decrease Noise Levels Act (DNLA)



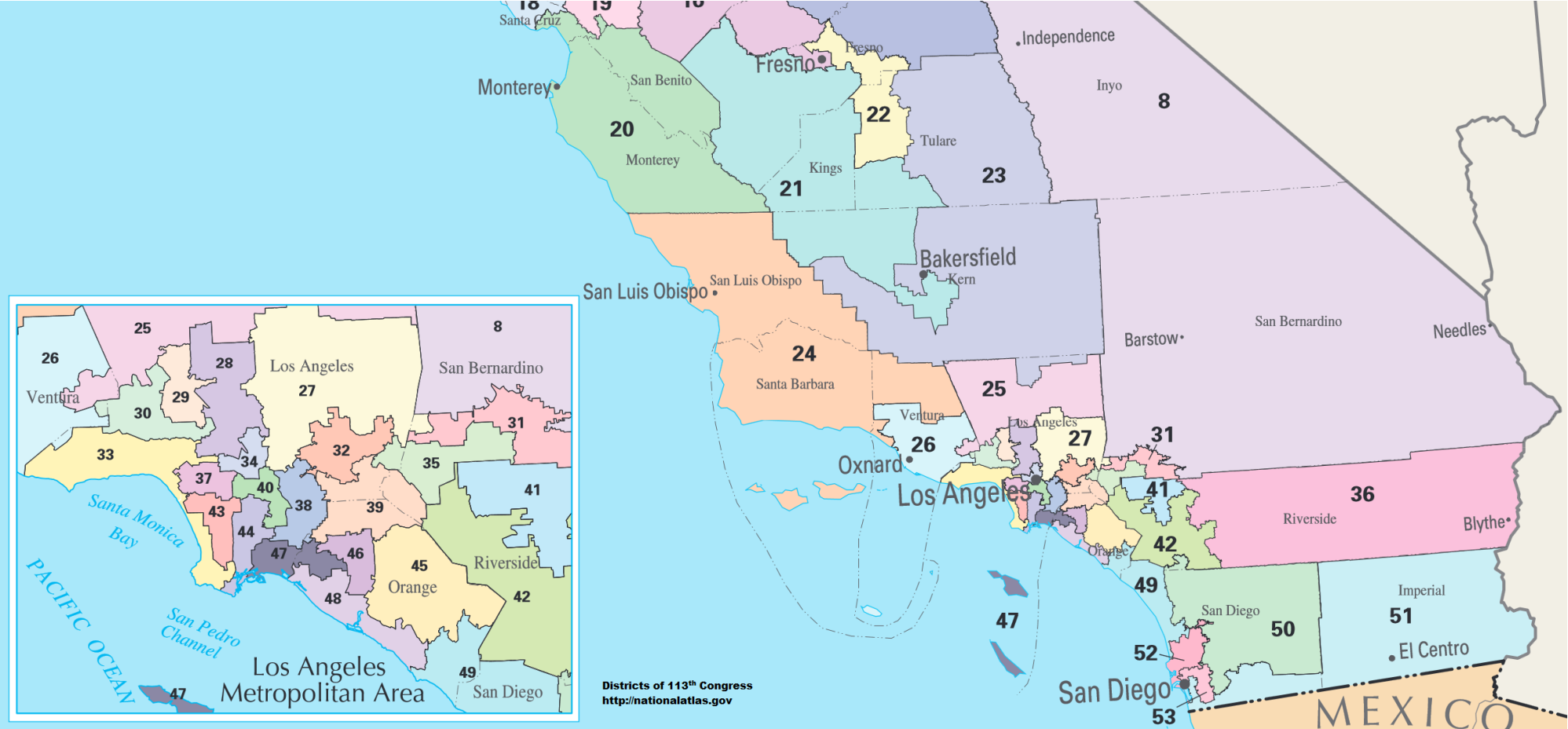
Los Angeles Metropolitan Area Congressional Support

