

February 22, 2021

Secretary Pete Buttigieg
Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

Cc: Congressional Quiet Skies Caucus (*Members listed [here](#)*)

RE: FAA NextGen Is Destroying American Neighborhoods

Dear Secretary Buttigieg,

When Congress first authorized the FAA NextGen program in 2003, the need for an upgrade appeared to make sense. As air traffic numbers were increasing in American skies, the FAA presented to Congress the need for modernization of the current air traffic system to ensure ongoing safety and efficiency.

Unfortunately, FAA's NextGen program did not yield the anticipated "overhaul" of American air traffic system as Congress intended, but rather it allowed the airlines to essentially write their own rules and take shortcuts to increase efficiencies that were most profitable to them at the cost of millions of Americans on the ground.

The noise is relentless and the airplanes are flying at low altitudes over schools, homes, hospitals and parks that have never experienced such high frequency air traffic. Even worse, the FAA allowed this to happen without adequate public notice or comment. Communities were blindsided and left holding the bag.

We are the Americans who live 10, 20, 30, 40+ miles from an airport. We can no longer open the windows to our homes. We can no longer sit in our own backyards and enjoy five minutes of peace.

To be very clear, we did not move near the airport and now complain about noise. We are not hypersensitive individuals.¹ We do understand that airports provide an economic benefit. *What we do not understand is why the FAA allowed the airlines to completely take over the NextGen planning process to such an extent that every benefit ultimately realized was for the airlines at the expense of the millions of Americans on the ground.*

Unlike the airline industry, we don't have 48 million dollars + a year to spend on lobbying². We are the Americans who exist outside closed-door meetings between the airline industry and the FAA, yet we are

¹ <https://nextgenrelief.org/myth-vs-reality/>

² In 2019 alone, Boeing, Northrop Grumman, Delta, United, Southwest, American Airlines, JetBlue and Airlines For America spent almost 48 million dollars in lobbying expenditures. This figure does not represent the full scope of aviation industry lobbying, as it does not include the thousands of other aviation interests (avionics manufacturers, local airport authorities, etc.) that lobby Congress. Source: www.opensecrets.org.

left to suffer the consequences when the airlines are allowed to serve their shareholders first at the expense of our families health and well-being.

Once NextGen flight paths were implemented and communities began an outcry due to the relentless air and noise pollution³ to which they were being subjected, the FAA promised to convene “community roundtables” to hear concerns and discuss possible changes. Now, years later and thousands of hours of community meetings later, the FAA has made very few meaningful changes to NextGen flight paths⁴.

Before a quick overview of why the FAA NextGen’s three main promises of safety, efficiency and emissions reductions are misleading, a few facts on the FAA NextGen program. Since implementation of the first NextGen routes in Phoenix, Arizona⁵:

- **Litigation** – FAA’s NextGen has resulted in multiple lawsuits against the FAA. Cities and states across America have had to pick up the legal tab in fighting the FAA to try and preserve some kind of quality of life for their citizens. Due to a very short 60-day statute of limitations, most courts have refused to hear these cases. As the litigation landscape has unfolded, it’s become increasingly clear the FAA was absolutely counting on this very short 60-day statute of limitations so that communities would barely know what hit them before the window to seek legal redress had closed.⁶
- **Community Complaints** – Since the implementation of FAA’s NextGen, noise complaints have skyrocketed. Airports that used to only get 15-20 noise complaints a year are suddenly getting in excess of 100,000 complaints a year. Yet the FAA continues to insist that nothing has changed, and that NextGen routes have “no significant impact” on communities.⁷
- **Congress Has Repeatedly Asked For FAA NextGen Relief** – Since 2016 Congress has written at least fifteen separate letters to the FAA asking the FAA to start fixing problems with NextGen – but to date the FAA has done very little. Very few FAA NextGen flight path tweaks have occurred despite over 15 Congressional requests.⁸
- **American Citizens Have Been Begging Their Local Elected Officials For Relief, But Only Congress or the Administration Can Offer Relief** – Airspace is strictly regulated by the federal government via the FAA, and state and local officials have little to no recourse when dealing with airspace problems. Their only options are to essentially beg the FAA to do something to help, something which the FAA has increasingly made clear they have little intention of doing.⁹

³ An example of what it’s like to live under a FAA NextGen flightpath: <https://www.youtube.com/watch?v=LcoYu3uMGFQ&feature=youtu.be>

⁴ Starting 12/31/20, the FAA did agree to a modification of a flight path out of DCA. The original request for the modification came from the Secret Service and not the community, but the FAA did agree to modify a flight path to both satisfy Secret Service concerns and to mitigate some noise in the region. The FAA has made a few small tweaks to a few other NextGen flight paths in Lake Arrowhead, California and Phoenix, Arizona (and in Phoenix only because they lost a court case), but these small changes have provided no relief for the vast majority of Americans living underneath these channelized flight paths. FAA NextGen is designed to pound the same communities with air and noise pollution for over 18 hours a day - small tweaks are not going to provide relief. The small tweaks the FAA has agreed to seem mainly designed to get Members of Congress and local elected officials to stop asking the FAA for real relief for their constituents.

