



## STUDIO CITY FOR QUIET SKIES

**Comment on the Neighborhood Environment Survey (Deadline April 14, 2021)**

**SUBMITTED: March 29, 2021**

**Studio City For Quiet Skies (“SCFQS”)** was formed in April 2018, following the 2017 implementation of NextGen and concentrated paths coincident to NextGen. **SCFQS has led the fight against relocated, low, focused flight paths in the Southern San Fernando Valley/Santa Monica Mountains region of California** -- heavily impacted by departures from both airports, as well as wind arrivals. Over the last 3 years, we have **gained the support of many community groups and environmental organizations.**<sup>1</sup> We are considered **subject matter experts** regarding NextGen impacts and are heavily **relied upon by our city, state, and federal representatives.** Having had little or no jet traffic prior to the introduction of dramatically changed flight patterns, **we refer to our region as the “New Community.”**

### **INTRODUCTION:**

**After waiting almost six years** for the release of the **FAA’s National Environmental Survey (NES)**, announced in May 2015, the **FAA has finally released the noise study, which unequivocally confirms that the impacts of jet noise have NEVER been accurately accounted for** with the use of the Schultz Curve and 65 dB DNL Standard **introduced in the 1970’s**, and still in use today. There is no proof that the Schultz Curve and 65dB DNL Standard ever provided protection to communities impacted by aircraft noise.

Nevertheless, the **FAA** asks for public comments **requesting further areas of inquiry, i.e., MORE STUDIES.**

FAA further states “it will not make any determinations based on the finding of these research programs for the FAA’s noise policies, including any potential revised use of the DNL noise metric, until it has carefully considered public and *other stakeholder* input, along with additional research needed to improve the understanding of the effects on aircraft noise exposure on communities.”

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<sup>1</sup> Consensus groups include Studio City For Quiet Skies, UproarLA, Sherman Oaks & Encino For Quiet Skies, Burbank Quiet Skies, The Federation of Hillside and Canyon Associations, Homeowners Of Encino – Home, Studio City Residents’ Association, Harvard-Westlake School, Save Coldwater Canyon, Dixie Canyon Association, Canyon Back Alliance, Brentwood Residents Coalition, Toluca Lake Homeowners’ Association, Bel Air Skycrest Property Owners’ Association, Bel Air-Beverly Crest Neighborhood Council, and Bel Air Hills Association

**We disagree with the need for more studies that will cause further delay. THE TIME FOR ACTION AND RELIEF IS NOW. The FAA has an ethical obligation to change regulations that are detrimental to the public, that are under its authority, and that do not require new legislation.**

Use of NES findings would bring relief to the New Community, who had dramatic jet noise moved and concentrated over them and over federally protected parkland, with no notice or environmental study.

### **BRIEF HISTORY OF JET NOISE IN THE SOUTHERN SAN FERNANDO VALLEY, CALIFORNIA:**

The Southern San Fernando Valley and Santa Monica Mountain communities, including Studio City and Sherman Oaks, have suffered through four years of severe noise, pollution and other aircraft impacts, due to changes in flight patterns coincident with NextGen implementation at Burbank Airport (BUR), and to some degree made earlier, due to the establishment of waypoints **LGEND** and **FILMZ** on 12/15/2015 for use in BUR RNAV Visual Arrivals designed by Southwest Airlines and implemented in 2016, prior to NextGen. Since then, jets travel in a path that has moved 2.3nm farther south from where it was previously. Specifically, the northern edge of the flight path moved 2.3nm to the south and became highly concentrated (**see Map attached as Exhibit 1**). For most of the us, this was the first time that we had suffered from jet noise and the change was sudden and dramatic. **We reside in and adjacent to hills, mountains and canyons -- areas with very low ambient noise-- and now experience noise that is exacerbated by terrain effects, including reverberation and sustained sound effects.**

**Our communities are unique in that they contain hundreds of acres of public parklands and open space consisting of irreplaceable, threatened wildlife and natural habitat. All inhabitants, human and wild, are negatively impacted by this extreme change in flight path location and low altitude concentration (see Report re noise effects by Freytag & Associates attached as Exhibit 2; and Report on jet impacts on wildlife by Longcore Associates attached as Exhibit 3).**

We are primarily impacted by Burbank Airport departure procedures SLAPP and OROSZ, as well as by low RNAV Arrivals over terrain that are attached to arrivals JANNY, ROKKR, and THRNE. We also are impacted by Van Nuys Airport (VNY) that traverses the same area from the opposite direction (west to east.) Both BUR and VNY have had and continue to experience extraordinary growth and present a double-pronged danger to our community.

Even with the **support of all elected representatives** on city, state and federal levels, we have spent more than 3 years trying to convince the FAA to revert to the previous, long-established, more northerly, dispersed flight patterns, with which there were few noise complaints. Since the change in flight paths, **approximately 3 million** Airnoise complaints for BUR (2.3m) and VNY (.6m) have been filed, plus innumerable complaints filed by phone or online with webtrak. The FAA has not budged, and instead has chosen to label us as misunderstanding or misinterpreting our own lived experience - - gaslighting us -- and stating that they "will not" make necessary changes for our relief. The FAA knows that they have created this national public health crisis, and yet they refuse to correct it.

In 2019, our federal officials asked the FAA to convene the **Southern San Fernando Valley Airplane Noise Task Force** which included representatives from our heavily impacted communities, as well as

representatives of communities that had been completely relieved of noise, and of others that never had jet traffic, and still don't. The Task Force convened in August 2019 and at the conclusion in May 2020, the **Task Force made 16 Consensus Recommendations** to the FAA. On September 1, 2020, the **FAA responded, by rejecting all potential solutions and critically, much needed interim solutions.** The **City of Los Angeles responded** on March 11, 2019 (see letter attached as Exhibit 4).