Representative	H.R. 5105	H.R. 5106	H.R. 5107	H.R. 5108	H.R. 5109	H.R. 5110	H.R. 5111	H.R. 5112	H.R. 976	S.2506	H.R. 2351	H.R. 5874
Rep. Brownley, Julia [D-CA-26]									X*			X*
Rep. Chu, Judy [D-CA-27]	X	X			X	X	X		X*			X*
Rep. Schiff, Adam B. [D-CA-28]												X*
Rep. Sherman, Brad [D-CA-30]		X*							X*			X*
Rep. Napolitano, Grace F. [D-CA-32]									X*			
Rep. Lieu, Ted [D-CA-33]									X*		X*	
Rep. Torres, Norma J. [D-CA-35]												X
Rep. Ruiz, Raul [D-CA-36]									X			
Rep. Bass, Karen [D-CA-37]									X*		X	
Rep. Waters, Maxine [D-CA-43]	X	X			X	X	X		X			X*
Rep. Lowenthal, Alan S. [D-CA-47]									X*			
Rep. Rouda, Harley [D-CA-48]	X*	X*			X*	X*	X*		X			X
Rep. Levin, Mike [D-CA-49]									X			
Total	3	4	0	0	3	3	3	0	11	0	2	7

Notes: An X represents current co sponsorship of the draft legislation.
 An * denotes original co sponsorship.



Los Angeles Metropolitan Area Congressional Districts



Source: Nationalatlas.gov, retrieved 2020



H.R.5105 Responsive Employees Support Productive Educated Congressional Talk Act (RESPECT)

- *“To require the Administrator of the Federal Aviation Administration to respond to requests for information from Members of Congress, and for other purposes.”*
 - Co-sponsored by Representatives Harley Rouda (D-CA-48), Maxine Waters (D-CA-43), and Judy Chu (D-CA-27)
- Would require:
 - 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 including:
 - Any data that are appropriate to provide to people from airports, airlines, procedure proponents, aviation roundtables, and non-FAA staff
 - Appropriate requests via Freedom of Information Act (FOIA)
 - FAA staff to appear at meetings or town halls with a Member of Congress with 30 days notice and under same conditions as aviation roundtable appearances
- If enacted, the FAA Administrator must inform Member of Congress if data are not sent, or if FAA staff do not attend meetings; and provide justification
- Potential effect at LAX
 - Direct – requires FAA to respond to roundtables



H.R.5106 Restore Everyone's Sleep Tonight (REST)

- *“To amend title 49, United States Code, to allow airports to impose an access restriction for certain hours, to assess certain penalties against air carriers or aircraft operators, and for other purposes.”*
 - Co-sponsored by Representatives Harley Rouda (D-CA-48), Maxine Waters (D-CA-43), Brad Sherman (D-CA-30), and Judy Chu (D-CA-27)
- Would allow airports to voluntarily impose curfews under specific circumstances, at any time between 10 pm and 7 am, and permit penalties for curfew violations
 - Exceptions for emergencies, public safety, and other circumstances
 - Notes:
 - 1-Penalties themselves are loosely defined: *“...shall set a base level for a noise deterrence penalty, at an amount sufficient to deter future violations of the access restriction imposed under subsection a.”*
 - 2-Penalties could be increased based on noise monitoring at an airport
- Would amend or supersede:
 - The Airport Noise Control Act (ANCA) of 1990
 - The Notice and Approval of Airport Noise and Access Restrictions under Title 14 of the Code of Federal Regulations Part 161
- Potential effect at LAX
 - Direct – allows airports, such as LAX, to impose access restriction/curfews



H.R.5107 Serious Noise Reduction Efforts Act (SNORE)

- *“To amend title 49, United States Code, to establish a program at San Francisco International Airport for purposes of soundproofing residential buildings in surrounding communities.”*
 - No support from Los Angeles Metropolitan Area Representatives
- Would expand the amount of funds available to San Francisco International Airport (SFO) for sound insulation projects that are beyond the current 65 DNL contour
- Would establish a program at SFO to sound insulate 200+ homes per year in noise affected communities
 - Would include any area where 10 or more measurements of ≥ 75 dB are taken in the window of 10pm-7am within a single city/community in 2 consecutive or nonconsecutive months of a given year resulting from SFO operations
- The airport would need to submit plan as a condition to get access to the funds
- If SFO did not noise mitigate 200+ facilities, they would be penalized and owe noise affected communities for this discrepancy if they had accepted the funds
- Potential effect at LAX
 - None – as written, the proposed legislation is specific to SFO



H.R.5108 Southbound HUSSH & NIITE Help Households (SHHH)