⁵ It’s somewhat unclear if the first FAA NextGen flight path started operating in Phoenix, Arizona or Minneapolis, Minnesota, but either way, Phoenix, Arizona appears to be the first city to sue the FAA over NextGen.

⁶ <https://nextgenrelief.org/a-litigation-timeline/>

⁷ <https://nextgenrelief.org/community-response/>; As an example, at ORD in Chicago there were 968 noise complaints in February 2010, post NextGen in February 2018 there were 33,499 noise complaints.

⁸ <https://nextgenrelief.org/congress-and-nextgen/>

⁹ <https://nextgenrelief.org/state-letters-to-faa/>

- **The FAA Is A Captured Agency.** At this point in history, Congress and the American people are well aware that there is a problem between the revolving door that is the aviation industry and the FAA. In fact, it's this overly cozy relationship between the regulator and the regulated that was cited as a contributing factor in the horrific Boeing 737 Max crashes.¹⁰ While the FAA isn't the only federal agency susceptible to the temptations of regulatory capture, it does appear the relationship between the aviation industry and the FAA is particularly cozy. The FAA has a mandate to promote safety and efficiency of the national airspace, but it does not have a license to do so at the expense of American people on the ground.

THE FAA'S JUSTIFICATIONS FOR NEXTGEN DO NOT WITHSTAND SERIOUS SCRUTINY

Thus far, it does not appear that there has been a serious examination of the FAA's three main claims as to why NextGen is needed. Below is a quick discussion of three main rationales for NextGen: safety, efficiency and emissions reductions.

- **The FAA Has Repeatedly Told Congress NextGen Is About Safety, But It Is Actually About Putting More And More Airplanes In The Skies.**

The FAA's claim of safety really does not appear to have ever gotten serious scrutiny. By all accounts, fatal airline accidents both domestically and globally had been declining sharply for years due to a multitude of improvements in aviation safety.¹¹ These steady declines in fatal airline accidents happened well before the NextGen flight paths were ever implemented.

The NextGen program was first proposed in 2003. Given the fact that 2003 was an exceptionally safe year for aviation globally and domestically, and the fact that the aviation industry had already been showing steady declines in fatal airline accidents for the decades preceding NextGen, how did the FAA manage to get billions of dollars (over \$35 billion and counting) from Congress (and taxpayers) to deal with "safety" concerns? Safety is of course paramount, but safe compared to what?

In fact, Congress itself pointed this out to the FAA in a 2019 letter requesting NextGen relief:

*"The FAA claims that other operational benefits such as increased safety have also been achieved, but, according to the report, this claim remains unsubstantiated because the FAA has not established a process to measure or track these additional operational benefits because **it states these benefits are difficult to quantify**. It is also important to note that the FAA has yet to quantify the harm to health and property that the NextGen program has created for residents and wildlife living beneath concentrated flight paths."¹²*

- **The FAA Also Claims NextGen Is About Improving Aviation Efficiency.**

¹⁰ [BOEING 737 MAX](#)

¹¹ <https://aviation-safety.net/graphics/infographics/Fatal-Accidents-Per-Year-1946-2019.jpg>

¹² <https://nextgenrelief.org/wp-content/uploads/2020/01/12.20.19-Bicameral-letter-to-FAA-re-IG-Report.pdf>; The report from the DOT's Inspector General On FAA NextGen - https://www.oig.dot.gov/sites/default/files/FAA%20Metrolplex%20Program%20Final%20Report%5F08-27-19_0.pdf

That promise is an interesting one, as the term efficiency is just vague enough to be defined in the way that best suits the definer. FAA promises of aviation efficiency seems to mainly be about the airlines saving money on fuel, which is odd, given that the Department of Transportation's own Inspector General's Office found that the fuel savings generated by the program had fallen far below projections.¹³

The on-time arrival averages from six airports that implemented NextGen flight paths (BOS, DCA, JFK, LAX, ATL and ORD) show that from 1989 through 2009 the on-time arrivals averaged 77.6%; from 2010 to present they averaged 81.2%.¹⁴ So, post-NextGen, on-time arrivals increased less than 4%. It's also interesting to note that beginning in 2010 on-time arrivals across all six airports started to show more consistency, which was before NextGen flight paths were even rolled-out at many airports.

