

## DRAFT BABCNC LETTER

### To Request That the Southern San Fernando Valley Airport Noise Task Force Forcefully Rebut the FAA's September 1, 2020 Letter to the Task Force

- Whereas, over 125,000 residents in neighborhoods south of Burbank (BUR) and Van Nuys (VNY) Airports, including tens of thousands of residents south of Mulholland Drive from Laurel Canyon to Sepulveda Boulevard in the Bel Air Beverly Crest Neighborhood Council area, have been severely impacted by the dramatic increase in flights traveling farther south and west as a result of FAA's NextGen procedures implemented in 2017 and 2018;
- Whereas, the recommendations submitted to FAA by the Southern SFV Airport Noise Task Force that offered possible solutions have been for the most part rejected by FAA in a September 1, 2020 letter to the Task Force;
- Whereas, the responses in FAA's September 1 letter were based on a cursory review, mischaracterized the intent of the Task Force recommendations, appear to contain factual errors and lack of technical analyses, and/or lack substantiation for being deemed operationally infeasible or requiring no further action;
- Whereas, despite these flaws the Task Force has yet to respond in writing to the FAA;
- Therefore, the BABCNC hereby requests the Task Force take the following action:
  - That the Task Force send a strong response letter to FAA's letter. We attach the email letter to the Task Force from Advocates for Viable Airport Solutions dated October 22, 2020 as an example of some suggested rebuttals to FAA.

**From:** Robert Bramen <[rhbramen@gmail.com](mailto:rhbramen@gmail.com)>

**Subject:** Advocates for Viable Airport Solutions Suggested Responses to FAA 9/1/2020 Letter

**Date:** October 22, 2020 at 7:51:59 AM PDT

**To:** [taskforce@bur.org](mailto:taskforce@bur.org)

It has been over seven weeks since the SSFV Airport Noise Task Force (TF) received FAAs letter with responses to the 16 TF recommendations. Many of the FAAs responses reflected only a cursory review, and in many cases an overly narrow interpretation of the recommendations. As such the responses either lacked sufficient technical analyses, contained mischaracterizations and/or appear to be factually incorrect.

Yet with all these flaws we have heard of no effort on the part of the TF to push back on the FAAs 9/1/2020 letter.

We urge the TF to forcefully respond to the FAAs letter. To assist in that regard we provide the following suggested rejoinders:

**TF Recommendation 1:** Immediately restore the Hollywood Burbank Airport (BUR) Runway 15 departure flight tracks to 2007 conditions without implementing a new procedure.

**Summary of FAA Response:** Conditions that resulted in the 2007 BUR departure flight tracks no longer exist. Changed circumstances prevent a return to those conditions.

**Suggested TF Rebuttal:** FAA interpreted the Task Force (TF) intent too literally. The TF understands that some conditions have changed since 2007 that make it more challenging for ATCs to turn planes as soon as in 2007. The TF request is that turns be made much earlier than they are now using whatever measures the FAA is capable of bringing to bare. Also, the request was not to return to conventional procedures but to modify the initial vector and open portion of current SIDs. Alternatives that reflect these goals should definitely be included in the EA for revised SLAPP THREE and OROSZ THREE procedures. In the interim, temporary measures that maximize earlier turns should be put in place immediately.

**TF Recommendation 2:** Immediately stop the use of the procedure with the PPRRY Waypoint.

**Summary of FAA Response:** Immediately stopping use of PPRRY waypoint would require return to conventional procedures and would increase complexity in Southern California airspace.

**Suggested TF Rebuttal:** This recommendation applies to VNY, and is being addressed by LAWA.



**TF Recommendation 3:** Immediately increase the climb gradient for departure procedures at BUR and VNY to the maximum gradient allowable without waivers.

**Summary of FAA Response:** Climb gradient higher than 500' per NM must be for avoiding an obstacle.

**Suggested TF Rebuttal:** FAA acknowledged that air carriers at BUR are currently climbing at gradients closer to 1,000' per NM, and conceded that steeper minimum climb gradients are technically feasible by including steeper climb gradients than 500' per NM in the Benedict Hills Settlement Agreement for BUR, and in their "notional" proposals for VNY.

**TF Recommendation 4:** Conduct a study to determine how to obtain the lowest noise levels from aircraft departures from BUR Runway 15 and VNY Runway 16R through increased climb gradients, noise abatement departure profile (NADP) procedures, de-rated takeoff procedures, or a combination of the three alternatives.

**Summary of FAA Response:** Several aspects of this recommendation could potentially be accomplished by LAWA or BGPAA through Part 150 processes.

