

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

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February 25, 2016

**Support for HR 3965 –FAA Community Accountability Act of 2015 from the City of Oakland, California and HR 3384 – The Quiet Communities Act of 2015**

Dear Madam Council President and Fellow City Councilmembers,

On behalf of the City of Oakland, California, we request your strong support for HR 3965 and HR 3384.

For years, the Port of Oakland, which oversees Oakland International Airport operations, has worked closely with neighboring communities and airport users to find ways of lessening impacts from airport operations. However, recent changes to the San Francisco Bay Area airspace as a result of the Federal Aviation Administration's (FAA) implementation of the Northern California Metroplex in November 2014 have resulted in significant increases in noise complaints and little procedurally for our residents in terms of recourse. As a result, threats of litigation from affected communities are now common, not only in Alameda and Marin Counties, but from Santa Cruz, Santa Clara, San Mateo and San Francisco counties, as well.

To say frequent and recurring low-altitude and high-decibel overflight noise has disturbed our residents is an understatement. There have been reports from our residents regarding airplane noise beginning at 5:30 am and continuing to 1:00 a.m. Planes fly overhead at a near constant rate. Residents call our offices with reports of flights roaring overhead at 6:58am, 7:00am, 7:03am, and so on, each and every day. One elderly retired man wrote to the City to share that he now wears earmuffs indoors at all times, even as he sleeps, in order to reduce the impact as best he can.

HR 3965 would require the FAA to take actions to limit negative community impacts resulting from implementation of this new system and allow the FAA Administrator to give preference to existing flight paths or procedures to ensure compatibility with land use near affected airports. We particularly appreciate that this legislation requires the Administrator to provide at least 30 days' notice and the opportunity for affected persons to comment.

HR 3384 would require the EPA to complete an airport noise study which examines airport noise measurement methodologies selected by the Federal Aviation Administration, the threshold of noise at which health impacts are felt, and the effectiveness of noise abatement programs at airports around the country. The EPA Administrator would also be required to make specific recommendations on new measures that can be implemented to mitigate the impact of aircraft noise on surrounding communities.

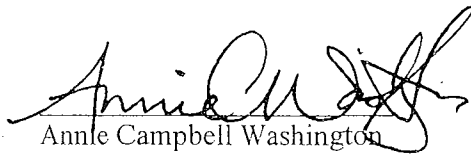
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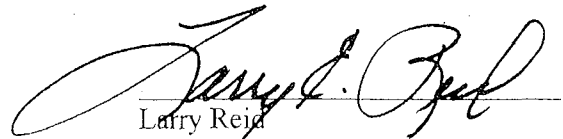
RULES & LEGISLATION CMTTE  
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We believe HR 3965 and HR 3384 would provide the most critically important tools our residents need to address airport noise in Oakland and other neighboring communities. We hope you will join us in supporting these pieces of legislation.

Sincerely,



Annie Campbell Washington  
Vice Mayor, City of Oakland



Larry Reid  
President Pro Tem, City of Oakland

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RULES & LEGISLATION CMTTE

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# TOWNSEND

PUBLIC AFFAIRS

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## **HR 3965 - FAA Community Accountability Act of 2015**

**Author:** Rep. Ruben Gallego (D-AZ) (24 cosponsors – 23 Democrats/1 Republican; 10 California cosponsors – Eshoo, Farr, Bass, Peters, Speier, Napolitano, Lieu, Davis, Honda and Huffman)

**Introduced:** November 5, 2015

**Status:** No committee action to date.

**Committee Referral:** House Committee on Transportation and Infrastructure

### **Committee Leadership:**

Rep. Bill Shuster (R-PA) *Chairman*  
2268 Rayburn House Office Building  
Washington, D.C. 20515

Rep. Peter A. DeFazio (D-OR) *Ranking Member*  
2134 Rayburn House Office Building  
Washington, DC 20515

### **Summary:**

HR 3965 proposes to require the Administrator of the Federal Aviation Administration to take actions to limit negative community impacts resulting from the implementation of the Next Generation Air Transportation System, the nationwide plan to convert air traffic control from a radar-based system to a satellite-based one between 2012 and 2025. The legislation would allow the Administrator to give preference to existing flight paths or procedures to ensure compatibility with land use near affected airports.

