

**From:** SHARYN PARKER sparkerward@comcast.net  
**Subject:** RE: Aviation Impacted Communities Act Feedback Meeting  
**Date:** August 18, 2019 at 9:25 PM  
**To:** Bervar, Lyndall Lyndall.Bervar@mail.house.gov, Brian Wilson BrianW@burienwa.gov  
**Bcc:** larrycripe@comcast.net, She shebrush@gmail.com

SP

Good evening Lyndall,

While away this weekend, I made comments on the draft legislation; but since I cannot edit the pdf bill, I'm listing comments below by pages and line numbers:

Page 2, lines 10-11: Add new language...."Administrator shall acknowledge each community requesting such designation by a list published in the federal register."

Page 2, lines 12-17: Very problematic language; perhaps a conflict resolution provision needs to be added because not all communities think monolithically. Perhaps the majority within a community or resolved by the governing body?

Page 2, lines 20-21: Substitute "governing body" for community (?) and "section 2" for "section 1."

Page 3, lines 1-6: The existing group who has held this position previously and by state law (RCW 47.80.020--Growth Management Act of 1990) that empowered certain counties and cities via regional metropolitan planning agencies (i.e., Puget Sound Regional Council) to identify "essential transportation facilities of statewide significance." (i.e. Sea-Tac) At least I believe PSRC and Sea-Tac would make this claim. The problem is that PSRC did not follow-through with Sea-Tac with demands of better performance, as a condition of the third runway. My impression is that South King County (SKC) cities do not trust that PSRC would decide in their favor since the organization is largely controlled by the largest cities of King County (i.e. Seattle, Bellevue, etc.). This section sets up a controversy between BIG and LITTLE cities in SKC.

Page 3, lines 12-13: After "justice," insert the word, "violations related to the operation of commercial, recreational, military, or cargo aircraft (use this phrase because this legislation will affect all airports, not just Sea-Tac). Delete the word, "routes" because high altitude routes do not produce noise. NOTE: 40% of all cargo shipped in the US is carried in the bellies of commercial passenger aircraft in addition to cargo flights--which technically--are commercial, except for a few military cargo aircraft (i.e. C150, C5, etc.).

Page 3, line 18: Insert after "appropriate," the words, "and on request".

Page 4, lines 9-10: After the word "ground," insert "extracted from existing noise monitor stations (NMS) used by airport operators".

Page 4, lines 14-16, (2): Insert after "the," the word, "decibel (dB)" before DNL (Day-Night Level) and add the words, "adjusted for a 10 dB penalty of nighttime flight operations." (This is current FAA policy as contained in 14 CFR Part 150.) NOTE: While some people believe that, because the WHO (World Health Organization) has declared 40 dB DNL the new, more appropriate decibel level for mitigating noise because of health concerns, the ICAO (International Civil Aeronautics Organization) disputes WHO's claims and has vowed to challenge WHO's contentions regarding health. Despite which side a person's on in this debate, the result is that it will be 5-10 years before this WHO declaration is approved by FAA, if ever. In the meantime, FAA will continue to insist upon this threshold until forced otherwise by Congress or WHO.

(3) Insert the word, "supplemental" prior to noise metrics and insert after the word "from," the words, "data collected by Noise Monitor Stations (NMS)" and delete the remaining words in sentence on line 16.

Page 4, lines 17-18, (4): Insert the words, "dangerous, toxic" before the word, "emissions" (delete the word, "generated"), insert the following: "quantified by data collected from strategically located air quality monitors that measure emissions from flight operations." Delete the remaining words on lines 17-18.

Page 4, line 21 (5) and (6): Insert the following after the word, "the": "noise and emissions profiles impacting such communities; and insert after the word "on" in (6), the following: "noise abatement procedures and air and noise mitigation that alleviate...."  
NOTE: Noise abatement refers to flight procedure remedies that reduce noise; whereas noise mitigation refers to sound insulation remedies inside physical structures.

Page 5, line 1 (B): Substitute the word "impacts" for "effects."

Page 5, line 7 (h): Insert the word, "Accessible" before the word, "FORMAT"; likewise, substitute "accessible" for the word "appropriate" on line 9; and insert the following after the word "the": "demographic and income levels" before the words, "the community."

Page 5, lines 15-16: Insert "reduces noise and emissions from aircraft based upon" after the word, "that" and before the words, "the concerns...."

Page 5, line 23, (b) CONTENT: Insert after the word "to", "flight operations" after the word; and delete the word "paths."

NOTE: Keep in mind that changes cannot impede an airport operator's inter or intra-state commerce because it would be a violation of the Commerce Clause of the US Constitution. This requires a clever attorney's word-crafting.