The FAA claims to be addressing our complaints by forcing through a **private Settlement Agreement** (Proposed Procedures SLAPP THREE and OROSZ THREE) that the FAA made with **two small Benedict Hills homeowners' groups** that would move and further concentrate the flight path away from them, and along Ventura Boulevard and the foothills, thus exacerbating already unbearable jet noise and pollution impacts that suddenly began in 2017 with SoCal Metroplex implementation. **The FAA has dragged its feet for over two years while promising an Environmental Assessment that will consider viable alternatives.** We do not expect that the FAA will indeed study viable alternatives, most importantly, **RETURNING the flight path north to the historical tracks, where it existed for decades** prior to changes made without notice or study. FAA will almost certainly consider only the current condition (flight tracks the FAA moved suddenly in 2017 without changing procedures), which is opposed by our entire community and representatives. As an alternative, the **FAA will likely choose the Benedict Hills Settlement Agreement (to be implemented as Proposed Procedures SLAPP THREE and OROSZ THREE), which we have also opposed since 2018, with the full support of our representatives on city, state, and federal levels.**

**Severe and serious impacts on our communities** include, but are not limited to, the following: a myriad of serious health impacts; educational; loss of economic property values; loss of ability to work at home; damage to parklands, habitat, and wildlife. **Current Noise Metrics and Thresholds of Significance are grossly deficient and underestimate noise disturbance and ensuing serious impacts on human health.**

**The FAA must apply the NES studies to BUR/VNY in order to Find Significant Impact on communities further from the Airports that are newly impacted by NextGen or coincident to NextGen.**

The FAA requested input on three specific categories; factors that may be contributing to the increased levels of annoyance reported; and any additional investigation, research, and analysis that should be considered to inform the FAA noise policy. **Please consider the following key points.**

#### **KEY POINTS:**

1. **The FAA did not use results of the NES in evaluating NextGen even though the results were available to them at the time.** Use of NES findings would have spared the New Community four years of health, educational, and economic suffering.
2. The Neighborhood Environmental Survey (NES) is scientifically rigorous and represents new, reliable evidence that more people are highly annoyed by aircraft noise than previously thought, and that **must be incorporated into FAA aircraft noise policies now.**
  - According to Dan Gardon, Noise Abatement Specialist at Charlotte Douglas International Airport, the FAA should not wait and sit on existing evidence. "Not

enough evidence” is often used to postpone policy. As in medicine, a decision must be made, based on best evidence, so FAA has an obligation to use NES findings now and not ask for more community input. Changes made can be reassessed later.

3. The NES results show that a *much* greater proportion of people are highly annoyed by aircraft noise across all levels of DNL than was previously thought. The NES study shows that current aircraft noise policies are based on faulty premises and the under-reporting of noise annoyance levels – not that people have become more sensitive.
4. NES aptly demonstrates an increase in annoyance to aircraft noise based upon the following:
  - **NES is focused solely on aviation noise and uses state-of-the-art methodologies for its design and modeling.** In contrast, previous studies (Schultz curve, FICON study)<sup>2</sup> underestimated, by a significant magnitude, aircraft annoyance because they included all transportation noise (e.g., road and rail), and used a mix of older, less robust methodologies. These outdated methods of measuring noise are deeply flawed and still used today (see Graph for comparison attached as Exhibit 5).
    - Decades-old FICON used 100 different surveys and methodologies, and included other transportation noise (e.g., railroad and road traffic).
    - The 40+ year old Schultz curve was not intended to represent people’s annoyance level from aircraft noise. Schultz’s intent in 1978 was to describe and summarize global research from multiple surveys on community response with diverse types of transportation noise. Schultz's work was not a rigorous study of community response to aircraft noise compared to NES (Fidell et. al. 2011).
  - NES uses a much better noise model and 1 year of actual flight data. The Integrated Noise Model (INM) used in the NES is the most up to date version (INM 7.0d) and contains more detailed aircraft performance data. In contrast, FICON was based on an INM version from 30 years ago.
  - Aircraft traffic volumes in the NES analysis are much higher than the ones in the Schultz or FICON studies. Furthermore, some PBN implementations may be in the actual flight data used in the NES.
5. **The NES should trigger a sea change in aviation noise policy** because the results unequivocally refute the decades-old Schultz curve and FICON which have been the foundations of existing aviation noise policy. The FAA has an ethical obligation to change regulations that are detrimental to the public and that are under its **authority (i.e., it does not require legislation)**. The FAA should provide a timely roadmap for changing its regulations so the Schultz curve is no longer used as the basis for decision making on community impacts, including in the FAA’s Environmental Review Process for procedures and Part 150.

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<sup>2</sup> [https://www.faa.gov/airports/environmental/airport\\_noise/](https://www.faa.gov/airports/environmental/airport_noise/)

6. **It is not necessary to perform research on new metrics.** Instead, we propose 3 requests that should be simple for the FAA to fulfill:

- Request the FAA to **make NES data sets available** to the public by April 30, 2021 (Section 10 of the NES report stated FAA would make data available).
- **Request the FAA use additional, existing metrics**, notably “N-Above,” which counts the number of aviation noise events (aircraft) over a certain location and decibel level, to better reflect noise impacts on communities. New noise metrics do not have to be developed or researched before changing noise policy.
  - Request the FAA to perform a NUMBERABOVE50 (“N-Above”) analysis on the NES data to show the relationship between NUMBERABOVE50 and % of highly annoyed people with the expectation that results would be publicly available by the end of 2021.
  - In the NES survey, NUMBERABOVE50 (e.g., N-Above 50 dB Lmax) was the metric related to the “Noticeable” Flight Events factor that was one of the 6 factors studied. Per section 9.4 of the report, “only the factor ‘noticeable’ exhibited any ability to explain differences in the dose-response relationships among individuals or airports.”
  - **The existing metric N-Above adequately reflects aviation impacts away from the airport** and has a highly reliable relationship between projected noise exposure and the surveyed reactions of people to noise, as required by law (ASNA 1979). **Use of this noise metric, which measures the number of noise events over a given DNL noise level, brings clarity to the severity of noise impacts away from the airport and noise impacts due to NextGen concentration.** N-Above will demonstrate that the southern SFV and Santa Monica foothills and mountains suffer from Significant Impact that DNL alone will never reveal. The DNL standard for Thresholds of Significance is statistically impossible to meet for communities “away from the airport,” and would require thousands of loud aircraft daily in these low ambient noise neighborhoods.
- As a sign of goodwill, we ask the FAA to immediately start reporting the **existing** N-Above metric in addition to reporting DNL, in a more granular fashion, when the FAA estimates community noise impacts. Communities should not have to wait for FAA regulations to change when such data exists and can be reported now.

7. **“Significant Impact” must be redefined:**

- FAA reveals that they are working to develop an updated noise screening tool. The goal of this tool is to DECREASE the time an analyst will need to conduct an environmental review – thus, the goal is to make it even easier for the FAA to create flight paths without performing an Environmental Assessment, by increasing and streamlining the use of the CATEX. CATEX is CATEX-strophic to our communities,

allowing implementation of new and revised procedures that gravely harm our communities.