- *“To require the Administrator of the Federal Aviation Administration to continue processing the proposed SFO NIITE Departure Southbound Transition and the OAK HUSSH Departure Southbound Transition, and for other purposes.”*
 - No support from Los Angeles Metropolitan Area Representatives
- Would support 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
- FAA would provide staffing and support to SFO Roundtable, would not prohibit them from formally initiating the procedures, would let Roundtable representatives participate in relevant PBN committees, and would require FAA to follow standard PBN process without adding onerous requirements or withholding permissions
- FAA administrator would submit to relevant congressional committees reports on the following deadlines
 - 60 days after the enactment of this act if NIITE and HUSSH have not been entered into IFP Gateway
 - After entry of the proposed procedures into IFP Gateway:
 - 90 days- if NIITE and HUSSH have not completed Order JO7100.41 Phase One Preliminary Activities
 - 180 days- if they have not completed Order JO7100.41 Phase Two Design Activities
 - 2 years- if they have not been fully implemented by publication and use of the Southbound Transitions
- FAA to provide formal support to SFO; Doesn't mention specific support to OAK, but like H.R. 5110 (APPRISE), would permit technical representatives from roundtables to participate in committees on procedure development
- Potential effect at LAX
 - None – as written, the proposed legislation is specific to SFO and OAK



H.R.5109 - Fairness in Airspace Includes Residents Act (F-AIR)

- *“To amend title 49, United States Code, to expand the priorities of the Administrator of the Federal Aviation Administration in developing plans and policy for the use of the navigable airspace.”*
 - Co-sponsored by Representative Harley Rouda (D-CA-48), Maxine Waters (D-CA-43), and Judy Chu (D-CA-27)
- This bill would be an amendment and reprioritization of the FAA’s mission statement
 - Safety would remain the first priority
 - Secondary priorities would put noise and health impacts (and other environmental concerns) on an equal footing as efficiency
- Provisions also would direct the FAA to develop expanded plans and policies for use of airspace
 - *“No later than 12 months of enactment, the administrator would review FAA policies, procedures, and regulations to ensure they reflect the updated mission.”*
- Potential effect at LAX
 - Indirect – relates to national policy on assigning priorities when modifying airspace



H.R.5110 All Participating in Process Reaching Informed Solutions for Everyone (APPRISE)

- *“To direct the Administrator of the Federal Aviation Administration to ensure representatives of aviation roundtables may participate in the NextGen performance-based navigation implementation process of the Federal Aviation Administration, and for other purposes.”*
 - Co-sponsored by Representative Harley Rouda (D-CA-48), Maxine Waters (D-CA-43), and Judy Chu (D-CA-27)
- Would require the FAA to include an aviation roundtable technical representative in the procedure design process for procedures affecting their communities (within 5 miles of the jurisdictional area of the roundtable)
 - To ensure community knowledge and input is represented in the design process
- Roundtable technical representatives would participate on the same terms and conditions as representatives from airports, airlines, and procedure proponents
- Timeline if enacted:
 - No later than 180 days after enactment of this bill, FAA administrator would need to submit a report demonstrating progress made in meeting the bill’s requirements
- Technical representative is not defined, so it could be a consultant hired on the Roundtables behalf or direct member of the roundtable membership
- Potential effect at LAX
 - Direct – requires the FAA to allow roundtables participation in the implementation process



H.R.5111 Notify Officials To Inform Fully and Impel Educated Decisions Act (NOTIFIED)

- *“To require the Administrator of the Federal Aviation Administration to notify the public of proposed new Performance Based Navigation Implementation Process flight procedures, and for other purposes.”*
 - Co-sponsored by Representatives Harley Rouda (D-CA-48), Maxine Waters (D-CA-43), and Judy Chu (D-CA-27)
- Regarding new and modified flight paths proposed through FAA’s Performance Based Navigation process
- The FAA would have to notify all relevant Local/State/Federal representatives and Aviation Roundtables within 5 miles of the flight path for changes to airspace under 18,000 ft.
 - Notification would be made within 30 days of entry of the procedure on the FAA Performance Based Navigation IFP Gateway
- Notification process would include:
 - Procedures being proposed/changed
 - The new flight path displayed geographically with shifts
 - Altitudes
 - Appropriate contact information for discussing the change.
- Potential effect at LAX
 - Direct – requires the FAA to notify roundtables