Page 6, lines 1-2: What criteria will be applied to determine evidence of lessened impacts and at what levels?

Page 6, lines 4-5: Substitute wherever possible flight operations for the phrase "flight paths;" and "impacts" for the word, "effects." Use of the word "effective" on line 7 is very subjective. For example, what FAA considers "effective" is generally not considered "effective" by communities. Perhaps criteria, such as reduced noise by a specific percentage is a better indicator; or the amount of decibel reductions must occur, for example.

Page 6, line 25, (1): Insert the word, "qualified" before the word, "residences;"

NOTE: Under new Program Guidance Letter #1209 (PGL 8/2012), FAA requires airport sponsors to FIRST test the interior noise level of homes to determine whether or not they measure 45 dB or greater and are contained in the 65 dB DNL contour boundary BEFORE a structure is qualified; consequently, there is a two-step qualification process that now exists for any structure receiving Airport Improvement Program (AIP) grant funding at 80% from FAA. Earlier Sea-Tac sound insulation efforts did not have this two-step qualification process because all homes within the 65 dB DNL noise contour were considered eligible and were sound insulated if the homeowners agreed.

Page 7, line 4: Add "(5) Churches" because several churches in Des Moines cannot hold services because of noise interference.

Page 7, line 8: Insert the word, "sound" before mitigation.

Page 7, line 11-12: Strike the words, "noise sensitive" (this phrase has no meaning in this context) and insert the word, "qualified" before the word "structures listed in (a) above;".

Page 7, lines 15-19 (d) INSTRUMENTATION: Substitute the word, "aircraft" for the word, "airplane" on line 18; however, I'm unaware that airports require more instrumentation (meaning NMS) because most have many NMS already--especially since FAA regulations require a physics formula (in statute, see 14 CFR Part 150) to determine noise exposure maps (NEMs), not actual noise generated at a NMS. HOWEVER, the City of Burien is pursuing the use of available state funds for air quality monitors since there are NONE anywhere around Sea-Tac Airport!

Page 7, line 24: Delete the word, "frequency" and substitute the word, "operations" prior to "or from the adoption...."

Page 8, lines 2-3: Substitute the phrase I provided earlier: "commercial, military, recreational, and cargo operations".

Page 8, line 7: Insert after 55 the word "decibel (dB)" prior to DNL. NOTE: It is federal policy for all federal agencies (i.e. health

Page 8, line 7: Insert after "or, the noise abatement (or) prior to 2012, the Federal policy for all Federal agencies (not including, railroads, transit, highways) to use 65 dB DNL and no noise metric that is lower than this because this is based in federal law as well. (See 14 CFR Part 150.) Most airports across the nation were already mitigated in previous decades using the 65 dB DNL metric and to lower it to 55 would require ALL those airports to RE-MITIGATE at a cost of gazillions which could cause this bill to be DOA; so this is an impractical provision and against federal policy and statues. Also, on line 10, the accurate time period is 10 p.m. to 7 a.m.

Page 8, line 20: The "one mile" condition is in conflict with 14 CFR Part 150 because noise mitigation occurs only in noise contours 65 dB DNL and greater. A noise event's "footprint" is not based upon a linear measurement, but is based upon the fleetmix at an airport, terrain and other "natural" considerations (trees, berms, etc.) and climate, atmospheric conditions, etc., an aircraft's engine make and model, and the aircraft's age and weight and take-off and landing; also, the frequency of each category of aircraft operations (for example, 35 A320s that fly ten times/day). Therefore, the "one-mile" condition is subjective and not consistent with federal law either.

Page 9, lines 7-8: Insert the phrase I included earlier about commercial, military, recreational, or cargo and aircraft route instead of jet route.

Add a new definition for Aircraft Operation: A landing or take-off of an aircraft flight--both of which produce noise and emissions.

Sorry this is long, but hope it's helpful. Call me if you have questions: 206-938-7539.

Sharyn Parker

Burien Airport Committee

Quiet Skies Coalition

On August 15, 2019 at 4:20 PM "Bervar, Lyndall" <Lyndall.Bervar@mail.house.gov> wrote:

Hi David,

There was no specific feedback given on your comments, but I know it was brought up by someone else that we did need to amend the phrase "commercial or cargo jet." I also agree with you that we need to be more specific when mentioning "routes" in the legislation. Amanda and I are collecting all the feedback we get and working through how to incorporate it. We are hoping to have an in-depth conversation at our meeting on the 27<sup>th</sup> if you are able to make it. If you aren't able to make it please feel free to email us any additional feedback. Additionally we can let you know what discussion happens around your two suggestions.