**Suggested TF Rebuttal:** FAA's response that calls for a Part 150 Study to address specific actions that might reduce noise levels misses the TFs intent. The TF request is that the FAA include alternatives in the EA which incorporate actions known to the FAA that individually or in combination could serve to reduce and/or balance noise impacts to current and potentially impacted communities. The TF members are not aviation experts and are therefore requesting that the FAA not just tell us what doesn't work but instead focus on using their unique in-house expertise to define suitable alternative(s) that meet the intent of the TF recommendations.

**TF Recommendation 5:** TF opposes FAA's proposed changes to SLAPP and OROSZ departure procedures and requests FAA design and implement a procedure for maximum dispersion of departures from Runway 15 at BUR.

**Summary of FAA Response:** As part of EA, FAA will consider reasonable alternatives, including adjusting the originally proposed procedures

**Suggested TF Rebuttal:** FAA has narrowly defined the intent of the recommendation to only include runway 15 departures along the existing 210 degree initial heading, and only considers that subsequent open vectoring would be to the south and west. Different initial departure headings for OROSZ vs. SLAPP should be considered rather than always using the 210 degree heading. That alone would provide greater dispersal compared to today for those residents under the 210 degree path. Additionally departures using runway 15 that disperse flight tracks to both the west and east through the San Gabriel Valley should be considered in the EA.

**TF Recommendation 6:** Replace current NextGen aircraft procedures at BUR and VNY with procedures that provide better dispersion of flight tracks, such as (a) “open” departures and (b) diverse vector area (DVA) procedures.

**Summary of FAA Response:** (a) Current RNAVs are vector SIDs. FAA has proposed replacing these with “open” SIDs that allow for a range of flight paths after an initial heading. This type of departure allows for the most dispersion possible. (b) FAA’s current use of DVAs and vector SIDs at BUR and VNY provides maximum dispersion possible.

**Suggested TF Rebuttal:** See suggested rebuttals to FAA’s responses to recommendations 1, 3, 4, 5, 8 and 14.

**TF Recommendation 7:** Provide for Instrument Flight Rules (IFR) procedures for aircraft to arrive using all runways at BUR.

**Summary of FAA Response:** Due to higher terrain constraints to the north through the southeast, the required gradients on straight-in procedures would exceed maximum allowed by FAA design criteria.

**Suggested TF Rebuttal:** None.

**TF Recommendation 8:** Create “open” SID Procedures at BUR for Runway 8, Runway 26 and Runway 33 mimicking the ELMOO NINE conventional procedure.

**Summary of FAA Response:** Due to terrain constraints departures to the east are only possible using runway 15. However the area to the southeast is constrained by L.A. Class B airspace to the south and mountainous terrain to the east-northeast. The ELMOO NINE SID is used primarily by smaller non-jet aircraft to transition between the SFV and Inland Empire. Aircraft utilizing this routing are generally restricted to 6,000 feet MSL or below.

**Suggested TF Rebuttals:** This recommendation was intended to include evaluation of a SID that routes runway 15 departures through the San Gabriel Valley for departures with destinations to the east and southeast. FAA’s cursory response in Appendix B point out airspace and terrain constraints, but does not attempt to evaluate any possible alternatives that might be feasible while staying within those constraints. There are over 400 arrivals and departures per day at VNY and BUR which fly over the SSFV at altitudes of 6,000 feet MSL or less. Having a portion of the runway 15 departures from BUR travel east through the San Gabriel Valley at those altitudes is not an unreasonable request.

Appendix B response to TF Recommendation 8 also included a discussion of departures using runway 15 to the west. FAA’s response in Appendix B 8.2 points out that proposals using runway 15 to the west that have flight tracks at or north of the 101 freeway would not meet FAA’s 3 NM minimum lateral clearance between departure and arrival tracks. Yet FAA several times at the TF meetings acknowledged that procedures that provide a minimum 1,000’



vertical clearance instead of the 3 NM lateral clearance are allowable. Hybrid “open” departure SIDs similar to SLAAP THREE and OROSZ THREE, but with the initial waypoints farther north could meet the 1,000’ per NM criterion if they incorporated slight increases in the minimum departure gradients compared to the existing SIDs.

**TF Recommendation 9:** Restrict aircraft from operating during the night at both BUR and VNY and penalize and identify publicly aircraft operators that violate the mandatory curfew.

**Summary of FAA Response:** The Airport Noise and Capacity Act (ANCA) of 1990 does not permit mandatory restrictions on hours of airport operations. Voluntary night-time curfews exist for certain operations at both BUR and VNY today.

**Suggested TF Rebuttal:** TF understands that any mandatory curfew would require legislative action to modify the 1990 ANCA and Title 14, C.F.R. Part 161. This recommendation was therefore referred to the Congressional Delegate representatives serving on the TF.