- Ensure fair treatment of all communities: no community **away from the airport** should be disproportionately affected by aircraft noise. This is about **environmental justice and equal protection**.
- Recognize that **defining Significant Impact** does not have to rely on one single metric (ASNA 1979).
  - We need more than the DNL metric. We specifically request that N-Above be added and treated the same way as DNL for nighttime penalty.
  - Abandon the one-size-does-fits-all: at/near the airport is not the same as away from the airport. **Metrics and thresholds for determining the significance of impact must reflect the local noise environments including ambient noise and exacerbated impacts due to mountainous terrain.**
    - Note that the Federal Railroad Administration (FRA) definition of impact is based on ambient noise levels.
- **New research is not necessary.** We urge the FAA to appoint an independent “Blue Ribbon Commission” of multi-disciplinary experts (such as environmental scientists, public and medical health professionals, engineers), to be tasked with identifying metrics and thresholds that will define “significant impact” based on the NES results as well as the actual experiences of people, local noise environments, nighttime noise, and current scientific knowledge.

8. **In light of the NES results, the FAA should do the following specific changes to BUR/VNY:**

- **Collaborate immediately with BUR and VNY to reduce departure noise by implementing Task Force recommendations** to bring relief to citizens under the “southern shift” of the flight path, which moved the northern edge of the flight path, 2.3 nautical miles southward, to what was formerly the southern edge of the historical path. **Apply already existing N-Above metric** to these current flight tracks that **loop far from the airport into foothills and mountains that have low ambient noise and exacerbated noise effects due to terrain.**
- The NES states that it is exploring how PBN technology (NextGen) can help move flight paths from noise-sensitive areas (like mountainous terrain). This should have been explored prior to NextGen implementation. Any decisions to move paths from noise-sensitive areas must include cities where NextGen was already implemented, including BUR/VNY. It must be retroactive.
- Implement Task Force Recommendations to bring immediate relief to the New Community heavily impacted under changed, concentrated flight paths. The southern San Fernando Valley and Santa Monica Mountain, foothill, and canyon communities are suffering from a 4-year crisis that is exacerbated by unique geography – burdened with

aircraft from two busy, **landlocked** airports, each of which is impacting more than 500,000 people.

- The FAA needs no more public comment for further research. FAA has already received these “comments” 10-fold in the form of noise complaints and lawsuits nationwide. The New Community has registered more than 3 million complaints for BUR and VNY. More investigation and research are simply delay tactics.
  - **Consider NES findings and apply N-Above Noise Metrics**, that include new Thresholds of Significance, to noise models for the BUR Environmental Assessment that is underway regarding Proposed Procedures, SLAPP THREE and OROSZ THREE, and to all future new and amended procedures.
  - **Consider NES findings and Apply N-Above Noise Metrics**, that include new Thresholds of Significance, to all of SoCal Metroplex Environmental Assessment noise models.
  - **Perform Post Implementation Study** for BUR and VNY.
9. The FAA should commission the National Academies to (1) form an independent committee within the Division of Medicine to produce a consensus report on the health effects of noise and pollution, and (2) form an independent committee within the Division of Sciences to produce a consensus report on ultrafine particles. Both committees would use existing scientific studies and knowledge.
- These requests are H.R. 712 in the 117th Congress ("Air Traffic Noise and Pollution Expert Consensus Act"; see page 24 of the packet; was previously H.R. 976 in the 116th Congress) and soon to be reissued H.R. 2351 from the 116th Congress ("Protecting Airport Communities from Particle Emissions Act"; see page 25 of the packet), respectively.
  - Note: consensus reports review the body of existing research and issue recommendations. They do not perform new research and can be delivered relatively quickly.

## CONCLUSIONS:

1. **The FAA MUST ACT WITHOUT MORE STUDIES.** Any future studies must run after or concurrent with citizen relief – not before! The NES study is conclusive and the verdict is in. **FAA must apply NES and already-existing noise metrics (N-Above) to current and future Metroplex projects, as well as retroactively to many PBN procedures.** It is within the FAA’s purview, without congressional action, to change their regulations that are detrimental to public health.
2. **FAA is asking for further comments** on its findings in order **to continue studying the “noise annoyance” problem and delay providing a solution. Thousands upon thousands of people nationwide have already provided the solution: Move flight paths back to pre-NextGen, dispersed, historic tracks.** Do not begin **NextGen concentrated paths** until aircraft are at least at 10,000 feet and are **outside Metropolitan areas.**
3. The FAA must release the DATA underlying the NES. There must be transparency.

4. **The FAA must explain the 5-year delay in releasing the NES<sup>3</sup>** and failure to include its findings in environmental reviews of NextGen; and why the FAA is now encouraging more study where it is unnecessary.
5. The FAA is trying to avoid moving noise **back** to neighborhoods that they moved noise **from**, when creating relocated, NextGen concentrated flight paths. The FAA used NextGen to move noise to new neighborhoods and now must **reset**, by moving it back to where it was originally dispersed.
6. Local control should be restored to local airports (ability to limit traffic levels, impose curfews, etc.).

**THE FAA HAS CLEARLY ASKED FOR COMMENTS TO CONDUCT MORE RESEARCH AND STUDIES. OUR OVER-ARCHING MESSAGE IS THAT MORE RESEARCH IS NOT NEEDED AND THAT THE NES RESULTS NECESSITATE IMMEDIATE ACTIONS TO ALLEVIATE NOISE IMPACTS. DO NOT ADHERE TO FAILED NEXTGEN PROJECT THAT IS MILLIONS OVER BUDGET AND CAUSING LAWSUITS NATIONWIDE.**

Respectfully submitted,

Suellen Wagner and Kimberly Turner, both individually, and as cofounders of:

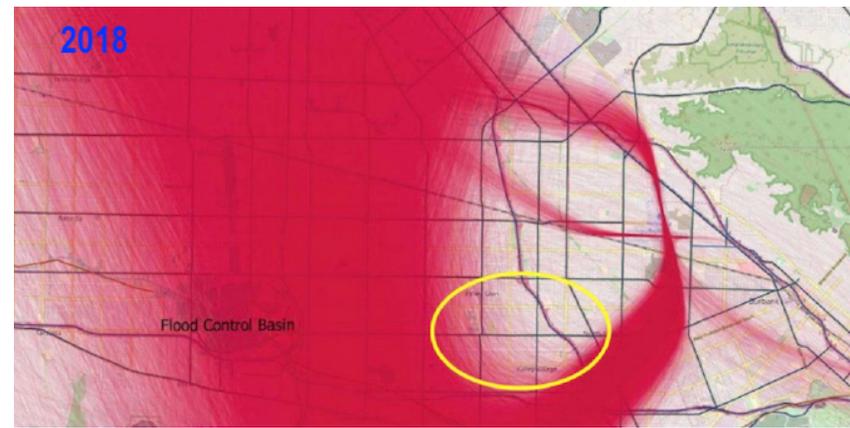
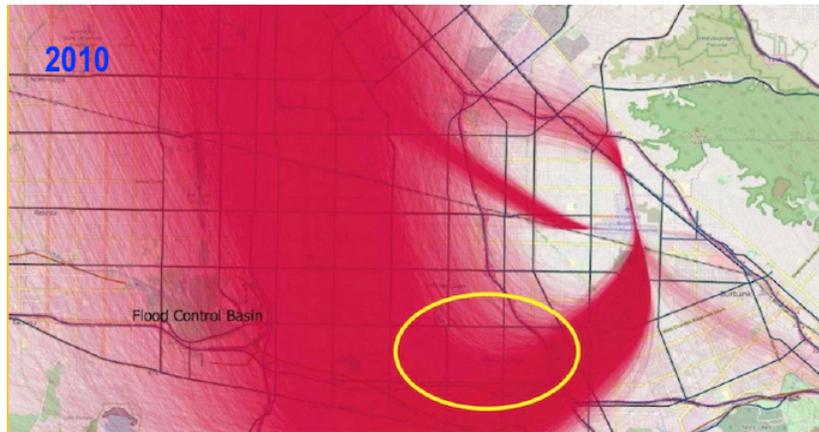
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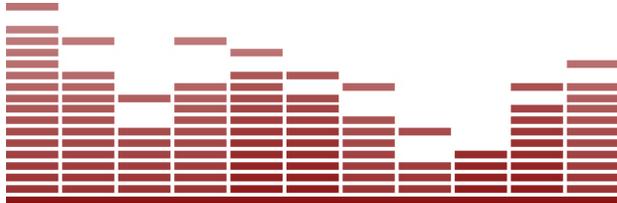
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<sup>3</sup> In 2015, the FAA issued a Press Release about the NES (**see attached as Exhibit 6**) where the FAA stated its intent to propose "revised policy." However, the final release of the NES does not include any revised policy but merely wants comment for further research and study to be completed at a later date.

# EXHIBIT 1

## HMMH MAPS FROM SOUTHERN SFV TASK FORCE





**January 13, 2020**

Save Coldwater Canyon  
Studio City, CA 91604

**Subject: Review of Aircraft Noise Technical Report**

Ref: ATAC Corporation, "Environmental Assessment for the Southern California Metroplex Project, Aircraft Noise Technical Report", August 2016

Dear Board Members,

This letter presents our review of the reference document reporting noise impact throughout the Southern California (SoCal) Metroplex Project according to Federal Aviation Administration (FAA) criteria. We found the results of this document failing to meet the FAA noise assessment criteria, and to intentionally obscure the results. **The main shortcomings of the report are:**

- **Failure to use the current FAA mandated noise exposure model,**
- **Use of understated growth in volume of flights,**
- **Intentionally scrambling noise modeling results,**
- **Failure to model flight tracks over the Santa Monica Mountains area, and**
- **Failure to apply proper methods for planning and assessing instrument flight procedures.**

The SoCal Metroplex area encompasses 21 airports extending north to Santa Barbara, south to the Mexican border, east to Thermal and west to the Pacific Ocean. Our assessment of the report focuses on the Santa Monica Mountains area impacted primarily by Hollywood Burbank Airport (BUR) flights. The applicable criteria are from FAA Order 1050.1 summarized in the following table.

<b>DNL Noise Exposure Level</b>	<b>DNL Increase with Proposed Action</b>	<b>AC DNL Change Consideration</b>
DNL 65 dB and higher	DNL 1.5 dB or higher	Exceeds Threshold of Significance
DNL 60 dB to 65 dB	DNL 3.0 dB or higher	Info Disclosed Evaluating Actions
DNL 45 dB to 60 dB	DNL 5.0 dB or higher	Info Disclosed Evaluating Actions

**Aircraft noise assessment is accomplished according to EPA standards (adopted by the FAA) principally by computer modeling rather than by measurement** because 1) standards assess aircraft noise exposure over a considerable time (typically a year), and 2) noise should be assessed throughout a study area, not solely at a single position. This modeling uses measured noise emission and flight track data to compute the cumulative noise exposure (measured in DNL or CNEL) at individual grid points on the ground below. **Only the direct sound propagation from aircraft to ground location is computed.**

**The purpose of the modeling was to determine the increase in noise exposure throughout the Metroplex** from realignment of air traffic with the implementation of NextGen, and assess the noise increase results with respect to the FAA Order 1050 criteria. The Report states computing the day-night average sound level (DNL) values at 175,488 grid points from 1,242,614 flight tracks to and from 21 airports throughout southern California. **Aircraft types and volume of aircraft activity were taken from records for YR 2013, while forecast values were used for all 2016 and 2021 assessments. The forecasts do not accurately assess the large increase air traffic for BUR.** The assessment was done for five cases:

- YR 2013 flight operations
- YR 2016 flight operations with no operational changes
- YR 2016 flight operations with planned NextGen operational changes
- YR 2021 flight operations with no operational changes
- YR 2021 flight operations with planned NextGen operational changes

While values are given for all five cases, only the ‘no changes versus NextGen changes’ cases were computed for 2016 and 2021. **The report should assess the increases from YR 2013, but fails to do so.**

On August 31, 2016, the FAA signed a “Finding of No Significant Impact (FONSI)” and “Record of Decision (ROD)” for the Southern California (SoCal) Metroplex project<sup>i</sup> based on the Ref. ATAC report. Specifically, the report never found a single exceedance for the Order 1050.1 criteria in any of the 175,488 grid points.

The results of this assessment are presented on 652 pages of tables, each containing DNL results for the five cases. Specifically, the data tabulated are: Grid Point Location ID, Latitude, Longitude, YR 2013 existing DNL, forecast YR 2016 no-action DNL, forecast YR 2016 proposed-action DNL, forecast YR 2021 no-action DNL, forecast YR 2021 proposed-action DNL, and the DNL change between the no-action and proposed action DNL values for 2016 and 2021. **This data file, comprised of almost half a million data elements, has been intentionally scrambled in random order making it virtually impossible to identify the computed results in any geographical location.** This is analogous to printing an LA County telephone book in random order, not sorted by name, address, or phone number. An electronically formatted copy of the data is required to perform an adequate analysis and identify the locations of the thousands or computed DNL values. However, several observations are worth noting.