Best,

Lyndall Bervar

District Representative

Congressman Adam Smith (WA-09)

101 Evergreen Building | 15 S. Grady Way | Renton, WA 98057

Office: 425.793.5180 | Mobile: 253.753.3329

From: David Goebel <david@vifs.org>

Sent: Thursday, August 15, 2019 7:40 AM

To: Bervar, Lyndall <Lyndall.Bervar@mail.house.gov>; 'Sheila Brush' <shebrush@gmail.com>; Wyma-Bradley, Amanda <Amanda.Wyma-Bradley@mail.house.gov>; 'Steve W Edmiston' <stove@bracopointlaw.com>; 'Larry Cripe' <larrycripe@comcast.net>; 'Debi Wagner' <debi.wagner4@gmail.com>; 'Bernedina Lund' <philandbernedine2002@yahoo.com>; 'John Resing' <jresing@comcast.net>; 'Anne Kroeker' <annek@36524.com>; 'Estela Ortega (El Centro)' <eorlaga@elcentrodelaraza.org>; 'Veronica Gallardo' <vgallardo@elcentrodelaraza.org>; 'Kent Palosaari' <kentpalosaari@gmail.com>; 'Matt Mahoney' <matao831@gmail.com>; 'Susan Honda' <susan.honda@cityoffederalway.com>; 'Mark Koppang' <mark.koppang@cityoffederalway.com>; 'Nancy Tosta' <nancyt@burienwa.gov>; jimnym@burienwa.gov; 'Sharyn Parker' <sparkward@comcast.net>

Subject: RE: Aviation Impacted Communities Act Feedback Meeting

Hi Lyndall,

What was the feedback on my comments on the "Definitions" section that I submitted by email for the START Federal Policy Working Group meeting last Monday?

Concerning the proposed bill, no single (passable) bill can solve the whole problem so rather than addressing the meat of the proposal I want to point out some weaknesses in "Section 7. Definitions" which could be used as loopholes to undermine the whole thing.

(1) I would replace "commercial or cargo jet" with "commercial or cargo aircraft". In Seattle the DASH-8 Turbo Props make up a significant proportion of operations and are not classified as "jets", but cause a lot of grief on the ground. It is this aircraft that is the subject of Burien's lawsuit against the FAA with their

automatic 270° turns in Northflow immediately upon departure.

(2) It's important to make clear that "route" is the route as actually flown as demonstrated by radar flight track data and not just published flight tracks. Specifically, the altitudes requirements in a published RNAV are often not followed. While the RNP hardware on the plane keeps the lateral precision of the track brutally accurate within a few hundred feet, the altitude is subject to manual control by ATC and the pilot. Also, pilots are often "cleared for visual" far from the airport, especially late at night, and while technically not flying the published RNAV anymore, they do still follow its track precisely with no observance of the prescribed altitudes at the waypoint along the way. This is the reason that arrivals in the middle of the night over Vashon are substantially lower than during the day. So, you could say something like "routes include both the lateral trajectory and altitude of flight paths as demonstrated by actual and comprehensive radar flight track data and not just published routes."

As you recall, in spite of your repeated and forceful entreaties with the Port on our behalf, they refused allow entry to anyone but START members in that meeting (even just to observe) so I have no idea what the feedback was on my suggestion to this key section at that meeting. How did they respond? Definitions matter. They can even change the meaning on common English words. The term FONSI comes to mind: Finding Of No Significant Impact. The word "Significant" is defined in such a way by the FAA than a 30 fold increase in noise from one day to the next on Vashon is not considered "significant".

Thanks,

David

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From: Bervar, Lyndall <Lyndall.Bervar@mail.house.gov>  
Sent: Wednesday, August 14, 2019 1:12 PM  
To: Sheila Brush <shebrush@gmail.com>; Wyma-Bradley, Amanda <Amanda.Wyma-Bradley@mail.house.gov>; Steve W Edmiston <steve@bracepointlaw.com>; Larry Cripe <larrycripe@comcast.net>; Debi Wagner <debi.wagner4@gmail.com>; Bernedine Lund <philandbernedine2002@yahoo.com>; John Resing <jresing@comcast.net>; Anne Kroeker <annek@36524.com>; David Goebel <david@vifs.org>; Estela Ortega (El Centro) <eortega@elcentrodelaraza.org>; Veronica Gallardo <vgallardo@elcentrodelaraza.org>; Kent Palosaari <kentpalosaari@gmail.com>; Matt Mahoney <mateo831@gmail.com>; Susan Honda <susan.honda@cityoffederalway.com>; Mark Koppang <mark.koppang@cityoffederalway.com>; Nancy Tosta <nancyt@burienwa.gov>; jimmy@burienwa.gov; Sharyn Parker <sparkenward@comcast.net>  
Subject: RE: Aviation Impacted Communities Act Feedback Meeting

Great! Thanks Sheila. We want this meeting to be open to all who want to come. Please feel free to share the meeting details with anyone who may be interested. Looking forward to seeing you all there!