H.R.5112 Low-frequency Energetic Acoustics and Vibrations Exasperate (LEAVE)

- *“To establish that no Federal statute is intended to preempt a cause of action against an airport maintained in any State small claims or superior court by any individual or city within 5 miles of an airport when an action is brought for noise or nuisance caused by ground-based noise in violation of a State statute as specified, and for other purposes.”*
 - No support from Los Angeles Metropolitan Area Representatives
- 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
 - Airborne flight noise is well defined, but not so for low-frequency noise and vibration caused by airplane on the runway for take-off
- The bill would lead to the establishment of standards and remedies related to ground-based noise (GBN)
- Would also allow states to study GBN and subsequently take action against airports shown to have exceeded standards and have caused substantial negative community impact and devaluation of property values
- Potential effect at LAX
 - Unclear – as written it is uncertain whether a uniform standard for airports would be established



H.R.976 / S.2506 Air Traffic Noise and Pollution Expert Consensus Act of 2019 (ATNPEC)

- *“To direct the Administrator of the Federal Aviation Administration to enter into appropriate arrangements with the National Academies of Sciences, Engineering, and Medicine to provide for a report on the health impacts of air traffic noise and pollution, and for other purposes.”*
 - Co-sponsored by Representatives Julia Brownley (D-CA-26), Judy Chu (D-CA-27), Brad Sherman (D-CA-30), Grace F. Napolitano (D-CA-32), Ted Lieu (D-CA-33), Raul Ruiz (D-CA-36), Karen Bass (D-CA-37), Maxine Waters (D-CA-43), Alan S. Lowenthal (D-CA-47), Harley Rouda (D-CA-48), and Mike Levin (D-CA-49)
- Currently identical legislation language submitted in The House (H.R. 976), and Senate (S.2506)
- Would commission the Administrator of the FAA to work with the National Academies of Sciences, Engineering, and Medicine to draft a report summarizing the current consensus/state of science surrounding the health impacts of air traffic noise and pollution
 - The FAA would convene a panel of experts no later than 30 days of enactment
- Potential effect at LAX
 - Indirect – results would report state of science of health effects

H.R.2351 Protecting Airport Communities from Particle Emissions Act (PACPE)

- *“To direct the Administrator of the Federal Aviation Administration to conduct a study relating to ultrafine particles, and for other purposes.”*
 - Co-sponsored by Representatives Ted Lieu (D-CA-33), and Karen Bass (D-CA-37)
- Would commission the Administrator of the FAA to work with the National Academy of Sciences to summarize literature and studies on ultrafine particles(UFPs), focused specifically on large hub commercial airports
- Specifically would look into:
 - Characteristics, sources, and distributions of UFPs
 - Resulting potential health impacts and exposure burdens
 - More sustainable aviation fuels are affecting UFPs
 - Information gaps in UFP pollution exposure and mitigation effectiveness
- A report on the study would be submitted no later than 2 years after funding and contractual agreements have been set up between the FAA and NAS
- Potential effect at LAX
 - Direct – specifically includes “the Southern California Metroplex”



H.R.5874 Decrease Noise Levels Act (DNLA)

- *“To require the Administrator of the Federal Aviation Administration to amend regulations concerning the day-night average sound level, and for other purposes.”*
 - Co-sponsored by Representatives Julia Brownley (D-CA-26), Judy Chu (D-CA-27), Adam B. Schiff (D-CA-28), Brad Sherman (D-CA-30), Norma K. Torres (D-CA-35), Maxine Waters (D-CA-43), and Harley Rouda (D-CA-48).
- Would require the Administrator of the FAA to amend the Airport Noise Compatibility Planning, under Title 14 of the Code of Federal Regulations Part 150, to decrease the threshold for the Day-Night Average Sound Level (DNL) to constitute significant noise from 65 to 60, and adjust relative ranges of DNL accordingly
- Would require outreach to communities that would also include the results of the evaluation of alternative metrics to the current DNL standard under section 188 of the FAA Reauthorization Act of 2018.
- A report from the FAA would be due 365 days after enactment outlining a strategy to reduce the maximum DNL in all residential areas to 55 over the 10 years following date of enactment of the act
- Potential effect at LAX
 - Direct – reduces the threshold for compatible land use from 65 to 60 and then 55 DNL for all airports



Roundtable Discussion

On proposed legislation



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