- The Environmental Assessment for compliance with the FAA Order only assesses the DNL noise exposure increases for the ‘no-project’ versus ‘project’ alternatives for the 2016 and 2021 years. **This assessment should have also addressed the increases for 2016 and 2021 with respect to the 2013 baseline.**
- The noise modeling computer program used by ATAC is “Noise Integrated Routing System” (NIRS). **ATAC employed an obsolete noise modeling program in their assessment.** The “Aviation Environmental Design Tool” (AEDT) was established as the FAA standard noise modeling program in YR 2012 (with Version 2b in YR 2014) and should have been used for this YR 2016 assessment.
- It appears that **the modeling reflects altitude information provided by the air traffic procedure design, rather than following a standard procedure profile, as is ordinarily done in aviation noise studies.** This assumes that aircraft continue climbing to higher altitudes rather than holding at lower altitudes if directed by air traffic control (ATC).
- **The model assumes a newer fleet for 2016 and 2021, retiring older noisier aircraft and replacing them with newer and quieter ones. This is highly speculative, and greatly biases the data by**

allowing small noise level improvements to offset substantial increases in traffic volume. That is, a 3-dB decrease in noise emissions computes the same DNL contribution when doubling the number of flights.

FAA Order 8260, "United States Standard for Terminal Instrument Procedures" (TERPS) requires a comprehensive environmental assessment. This is to include an air quality assessment (a modeling feature of the AEDT), effects on water resources and wildlife habitat, and other factors particular to the impact areas. The ATAC report is a cursory noise assessment employing dubious source information, using an obsolete noise model.

It is true that residents are more sensitive to aircraft noise in quiet areas such as the Santa Monica Mountains. The primary reason is the low-level background noise environment. Noise annoyance by intrusive events, such as aircraft flyovers, is closely related to the "signal-to-noise" ratio; that is the level of the intrusive noise relative to the background (or ambient) noise. The FAA only assesses the CNEL/DNL noise contribution from aircraft activity and ignores the effects of low ambient noise levels. However, it is well understood that noise intrusion into quiet areas creates a greater noise impact.

To make a fair assessment of the noise impact over the Santa Monica mountains, it is necessary to use supplemental noise metrics. The DNL or CNEL metrics enable FAA prediction of no significant noise impact with substantial increases in aircraft activity offset by minor reductions in individual aircraft noise levels. Further, these noise level reductions are predictions of future technology, not yet extant. **Supplemental metrics have been applied to aircraft noise studies over the past twenty years**, starting with the Department of Defense Noise Working Group Technical Bulletin, "Using Supplemental Noise Metrics and Analysis Tools", December 2009. **The noise consultants, HMMH, who chair the Burbank Airport Roundtable and other Roundtables are strong proponents of supplemental metrics. Two metrics most appropriate for the Santa Monica Hills area are "Time-Above (TA)" a specified sound level, and "Number of Events (NA)" a specified level.**

The community has documented many low-level flights over the mountain areas using flight track, airline, and altitude information from Flight Aware. This, when compared with their own ambient noise measurements of 30 dB – 40 dB, strongly suggest that the FAA Order 1050.1 criteria are exceeded. This is from aircraft activity never modeled or reported in the ATAC study.

Following are future actions for your consideration:

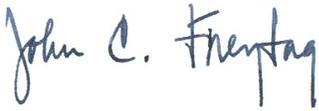
- Request an electronic copy of the ATAC Technical Report with data files in Excel readable format, and a copy of the input file to the NIRS noise modeling.
- Compute the DNL noise increases between 2013 and 2016, and 2013 and 2021 in Santa Monica Mountain areas.
- Provide technical input to legal counsel on the issue of environmental noise assessment.
- Provide additional service as you may recommend.
- Review the last FAR Part 150 noise compatibility report for Burbank Airport.
- Review reports from the Southern San Fernando Valley Airplane Noise Task Force and/or represent the Santa Monica mountains community on the Task Force.

The ATAC report suggests another case of strong FAA bias for the aircraft manufacturers and airlines over the resident concerns for quality of life and safety.

The FAA clearly regards the public as their enemy by making it impossible to identify their noise predictions at any particular location, and making the absurd, sweeping conclusion that there is no aircraft noise impact at any location in Southern California. We strongly support the bills by our legislators to mandate the FAA to fairly address aircraft noise.

This completes my preliminary review of Aircraft Noise Over the Santa Monica Mountains. Please contact me with questions or comments.

Very truly yours,



John C. Freytag, PE, INCE Bd. Cert.  
**Freytag & Associates, LLC**  
President and CEO

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[http://metroplexenvironmental.com/socal\\_metroplex/socal\\_media\\_library.html](http://metroplexenvironmental.com/socal_metroplex/socal_media_library.html)



## Adverse Impacts of Airplane Noise on Wildlife in the Eastern Santa Monica Mountains and San Fernando Valley

Recent re-routing of airplane flights in and out of Hollywood Burbank Airport and Van Nuys Airport have resulted in more planes flying at lower altitudes over the eastern Santa Monica Mountains and the San Fernando Valley. Impacts from these changed routes should be analyzed and mitigated as part of an environmental review process. Such review is necessary because: 1) noise pollution affects all groups of animals; 2) wildlife is even more sensitive than humans to noise pollution; 3) sensitive wildlife species are found in the area affected; and 4) substantial areas that have been protected for conservation are impacted.

### Noise Impacts All Wildlife Groups

A systematic review of 102 research studies across major groups of wildlife synthesized the size of the effects from noise [1]. They found that all wildlife groups are affected and that this extends to all species within those groups and is not simply a few species that are highly sensitive while other species are not sensitive. The implication of this research is that all species, including protected species, that are found in the areas of increased noise will be affected by the noise.