Best,

Lyndall Bervar

District Representative

Congressman Adam Smith (WA-09)

101 Evergreen Building | 15 S. Grady Way | Renton, WA 98057

Office: 425.793.5180 | Mobile: 253.753.3329

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From: Sheila Brush <shebrush@gmail.com>  
Sent: Wednesday, August 14, 2019 3:40 PM  
To: Bervar, Lyndall <Lyndall.Bervar@mail.house.gov>; Wyma-Bradley, Amanda <Amanda.Wyma-Bradley@mail.house.gov>; Steve W Edmiston <steve@bracepointlaw.com>; Larry Cripe <larrycripe@comcast.net>; Debi Wagner <debi.wagner4@gmail.com>; Bernedine Lund <philandbernedine2002@yahoo.com>; John Resing <jresing@comcast.net>; Anne Kroeker <annek@36524.com>; David Goebel <david@vifs.org>; Estela Ortega (El Centro) <eortega@elcentrodelaraza.org>; Veronica Gallardo <vgallardo@elcentrodelaraza.org>; Kent Palosaari <kentpalosaari@gmail.com>; Matt Mahoney <mateo831@gmail.com>; Susan Honda <susan.honda@cityoffederalway.com>; Mark Koppang <mark.koppang@cityoffederalway.com>; Nancy Tosta <nancyt@burienwa.gov>; jimmy@burienwa.gov; Sharyn Parker <sparkenward@comcast.net>  
Subject: Fwd: Aviation Impacted Communities Act Feedback Meeting

Hi Amanda/Lyndall - Thank you, I've added citizen experts John Resing and Sharyn Parker to this email. I've noticed there are no elected council members on this email list? While you may be reaching out to some via the Highline Forum or via the Mayors/City Managers, I would like to include the following to this working group.

Matt Mahoney - Des Moines

Nancy Tosta - Burien

Jimmy Mata - Burien

Susan Honda - Federal Way

Mark Koppang - Federal Way

I have taken the liberty to include them in this email, finding out earlier that some on this list above are completely unaware of this current bill and the opportunity to help craft it.

I will be attending and look forward to working with all of you.

Kind regards,

Sheila Brush

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----- Forwarded message -----  
From: Wyma-Bradley, Amanda <Amanda.Wyma-Bradley@mail.house.gov>  
Date: Mon, Aug 12, 2019 at 1:36 PM  
Subject: Aviation Impacted Communities Act Feedback Meeting  
To: mbjumpstart@msn.com <mbjumpstart@msn.com>; david@vifs.org <david@vifs.org>; debi.wagner4@gmail.com <debi.wagner4@gmail.com>; eortega@elcentrodelaraza.org <eortega@elcentrodelaraza.org>; vgallardo@elcentrodelaraza.org <vgallardo@elcentrodelaraza.org>; kentpalosaari@gmail.com <kentpalosaari@gmail.com>; contact@chacusa.org <contact@chacusa.org>; She <shebrush@gmail.com>; steve@bracepointlaw.com <steve@bracepointlaw.com>; northwestern@northwestern@gmail.com <northwestern@northwestern@gmail.com>; larrycripe@comcast.net <larrycripe@comcast.net>; deirdre.curle@gmail.com <deirdre.curle@gmail.com>; philandbernedine2002@yahoo.com <philandbernedine2002@yahoo.com>

Hi everyone,

In advance of Rep. Smith reintroducing the Aviation Impacted Communities Act, we were hoping to get some input on the bill from last Congress from community members so we can edit it if necessary. To that end, we have scheduled a meeting for **Tuesday, August 27, at 6pm in Rep. Smith's Renton office (101 Evergreen Building - 15 S. Grady Way Renton, WA 98057)**. We hope you all will be able to join us for a collaborative session for sharing ideas. You are welcome to extend this to others whom you think would be interested.

Please kindly RSVP to Lyndall Beyer at [myself](mailto:myself) if you plan to attend, so we know how many people to expect. If you cannot attend, but would like to provide feedback, please share your feedback with Lyndall and I via email in advance of the meeting on the 27<sup>th</sup>.

Attached you will find the bill text from last Congress, a section by section overview of the bill, and a brief presentation overview of the bill's provisions.

Please also think of any clarifying questions that might be helpful for us to address with House Transportation and Infrastructure committee staff members or congressional liaisons offices. Thank you in advance for any feedback. Please don't hesitate to reach out to either Lyndall or I if you have any questions at all.

Best,

Amanda

*Amanda Wynta-Bradley*

Legislative Assistant

Congressman Adam Smith (WA - 09)

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