**TF Recommendation 10:** Restrict the hours of Customs and Border Protection Office at VNY.

**Summary of FAA Response:** No FAA response required.

**Suggested TF Rebuttal:** None. This TF recommendation was directed to LAWA.

**TF Recommendation 11:** Increase enforcement of existing voluntary curfew at BUR.

**Summary of FAA Response:** Depending on the nature of the voluntary curfew, it may or may not be enforceable under ANCA and airport grant assurances.

**Suggested TF Rebuttal:** It is understood that the existing nighttime curfew at BUR is voluntary. The request is to encourage increased compliance by air carriers through more robust awareness and incentive programs and to expand the voluntary curfew to cargo, general aviation and rotary aircraft. This recommendation was addressed to BGPAA not the FAA.

**TF Recommendation 12:** Increase the eligibility area for noise mitigation programs in communities near airports, which require federal funding to implement.

**Summary of FAA Response:** Current FAA policy limits federally funded noise mitigation, such as property acquisition, or the installation of sound insulation, to impacted properties within the 65 dB CNEL or higher noise contour.

**Suggested TF Rebuttal:** Recognizing that changes to FAA Order 5100.38D would require congressional action, the TF has requested the congressional representatives on the TF follow through with this recommendation.

**TF Recommendation 13:** Require use of Environmental Analysis (EA) as the minimum standard to meet the requirements of NEPA for implementing any FAA proposed change to aircraft flight procedures.

**Summary of FAA Response:** This request is inconsistent with FAA environmental policy and Executive Orders, which emphasize using categorical exclusions and other environmental review streamlining tools to reduce delay.

**Suggested TF Rebuttal:** This recommendation is in response to the FAA's misuse of the Categorical Exclusion (CatEx) for changes in navigation procedures that significantly move flight tracks. The attempt to implement the Benedict Hills Settlement Agreement using a CatEx at BUR is a blatant example of this. In accordance with NEPA, Categorical Exclusions should only be permitted for routine changes in navigation procedures that do not move flight tracks.

**TF Recommendation 14:** Maintain and update the Noise Exposure Map (NEM) and Noise Compatibility Program (NCP) at BUR and VNY as needed to provide noise mitigation to all potentially eligible property owners. The NCPs should consider preferential runway use programs in a coordinated approach at both airports to determine whether more northerly flow provides noise benefits. The NCP at BUR should also analyze Runway 33 arrivals to limit the use of the flight path some operators use to arrive over the Santa Monica Mountains.

**Summary of FAA Response:** FAA only addressed the Part 150 NEM and NCP portion of the recommendation, and indicated that no FAA response was needed since the recommendation was referred to LAWA and BGPAA.

**Suggested TF Rebuttal:** This recommendation unfortunately combined two distinct yet somewhat related topics, (a) the need to update the noise exposure maps at the two airports and (b) the request to explore preferential departure and arrival runway use as a means of better balancing noise impacts. The Part 150 updates of the NEM and NCP at both airports can be prepared by the respective airport authorities, whereas the evaluation of preferential runway use for departures, and avoiding runway 33 use for arrival paths should be part of the current BUR EA.

Also, FAA should not prejudge the EA impact analysis of some re-balancing in the distribution of departures to the north and south through preferential runway assignment even though there may not be community-wide consensus yet. Only after seeing the analysis of impacts, benefits and mitigation measures for preferential use alternatives in comparison to other alternatives can their viability in achieving community consensus be assessed.

**TF Recommendation 15,** Create a Citizen's Advisory Committee at BUR to address community concerns throughout the San Fernando Valley.

**Summary of FAA Response:** No FAA approval required to implement.

**Suggested TF Rebuttal:** None needed since creation of a citizens advisory committee at BUR requires no FAA action.

**TF Recommendation 16:** Require FAA to immediately respond to community and Airport requests and provide post implementation results from NextGen aircraft procedures including the implementation of the Southern California Metroplex and future implementations and all supporting documents, the Noise Screen that was provided to Benedict Hills in about January 2018, and all documents requested under the Freedom of Information Act (FOIA).

**Summary of FAA Response:** FAA follows all applicable FOIA and U.S. DOT policies. City of LA has filed two FOIA requests. One is under appeal in U.S. District Court and FAA can't therefore comment on this pending litigation. FAA is in process of responding to the second request. Additionally FAA has responded in writing to other specific TF requests.

**Suggested TF Rebuttal:** (FAAs response was only partial. Rejoinder needs to be prepared by TF).

Respectfully submitted,

Advocates for Viable Airport Solutions  
Bob Bramen, Co-Founder