### Wildlife Species Are More Sensitive to Noise Than Humans

A separate summary of scientific studies from 1990 to 2013 showed adverse impacts of elevated sound levels on wildlife to be widespread and significant. Regardless of how sound was measured, a greater percentage of studies shows impacts on wildlife (dots, right) than the corresponding percentage of people who find that sound level annoying (solid line, right) [2]. A full 20% of studies documented adverse impacts on wildlife at sound levels less than 50 dBA. Noise can degrade habitat to such a degree that sensitive species are eliminated [3, 4]. On-the-ground measurements in neighborhoods in

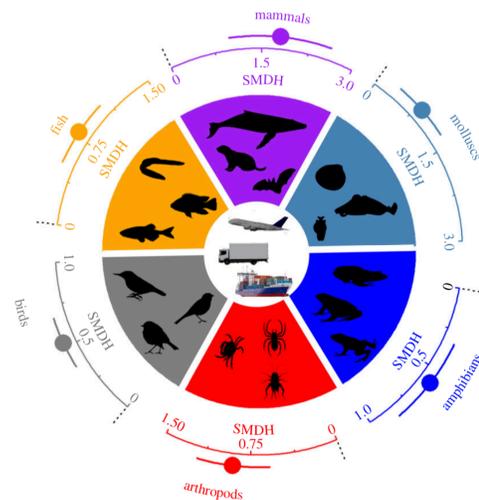


Figure 1. Standardized mean difference effect sizes for noise studies on fish, mammals, molluscs, birds, arthropods, and amphibians [1].

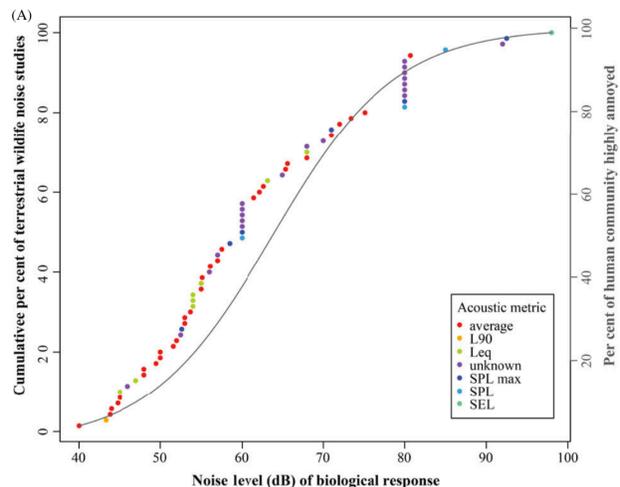


Figure 2. Cumulative percent of 131 studies showing biological impacts by noise level (dots) compared with annoyance reported by humans (line) [2].

the eastern Santa Monica Mountains document airplane noise in excess of 70 dBA, which is extreme and causes adverse impacts on wildlife [2].

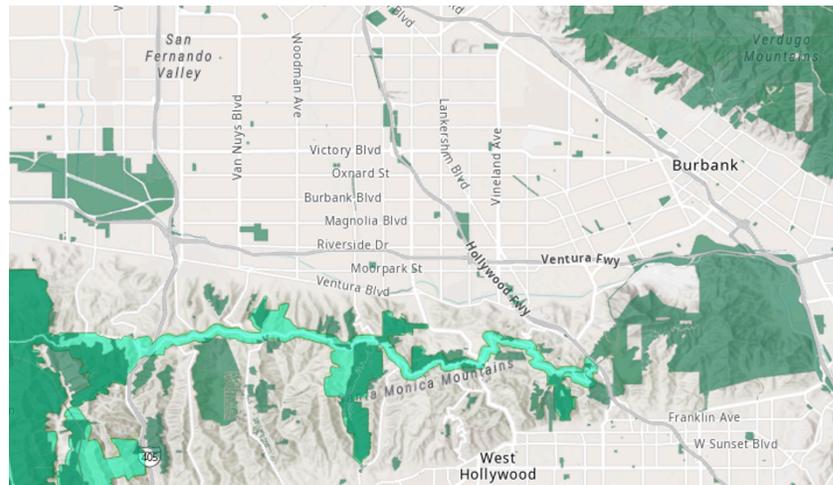
### ***Sensitive Wildlife Species Are Found in Areas Affected by Increased Noise***

The California Natural Diversity Database is a key resource for assessing whether a project in California might affect sensitive species. A search for the Burbank and Van Nuys map quadrangles returns 43 species of wildlife that are found in these areas that are most impacted by the increased airplane noise. These species include sensitive species and “watch list” species that all should be considered in environmental review. For example, the area includes 5 different sensitive bat species, which are vulnerable to noise disrupting their foraging through echolocation. Nesting and migratory birds are also included. Habitats for these sensitive species are found both in the Santa Monica Mountains and in the San Fernando Valley (e.g., in the Sepulveda Dam Basin and even in the trees in and airspace over neighborhoods).

### ***Extensive Areas Protected for Conservation Are Affected***

As increased and lower altitude airplane overflights are routed over the eastern Santa Monica Mountains and the southern San Fernando Valley, they impact large areas that are protected at least in part for the purpose of species conservation. Increased impacts on these lands requires additional scrutiny in that they were purchased and are managed for conservation and cumulatively represent a massive investment in federal, state, and local funds that is being undermined and wasted through degradation of species habitat through noise. These lands affected by Burbank and Van Nuys airports include extensive areas

of City parks, State conservancy land, the existing Santa Monica Mountains National Recreation Area, and especially the expanded Rim of the Valley extension to the National Recreation Area currently being studied. Programmatic changes that increase impacts on these lands must be subject to environmental review that allows for input and consideration of the concerns of the agencies that hold and manage these lands in public trust.



*Figure 3. Protected lands from the California Protected Areas Database (green) with the extent of the Santa Monica Mountains National Recreation Area (teal). The public investment in these lands for natural resource conservation is jeopardized by increased airplane noise.*

Travis Longcore, Ph.D.  
Conservation Chair  
January 10, 2020

1. Kunc HP, Schmidt R. The effects of anthropogenic noise on animals: a meta-analysis. *Biol Lett.* 2019;15(11):20190649.
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March 11th, 2021

Ms. Raquel Girvin  
Regional Administrator, Western-Pacific Region  
Federal Aviation Administration  
777 South Aviation Blvd., Suite 150  
El Segundo, CA 90245

Dear Ms. Girvin:

As you know, in recent years, many of our San Fernando Valley constituents have experienced dramatic changes in the noise impacts caused by flights taking off from and landing at both Hollywood Burbank Airport (BUR) and Van Nuys Airport (VNY). These changes have caused widespread public outrage and a massive spike in noise complaints regarding both airports.

In response to these concerns and complaints, the Burbank-Glendale-Pasadena Airport Authority (“BGPAA”) and Los Angeles World Airports (“LAWA”) formed the Southern San Fernando Valley Airplane Noise Task Force (“Task Force”). The mission of the Task Force was to provide a forum for representatives of communities that are currently being affected, and those that could potentially be affected, by aircraft procedural and operational changes related to aircraft noise in the southern San Fernando Valley and Santa Monica Mountains.

