



BRAD SHERMAN
UNITED STATES CONGRESS

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PH: (202) 225-5911
FAX: (202) 225-5879

Hon. Michael Whitaker
Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 2-591-0004

Ms. Larri Frelow
Community Engagement Officer
Southern California/Arizona
Office of the Regional Administrator (AWP-1)
FAA Western-Pacific Region
777 S. Aviation Blvd., Suite #150
El Segundo, CA 90245

Federal Aviation Administration
Operations Support Group
Western Service Center
2200 S. 216th Street
Des Moines, WA 98198

Re: Draft Environmental Assessment (EA) for the Proposed Settlement Agreement Departure Procedure Amendments for Bob Hope "Hollywood Burbank" Airport.

Dear Administrator Whitaker and Ms. Larri Frelow,

In December 2023, the FAA released the Draft Environmental Assessment (EA) for the Proposed Settlement Agreement Departure Procedure Amendments for Bob Hope "Hollywood Burbank" Airport (BUR). I am writing today on behalf of my constituents in the San Fernando Valley and the Santa Monica Mountains to express my concern that this much awaited EA offers no practical option which will undo the daily injury to quality of life caused by the FAA's previously implemented SLAPP TWO and OROSZ TWO flight procedures. Forced to determine the lesser evil among the proposals presented, only Alternative B appears to provide the opportunity for even minimal relief.

It is important to remember that the proposed Departure Procedure Amendments described in this EA were prompted by the work of the Southern San Fernando Valley Airplane Noise Task Force ("Task Force") of which my office was a non-voting participant and the "Settlement Agreement" entered by the FAA with two local Homeowners Associations. Importantly, the advocacy of both parties originated in opposition to the FAA's previous relocation of flights (along with attendant noise and pollution) without environmental review. This was also the



substance of the litigation brought by the City of Los Angeles in 2019, only to be dismissed on procedural grounds.

In chorus, the community has advocated for mitigation of the concentrated “Southern Shift” in flight paths which resulted from the FAA’s actions. Adjusting procedures to approximate historic flight paths remains both the advocacy of Hollywood Burbank Airport and Recommendation #1 of the Task Force.

It is disheartening to see the FAA discard this objective outright, citing “changed circumstances.” It is all the more injurious when you consider that these changes were made by the FAA, without advance notice, environmental review, or community input.

Also troubling, the FAA’s analysis of the proposed procedures makes the familiar mistake of employing the inaccurate and ineffective Day-Night Average (DNL) metric to evaluate the anticipated noise suffered by the community below a given flight path. This same faulty metric was used to grant “Categorical Exclusion” (CATEX) to the SLAPP TWO and OROSZ TWO flight procedures in the first place. That this initial finding of “No significant Impact” was inaccurate is made clear by the thousands of residents in the San Fernando Valley and Santa Monica Mountains who rose up after it was implemented, organizing a Task Force which held public meetings over the course of nine months to address the injuries that followed the procedure’s implementation. As I have cited in previous correspondence, the Government Accountability Office completed a review of the DNL metric in 2021, concluding that it “do[es] not provide a clear picture of the flight activity or associated noise levels at a given location.” Moreover, Congress has offered its own directive, included in the FY23 Transportation, and Housing and Urban Development, and Related Agencies appropriations bill, which expressly instructs the FAA to reexamine these noise metrics.

Seeking not to undo the damage already done and continuing to evaluate departure procedure options with the same mistaken metrics that created the problem, the FAA has offered the community seeking relief a three-way Hobson’s choice. The community may continue to suffer the current injury of the FAA’s actions with a “No Action” Alternative. Or they may suffer similarly under Alternative A, which the EA admits “will not materially change from current operations.” Or the same injury may result from Alternative B, of which the EA notes, “when compared to the No Action Alternative, functional differences in how aircraft are expected to depart BUR are modest in Alternative B.”

Forced to choose, only Alternative B offers some hope for a modicum of relief. As the EA notes, “requiring aircraft to climb at a higher rate than the current procedure has the potential to ensure that aircraft gain altitude as quickly as practicable.” Even here the EA manages expectations, going on to report that the “operational feasibility” of this modification, “has not been determined at the time of the production of the EA.”

In summary, the proposed departure procedures presented in the EA fail to satisfy the reason for which they are under consideration. None address the “Southern Shift” in flight paths out of Burbank Airport, which continues to have detrimental impact on the environment and quality of life in the San Fernando Valley and the Santa Monica Mountains. Instead, citing faulty metrics,

they offer only marginal variations of current departure procedures, which themselves have never undergone NEPA review.

I stand ready to work with the FAA to advance the consideration of a broader set of strategies to address the situation it has created. To this, I and many of my colleagues in the House and Senate continue to urge the FAA to take immediate action to disperse air traffic, raise aircraft altitudes, and enforce nighttime curfews.

You may reach John Alford in my district office at 818-501-9200 or john.alford@mail.house.gov if you have any questions or comments about the foregoing.

Sincerely,



BRAD SHERMAN

Member of Congress