### **Key provisions:**

- Establishes a Community Ombudsman for each region of the FAA in order to serve as liaison between affected communities and the Administrator. The Ombudsman will focus on problems related to the impact of commercial aviation on the human environment, including concerns with airport noise, pollution and safety. Ombudsman must be appointed within 180 days of enactment.
- Prohibits the Administrator from treating a new or revised flight path or procedure as a categorical exclusion if the Ombudsman or affected airport operator provides notice that such a change would have a significant adverse impact on the community or that extraordinary circumstances exist.
- Requires the Administrator to provide at least 30 days' notice and opportunity for affected persons and airport operators to comment.
- Requires the Administrator to reconsider a NextGen flight paths or procedures when an Ombudsman or the operator of an airport affected submits written notification that such a change will result in a significant adverse impact on the community in the vicinity of the airport.

**Additional Background - FAA Reauthorization Bill:** Rep. Ruben Gallego, author of HR 3965, introduced the bill to address ongoing airport noise problems in the Phoenix area stemming from the FAA's decision in September 2014 to institute new flight paths at Sky Harbor International Airport. On February 3, Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) introduced the Aviation Innovation, Reform, and Reauthorization (AIRR) Act (H.R. 4441), which provides a six-year reauthorization of the Federal Aviation Administration (FAA). Rep. Gallego issued a statement supporting the inclusion of provisions of his bill in the H.R. 4441. The AIRR Act would require the FAA to review NextGen flight path changes if the Administrator determines that they have harmed communities in the vicinity of the airport. The legislation also requires the FAA to consider steps to mitigate aircraft noise-related concerns if requested to do so by a local community or airport operator. The FAA would also be required to submit a report to Congress on how the agency intends to improve its community engagement efforts.

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**Federal Office** • 600 Pennsylvania Avenue SE • Suite 207 • Washington, DC 20003 • Phone (202) 546-8696 • Fax (202) 546-4555

**Southern California Office** • 1401 Dove Street • Suite 330 • Newport Beach, CA 92660 • Phone (949) 399-9050 • Fax (949) 476-8215

**Northern California Office** • 300 Frank H. Ogawa Plaza • Suite 204 • Oakland, CA 94612 • Phone (510) 835-9050 • Fax (510) 835-9030

**Central California Office** • 744 P Street • Suite 308 • Fresno, CA 93721

# TOWNSEND

PUBLIC AFFAIRS

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## **HR 3384 – Quiet Communities Act of 2015**

**Author:** Rep. Grace Ming (D-NY) (22 cosponsors, all Democrats; 7 California cosponsors – Farr, Eshoo, Speier, Napolitano, Bass, Lieu and Honda)

**Introduced:** July 29, 2015

**Status:** No committee action to date.

**Committee Referral:** House Committee on Transportation and Infrastructure

### **Committee Leadership:**

Rep. Bill Shuster (R-PA) *Chairman*  
2268 Rayburn House Office Building  
Washington, D.C. 20515

Rep. Peter A. DeFazio (D-OR) *Ranking Member*  
2134 Rayburn House Office Building  
Washington, DC 20515

### **Summary:**

Requires the EPA Administrator to reestablish the Office of Noise Abatement Control in order to:

- Promote the development of effective State and local noise control programs through technical assistance and grants
- Conduct research assessing the impacts of noise from varied noise sources on mental and physical health.
- Carry out a national noise environmental assessment program to identify trends in noise exposure and response, ambient levels, and compliance data and to determine the effectiveness of noise abatement actions, including actions for areas around major transportation facilities (such as highways, railroad facilities, and airports).
- Develop and disseminate information and educational materials on the mental and physical effects of noise and the most effective means for noise control, including through establishing regional technical assistance centers.

In fulfilling its mandate under, the Office of Noise Abatement Control is required to emphasize noise abatement strategies that build upon local and State activities, market incentives, and in coordination with other public and private agencies.

Requires the EPA to complete an airport noise study to be which examines airport noise measurement methodologies selected by the Federal Aviation Administration, the threshold of noise at which health impacts are felt, and the effectiveness of noise abatement programs at airports around the country. The EPA Administrator is also required to make specific recommendations on new measures that can be implemented to mitigate the impact of aircraft noise on surrounding communities. The study and recommendations must be submitted to Congress within 24 months from the date of enactment.

