



LARRY HOGAN  
GOVERNOR

STATE OF MARYLAND  
OFFICE OF THE GOVERNOR

April 4, 2018

Daniel K. Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Re: Next Generation Air Transportation System / State of Maryland

Dear Mr. Elwell:

As you know, my Administration has identified major concerns with the Federal Aviation Administration's recent implementation of Next Generation Air Transportation System airspace changes in the vicinity of Baltimore-Washington International Thurgood Marshall Airport ("BWI Marshall") and Reagan National Airport ("DCA"). Noise from these concentrated flight routes implemented both through the D.C. Metroplex process and stand-alone actions has diminished quality-of-life and caused noise complaints from Maryland residents to skyrocket. The concentration of noise imposed after an opaque and inadequate public process is undermining public support for critical airport and airspace projects of interest to both the State and federal governments.

While I appreciate that FAA has taken steps to evaluate some possible changes to the DCA and BWI Marshall airspace, progress has been very slow, the process has been unclear, FAA attendance at Roundtable meetings has been sporadic, and FAA has rejected some potentially beneficial changes to some routes out of hand. As a result, in late 2017, I directed the Attorney General to bring legal action to address the shortcomings of FAA's NextGen implementation in the D.C. Metroplex. The State has retained Kaplan Kirsch Rockwell, the law firm that prevailed in the *City of Phoenix v. Huerta* litigation, and is prepared to act.

However, before doing so, I would like to take this last chance to determine if the Department of Transportation, FAA, and the State can address this matter themselves rather than place matters into the hands of the courts. I believe that an agreed-upon approach to addressing the feasibility and net benefits possible revisions to the NextGen procedures would be superior to litigation at this stage.

I recognize that the FAA has entered into MOUs with communities and airports in places like Northern California and Boston to evaluate and implement options to reduce noise while maintaining safety and efficiency from airspace changes. FAA is implementing creative solutions elsewhere to reduce noise impacts through route changes. Maryland residents deserve the same opportunity.

Accordingly, before proceeding with litigation, my team would like to meet with you as soon as possible to reach a formal agreement accelerate and complete a review of current airspace and to evaluate the possible benefits and feasibility of changes at BWI Marshall and DCA.

I believe that an agreement or agreements to provide a process should provide for the following:

- Careful and transparent review of the environmental, safety and other attributes of possible measures to reduce noise impacts from the NextGen procedures;
- A streamlined process for analysis of and recommendations for such measures, recognizing that Congress has delegated final decision making authority over the airspace to FAA;
- Solid milestones for timing;
- Potential use of initial pilot measure or tests to accelerate deployment and relief;
- Use of efforts to date by FAA, the State, the Roundtable and others in developing some notional proposals and an understanding of how the airspace operates, as well as identification of possible changes;
- Consideration of both BWI Marshall and DCA procedures affecting Maryland residents; and;
- Enhanced and meaningful participation in the process by all affected stakeholders, including neighborhoods, local governments, airlines, the State etc.

I would like to schedule a meeting with you as soon as possible to discuss a MOU. I am directing my Deputy Chief of Staff, Sean Powell, to reach out to do so.

Please contact Mr. Powell at (410) 260-3921 if you have any questions or to coordinate logistics for a meeting.

Sincerely,

Larry Hogan  
Governor