Even if on-time arrivals have improved marginally due to NextGen, is it worth the severe toll on public health for the millions of people living under these inhumane flight paths? Marginal efficiency for the airlines at the expense of millions of Americans on the ground is not an acceptable trade-off.

- **False Claim: FAA NextGen is Necessary To Reduce Harmful Emissions.**

For the victims of the relentless 18+ hours a day of air and noise pollution inflicted on them by NextGen, this claim from the FAA is a masterclass in aviation greenwashing. There are so many problems with this claim that they can't all be addressed here, but the highlights include:

1. **False Claim: FAA NextGen's Concentrated Flight Paths Result In Net Reduced Carbon (Greenhouse Gas) Emissions.**

The FAA told Congress that NextGen's highly concentrated flight paths were necessary to cut carbon emissions. *What the FAA and the airlines conveniently left out was that they were going to be using these new flight paths to greatly increase the number of planes in the sky.* Whereas flightpath dispersion spread out flights across a wider area, NextGen promised to bring flights into airports in much tighter spacings, at much lower altitudes.

Translation = Whereas the airlines could only previously have landed a hypothetical 100 planes in an hour at a busy airport, they could now land 130 planes in an hour¹⁵. To the FAA and the airlines, more direct routes near airports "reduces" carbon emissions. *However, there is no net reduction in carbon emissions in the way NextGen operates – it is a net increase in carbon emissions.* If you can suddenly land 130 planes in an hour when you could have only previously landed 100, there is no math in the world by which that will net-out to an overall reduction in carbon emissions, even if some planes are equipped with more efficient engines.

2. **Overlooked Dangers: Ultra-Fine Particulate (UFP) Emissions From Airplanes Are Increasingly Shown To Be Harmful To People.**

¹³ https://www.oig.dot.gov/sites/default/files/FAA%20Metroplex%20Program%20Final%20Report%5E08-27-19_0.pdf

¹⁴ All data from the United States Department of Transportation - Bureau of Transportation Statistics.

¹⁵

The truth is short of a truly revolutionary development in long-range electric aircraft and or true biofuels (i.e. not the current "biofuels" that a lot of airlines are using that are really only a single digit of "bio" – the rest is just regular jet fuel), the exponential growth of passenger and cargo flights is going to keep the aviation industry a growing net creator of carbon emissions year-over-year. [Fact Sheet: The Growth in Greenhouse Gas Emissions from Commercial Aviation | White Papers | EESJ](#)

UFP emissions are extremely harmful¹⁶. What does that mean for the millions of Americans being subjected to concentrated airplane UFP emissions for over 18 hours a day due to NextGen? Remember, NextGen is bringing in MORE airplanes at much lower altitudes than before. The emissions are more concentrated than before. How harmful is this to Americans living under these concentrated flight paths? The FAA doesn't know, because they didn't have to study it. A lot of the NextGen roll-out was exempted from environmental review.

There are multiple ways the airlines could have begun to cut emissions – increased use of true biofuels, more fuel-efficient aircraft, fewer flights, research and investment in hybrid and/or electric airplanes, etc. But all of these initiatives would have cost airlines money, and airlines didn't want to spend money. They wanted to produce the quickest results at no cost to them – but at enormous cost to American taxpayers on the ground¹⁷. Congress pointed this out in their December 20, 2019 letter to the FAA:

“The FAA boasts profits for airlines, shipping companies, and other industry stakeholders, but the burdens of noise, health risks and declining property values falls on the backs of hard working Americans.”¹⁸

Why do Americans on the ground have to pay for airline profits with their health and their children's health?¹⁹

Conclusion

The FAA NextGen program is destroying American neighborhoods, and despite years of promises and thousands of hours of community meetings, the FAA has done almost nothing. They've done almost nothing despite millions of complaints from Americans, over fifteen letters from Congress asking for fixes to NextGen, and multiple requests from state/city attorneys general, Governors, and local elected officials. It seems that if the airlines don't want it, the FAA isn't going to do it.