Amends the Noise Control Act of 1972 to authorize a grant program to establish and implement training programs on noise abatement equipment and to implement noise abatement plans.

Authorizes \$21 million annual funding for FY2016-FY2020 (\$105 million total).

**Additional Background:** In the past, EPA coordinated all federal noise control activities through its Office of Noise Abatement and Control. EPA phased out the office's funding in 1982 as part of a shift in federal noise control policy to transfer the primary responsibility of regulating noise to state and local governments. However, the Noise Control Act of 1972 and the Quiet Communities Act of 1978 were never rescinded by Congress and remains in effect today, although essentially unfunded.

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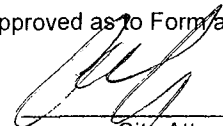
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Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR ANNIE CAMPBELL WASHINGTON AND  
PRESIDENT PRO TEM LARRY REID

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#### **RESOLUTION DECLARING THE CITY OF OAKLAND'S SUPPORT FOR HR 3965 – THE FAA COMMUNITY ACCOUNTABILITY ACT OF 2015 AND HR 3384 – THE QUIET COMMUNITIES ACT OF 2015.**

**WHEREAS**, HR 3965, the FAA Community Accountability Act of 2015, would require the Administrator of the Federal Aviation Administration (FAA) to take actions to limit community impacts resulting from the implementation of the Next Generation Air Transportation System (NextGen); and

**WHEREAS**, the NextGen system is a nationwide plan to convert air traffic control from a radar-based system to a satellite-based beginning in 2012; and

**WHEREAS**, this legislation would allow the FAA's Administrator to give preference to existing flight paths or procedures to ensure compatibility with land use near affected airports and establishes a Community Ombudsman for each FAA region in order to serve as a liaison between affected communities and the Administrator; and

**WHEREAS**, HR 3965 would prohibit the Administrator from treating a new or revised flight path or procedure as a categorical exclusion if the Ombudsman or affected airport operator provides notice that such a change would have a significant adverse impact on the community or that extraordinary circumstances exist; and

**WHEREAS**, this legislation would require the FAA Administrator to provide public notice and an opportunity for affected persons and airport operators to comment; and

**WHEREAS**, HR 3965 would require the FAA Administrator to reconsider a NextGen flight path or procedure when an Ombudsman or the operator of an airport affected submits written notification that such a change will result in a significant adverse impact on the human environment in the vicinity of the airport; and

**WHEREAS**, HR 3384, the Quiet Communities Act of 2015, would require the Environmental Protection Agency (EPA) to reestablish the Office of Noise Abatement Control; and

**WHEREAS**, the Office of Noise Abatement Control would promote the development of effective State and local noise control programs through technical assistance and grants, would conduct research assessing the impacts of noise from varied noise sources on mental and physical health, would carry a national noise environmental assessment program to identify trends in noise exposure and response, ambient levels, and compliance data and to determine the effectiveness of noise abatement actions; and

**WHEREAS**, the Office of Noise Abatement Control would also develop and disseminate information and educational materials on the mental and physical effects of noise and the most effective means for noise control, including through establishing regional technical assistance centers; and

**WHEREAS**, HR 3384 would fulfill the Office of Noise Abatement Control's mandate in which it is required to emphasize noise abatement strategies that build upon local and State activities, market incentives, and in coordination with other public and private agencies; and

**WHEREAS**, this legislation would require the EPA to complete an airport noise study examining airport noise measurement methodologies selected by the FAA, the threshold of noise at which health impacts are felt, and the effectiveness of noise abatement programs at airports around the country. The EPA Administrator would also be required to make specific recommendations on new measures that can be implemented to mitigate the impact of aircraft noise on surrounding communities. The study and recommendations must be submitted to Congress within 24 months from the date of enactment; and

**WHEREAS**, this legislation would also amend the Noise Control Act of 1972 to authorize a grant program to establish and implement training programs on noise abatement equipment and to implement noise abatement plans and authorizes \$21 million in annual funding for FY 2016 – FY 2020; now, therefore, be it

**RESOLVED:** That the City of Oakland supports its residents' interests and will advocate on their behalf when federal legislation comes forward which seeks to address problems our community members face; and be it

**FURTHER RESOLVED:** That the City of Oakland asserts its support for both the FAA Community Accountability Act of 2015 and the Quiet Communities Act of 2015.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California