The Task Force consisted of elected representatives of the cities of Los Angeles, Burbank, Glendale, and Pasadena, together with four members of the House of Representatives and California’s two United States Senators. The Los Angeles City Council Members on the Task Force alone represent over one million constituents.

The Task Force conducted seven public meetings, received hundreds of public comments, and heard recommendations from many community-based organizations. The Task Force, working

with its consultant, spent hundreds of hours developing, evaluating, and debating dozens of potential corrective measures that could be taken by the airports, the airlines, and the FAA in order to give both immediate and longer-term relief to those residents who have been aggrieved by the changed noise impacts. The Task Force's efforts, in turn, built upon the thousands of hours of work of the many community organizations who have been so diligent in trying to find solutions. The Task Force's work product resulting from this extensive effort was a set of 16 recommendations that reflected the consensus of the voting members, and that consensus also appeared to have the uniform support of all of the Congressional offices.

We are therefore deeply disappointed at the FAA's utterly dismissive responses to all of the Task Force's recommendations. The FAA's responses repeatedly assert that the recommendations are, in the FAA's view, not feasible, and worse, in many cases, the FAA simply refuses to act. This obstinate refusal to address the very real impacts on the people we represent is entirely unacceptable to the undersigned Task Force members. The Task Force's recommendations were not narrowly prescriptive but, by design, were intended to invite actual problem-solving by the FAA. In short, the undersigned expect and demand that the FAA accept and implement the Task Force's recommendations to the greatest extent possible, or at least provide productive alternatives that achieve the same results.

According to the November 2, 2020 update on the FAA's own BUR Community Page, the FAA "continues to move forward on the Environmental Assessment (EA) for the proposed amendments to the OROSZ and SLAPP departure procedures at Hollywood Burbank Airport. ***The agency is considering recommendations from the Southern San Fernando Valley Airplane Noise Task Force as potential reasonable alternatives to the proposed amendments.*** The FAA has not made a final decision on the proposed amendments or any reasonable alternatives, including the no-action alternative." The FAA's responses to the Task Force, however, seem to make clear that the FAA is not "considering recommendations . . . as potential reasonable alternatives," but rather has completely rejected those recommendations out of hand.

As a general matter, we believe strongly that the SoCal Metroplex must be redesigned and repurposed. It should consider not only efficiencies in the airspace, but also the adverse physical, mental, and environmental impacts that people and communities on the ground suffer when aircraft are confined to a narrow path with little dispersion at very low altitudes.

The Task Force's final recommendations asked the FAA to avoid the standard bureaucratic non-response and instead to work with us and provide alternatives if a recommendation was found not feasible. It is not too late for the FAA to do so. As a body, the Task Force had the limited role of developing the recommendations, and that work is complete. Nonetheless, each of the undersigned, individually and collectively, will continue to use all means available to us to ensure that our constituents' concerns are addressed.

Enclosed with this letter are the original 16 recommendations from the Task Force along with various letters from the local airport authorities, members of Congress, community groups, and the responses from the Federal Aviation Administration. We continue to encourage the FAA to thoughtfully and thoroughly review the proposed solutions recommended by the Task Force and by the community organizations and report back with an implementation timeline, and or viable alternatives, within 60 days.

Very truly yours,



PAUL KREKORIAN  
Los Angeles City Council, 2nd District  
Vice-Chair, Southern San Fernando Valley  
Airplane Noise Task Force



PAUL KORETZ  
Los Angeles City Council, 5th District  
Member, Southern San Fernando Valley  
Airplane Noise Task Force



NITHYA RAMAN  
Los Angeles City Council, 4th District  
Member, Southern San Fernando Valley  
Airplane Noise Task Force

cc: Steve Dickson, Administrator, Federal Aviation Administration

Enclosures:

5-28-20 Task Force Recommendations and Letter

06-08-20 Final Task Force Member Recommendations With Addendum 6.8.2020

6-11-20 FAA Response Letter

7-21-20 Los Angeles World Airports Response Letter

7-27-20 Letter form Members of Congress: Schiff, Sherman, & Lieu

7-28-20 FAA Response Letter

8-4-20 Letter from Senators Feinstein & Harris

8-17-20 Burbank Glendale Pasadena Airport Authority Response Letter

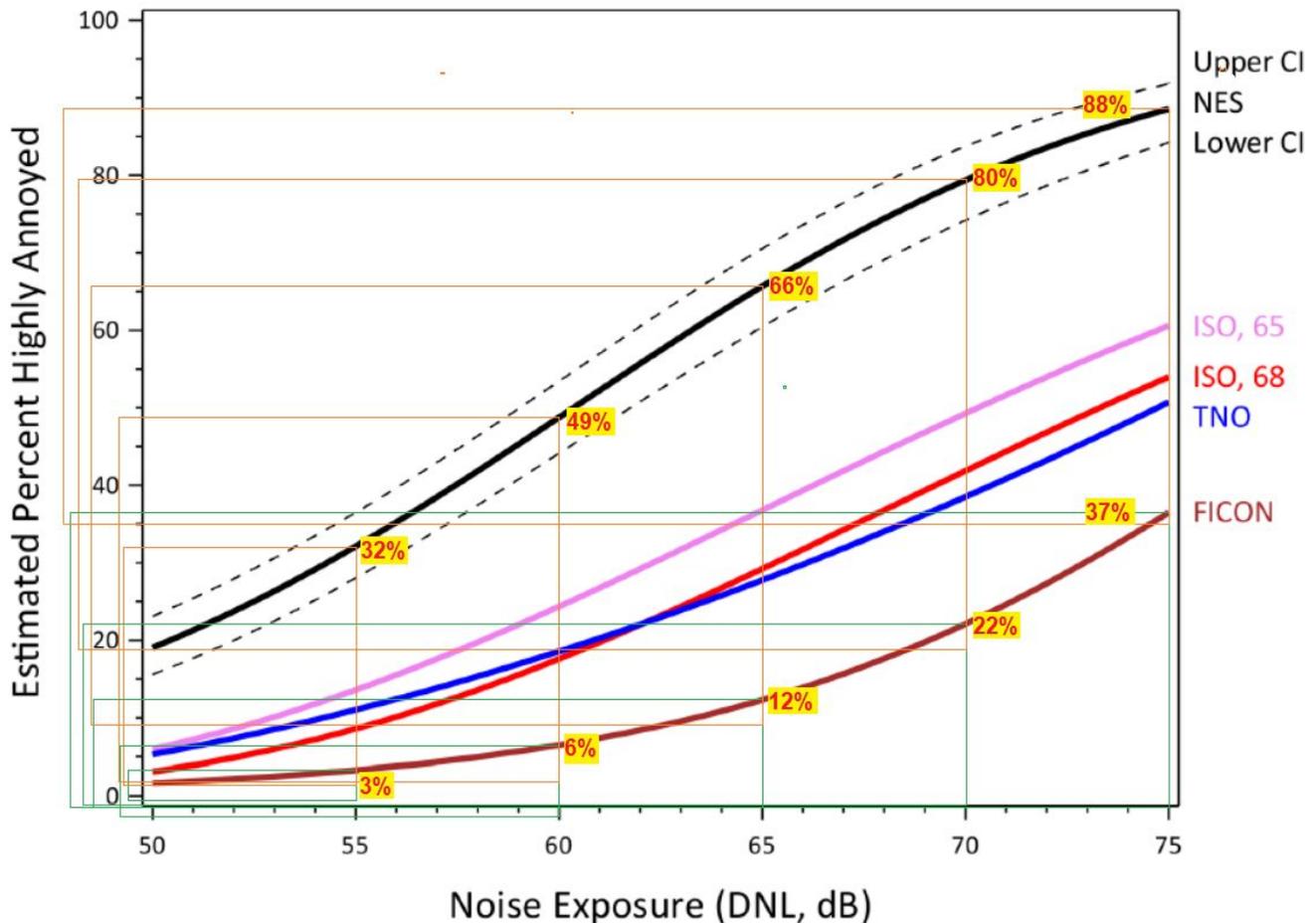
9-1-20 FAA Response Letter

10-8-20 Letter to FAA Regarding IFP Gateway Submittal for VNY Departure Patterns

2-8-21 Letter from Studio City for Quiet Skies, UproarLA, & Sherman Oaks and Encino for Quiet Skies

# EXHIBIT 5

The following graphic was produced to compare ‘noise annoyance’ for the traditional FICON analysis versus the recently reported NES analysis. It is a screen-captured copy of the graph from page 53 (at PDF-page 75 of Volume 1). Thin green boxes have been added to clearly identify FICON estimates at the 55-, 60-, 65-, 70-, and 75-dB DNL exposure levels; thin orange boxes have been added to clearly identify NES estimates at the same 55-, 60-, 65-, 70-, and 75-dB DNL exposure levels.



What does this graph show?

1. The second paragraph of the NES ‘Executive Summary’ (at PDF-page 15) starts off with this sentence: “*The Federal Interagency Committee on Noise (FICON) performed the most recent in-depth US Government agency review of human annoyance to noise in 1992.*”
2. So, think of it this way: FICON represents the 1992 estimate of noise impact, while NES attempts to quantify an ‘updated FICON estimate’ using data collected in 2015.
3. NES reveals an enormously higher percent of people are ‘highly annoyed’ by aviation noise. At 55 dB DNL, the 3% highly annoyed in 1992 increased to 32% highly annoyed in 2015. At 60 dB DNL, the 6% highly annoyed in 1992 increased to 49% highly annoyed in 2015. Similarly, at 65-, 70-, and 75-dB DNL exposure levels, the estimates all increased, from 12% to 66%, from 22% to 80%, and from 37% to 88%, respectively.
4. **KEY CONCLUSIONS:** aside from how suspect the DNL metric is (so why use it as a basis for estimating citizen annoyance?), there is strong evidence that noise impacts have been severely under-reported and under-estimated. Is it time for a new metric that emphasizes impacts by repetitive and concentrated flight routes? Is it time for FAA to adopt regulatory guidelines (including flight procedures) that protect citizens from excessive aviation noise?

Press Release – FAA To Re-Evaluate Method for Measuring Effects of Aircraft Noise

For Immediate Release

May 7, 2015

Contact: Laura Brown

Phone: (202) 267-3883; Email: laura.j.brown@faa.gov

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**WASHINGTON** – The U.S. Department of Transportation’s Federal Aviation Administration (FAA) will soon begin work on the next step in a multi-year effort to update the scientific evidence on the relationship between aircraft noise exposure and its effects on communities around airports.

“The FAA is sensitive to public concerns about aircraft noise. We understand the interest in expediting this research, and we will complete this work as quickly as possible,” said FAA Administrator Michael Huerta. “This Administration takes its responsibility to be responsive to communities’ concerns over air noise seriously. Our work is intended to give the public an opportunity to provide perspective and viewpoints on a very important issue.”

Beginning in the next two to three months, the FAA will contact residents around selected U.S. airports through mail and telephone to survey public perceptions of aviation noise throughout the course of a year. This will be the most comprehensive study using a single noise survey ever undertaken in the United States, polling communities surrounding 20 airports nationwide. To preserve the scientific integrity of the study, the FAA cannot disclose which communities will be polled.

The FAA obtained approval from the Office of Management and Budget last week to conduct the survey and hopes to finish gathering data by the end of 2016. The agency will then analyze the results to determine whether to update its methods for determining exposure to noise.

The framework for this study was developed through the Airports Cooperative Research Program (ACRP), which is operated by the Transportation Research Board of the National Academies of Sciences. This methodology will be used to determine whether to change the FAA’s current approach, as well as consideration of compatible land uses and justification for federal expenditures for areas that are not compatible with airport noise.

Aircraft noise is currently measured on a scale that averages all community noise during a 24-hour period, with a ten-fold penalty on noise that occurs during night and early morning hours. The scientific underpinnings for this measurement, known as the Day-Night Average Sound Level (DNL), were the result of social surveys of transportation noise in the 1970s.

In 1981, the FAA established DNL 65 decibels as the guideline at which federal funding is available for soundproofing or other noise mitigation. This method was reaffirmed in studies conducted during the late 1980s and early 1990s.

During the ensuing years, aircraft manufacturers incorporated technologies that resulted in dramatically quieter aircraft. However, residents around many of the largest U.S. airports have expressed concerns about aircraft noise associated with the continuing growth of the aviation industry. The FAA is taking an updated look at its approach for measuring noise as part of an ongoing dialogue with stakeholders, including communities and leaders of a number of cities across the nation.

If changes are warranted, the FAA will propose revised policy and related guidance and regulations, subject to interagency coordination, as well as public review and comment.

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