We can no longer sleep uninterrupted without being bombarded with plane noise that wakes us up in the morning and prevents us from sleeping at night. We can no longer watch TV in our homes without the grinding of airplane engines in our living rooms. We can no longer walk our dogs down our own neighborhood streets without airplanes screaming by so closely that we can read the aircraft numbers off the fuselage. **NextGen is hell for our families.**

We are the Americans who have had our neighborhoods destroyed. We are begging you for some relief. Please direct the FAA to start actually implementing fixes to NextGen. No more broken promises, no more subterfuge and no more blind obedience to industry directives – it's time for action. Actions could include:

¹⁶ [The health effects of ultrafine particles | Experimental & Molecular Medicine; Emissions from an international airport increase particle number concentrations 4-fold at 10 km downwind](#)

¹⁷ So long as noise and emissions are “free” to the airlines, they will continue to drum up demand with such offers as \$39 fares as Southwest Airlines does regularly. Increased capacity in airspace can be sold as a growth opportunity to attract shareholders and increase stock prices - because the airlines aren't having to pay the true cost. Millions of Americans on the ground are subsidizing the airlines, even those who choose not to fly.

¹⁸ <https://nextgenrelief.org/wp-content/uploads/2020/01/12.20.19-Bicameral-letter-to-FAA-re-IG-Report.pdf>

¹⁹ <https://nextgennoise.org/images/FAA-Funded-Study-Hospitalization-statistically-significant-from-aircraft-noise-exposure.pdf>

- Increase representation of community interests on the Federal NextGen Advisory Committee (NAC), which is currently composed of 29 high-level industry executives and ONE token community representative who has no power.²⁰
- Create a separate DOT advisory committee composed of representatives from communities affected by NextGen to advise the Secretary of Transportation directly on actions that would help. The FAA has proven it will not work against the airlines - the American victims of NextGen need a voice directly to the DOT separate from the FAA.
- Require the FAA to start working directly with outside aviation consultants hired by communities seeking to fix FAA NextGen flight paths. Communities are footing these aviation consultants at their own expense, as the FAA has refused to help without them.
- For the White House Council on Environmental Quality, an action to support reinstatement of funding for the EPA Office of Noise Abatement and Control, which has not been funded since the 1980s.
- Request that the National Academies of Medicine convene a committee of experts in health and environmental science to examine the health impacts of air traffic noise and pollution and prepare a corresponding Expert Consensus Report that sets forth current scientific knowledge relating to the various health impacts of air traffic noise and pollution.

There are many possible solutions to some of the problems created by NextGen – helpfully, many of the solutions available could be facilitated using the same technology that makes NextGen possible. Ensuring that the FAA is no longer operating for the sole benefit of the airline industry at the expense of Americans on the ground would be a great start. But thus far, the FAA and the airlines refuse to do much of anything that doesn't work solely for the airlines.

Please make the FAA work again on behalf of the American people and the aviation industry – not just the aviation industry.

We need your help. Thank you for your time and attention.²¹

Sincerely,

NATIONAL
NextGenRelief
Aviation Impact Reform

²⁰ The current composition of the NAC brings to mind the old joke of several wolves and one sheep discussing what's for dinner.

²¹ While NextGen is the FAA's name for its performance based navigation (PBN) program, PBN has become a problem across the globe as citizens in the UK, Canada, Australia, etc. have begun to push back hard against their own aviation regulators for the destruction PBN has brought to their neighborhoods. While NextGen metroplex redesign problems have been most prevalent in large metropolitan areas due to volume, many smaller airports around the country use PBN, which has resulted in the same air and noise problems in those communities. The fundamental problem appears to be that the FAA does not really care what impact PBN has on the communities underneath these flight paths, and always considered those Americans to be collateral damage for the airlines.

ARIZONA

Scottsdale Coalition For Airplane Noise Abatement (SCANA), Scottsdale, Arizona

CALIFORNIA

Burbank For Quiet Skies, Burbank, California

Quiet Skies La Jolla, San Diego, California

Santa Clarita For Quiet Skies, Santa Clarita, California

Save Our Skies, Monterey County, Monterey, California

Sherman Oaks And Encino For Quiet Skies, Sherman Oaks And Encino, California

Studio City For Quiet Skies, Studio City, California

UproarLA, Los Angeles, California

Montgomery-Gibbs Environmental Coalition, San Diego, California

FLORIDA

Sky Justice Miami, Miami, Florida

ILLINOIS

Fair Allocation In Runways (FAiR), Chicago, Illinois

MARYLAND

Montgomery County Quiet Skies Coalition, Montgomery County, Maryland

Southern Maryland Fair Skies Coalition

NEW YORK

NextGenNoise

Stop the Chop NY NJ²²

MASSACHUSETTS

Hull Neighbors For Quiet Skies, Hull, Massachusetts

²² Note that while Stop the Chop NY NJ is specifically about helicopter noise and not FAA NextGen, this group has also been working with several members of the Congressional Quiet Skies Caucus to try and get the FAA to address aviation noise problems in NJ and NY to no avail.