

D.C. METROPLEX BWI COMMUNITY ROUNDTABLE
c/o Maryland Department of Transportation Aviation Administration
P.O. Box 8766
BWI Airport, Maryland 21240-0766
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SUBJECT: 2018 Annual Report of the D.C. Metroplex BWI Community Roundtable

INTRODUCTION

The D.C. Metroplex BWI Community Roundtable (BWI Roundtable) hereby submits its second annual report. This report was approved unanimously by the Roundtable on January 15, 2019. This report is required by our charter with the Maryland Department of Transportation Aviation Administration (MDOT MAA or MAA). This report includes the following topics: History, 2018 Roundtable Meeting Dates, Roundtable Work with the Federal Aviation Administration (FAA) and MAA, Other Roundtable Actions, Identified and Unresolved Problems and Risks, Potential Next Steps, and Conclusion.

HISTORY

The BWI Roundtable was formed at the request of the FAA and is hosted by the MAA. Through regular meetings, the BWI Roundtable has worked with the FAA utilizing technical and other support provided by the MAA to seek solutions to harmful effects brought about by the implementation of the D.C. Metroplex project implemented under the NextGen program.

During its first meeting, held on March 21, 2017, the BWI Roundtable unanimously adopted the following resolution as a priority:

The D.C. Metroplex BWI Community Roundtable requests and recommends that the FAA immediately revert to flight paths and procedures that were in place prior to the implementation of NextGen and the D.C. Metroplex plan. Such reversions will provide urgent relief to residents adversely affected by these new flight paths and procedures while a more deliberate and public-facing process to develop and implement NextGen and the DC Metroplex plan is undertaken.

The BWI Roundtable has acted consistently with this request to the FAA and acknowledges that successful reversion may be achieved using current or new technology.

The BWI Roundtable meetings have consistently provided FAA and MAA representatives a concise picture of the significant negative impacts that the NextGen/DC Metroplex program has inflicted upon unsuspecting Maryland residents living under the resultant flight paths.

Each meeting of the BWI Roundtable has involved technical discussions and presentations, as well as a public comment section. Individual homeowners have often given poignant and arresting descriptions of the damage being done to their lives, health, and properties in Maryland. Significantly, their belief in government has changed as a result of how the federal and state governments allowed NextGen to be implemented without any warning of, or protection from, the far reaching and life altering nature of it all. Many have stated their opinion that they have been ambushed, abused and abandoned by their governments. Public statements that “only a minority of Marylanders are affected” made by airline industry representatives and both FAA and MAA officials attempting to downplay the severity of the harm and suffering experienced by Maryland residents have only fueled emerging realizations that the airspace and airport paid for by taxpayers is not in fact being managed in the best interests of Maryland residents.

2018 ROUNDTABLE MEETING DATES

The BWI Roundtable met as a working body on the following dates in 2018: January 16, February 20, April 24, May 15, June 19, July 17, October 9 and December 4. The number of meetings decreased this year due to the FAA declining to attend our BWI Roundtable meetings and declining to discuss relevant noise concerns at BWI in the wake of both the State of Maryland’s administrative petition filed with the FAA on June 26, 2018 and Howard County’s administrative petition filed with the FAA on July 18, 2018.

The full monthly meeting agendas and minutes of the meetings are on the MAA’s website: www.maacommunityrelations.com.

ROUNDTABLE WORK WITH FAA AND MAA

The BWI Roundtable spent a large portion of 2017 educating ourselves on how the NextGen program had significantly changed Maryland airspace and it worked to identify the specific causes of the noise problems it knew to exist due to the implementation of NextGen. The BWI Roundtable worked to identify specific problems to the FAA in both 2017 and 2018 to show exactly where and how the

FAA's actions have negatively affected those living under the low and highly concentrated flight paths created with NextGen. The expectation was that the BWI Roundtable's earnest efforts to provide the FAA with the facts would lead the FAA to correct the harms created.

The FAA formed a Performance Based Navigation 7100.41A process (PBN) Working Group in August 2017, by which the FAA makes procedural and other changes to the air space. The FAA explained that the Roundtable would be allowed to participate in the working group. The BWI Roundtable was told that the FAA had prioritized the PBN process in its schedule to work on the problems Maryland residents were experiencing due to aviation noise from BWI. The Roundtable was allowed an MAA representative to attend the working group meetings on our behalf, which the MAA provided. In September 2017, concerned about the representation of the problems the BWI Roundtable identified at BWI to the working group, the Roundtable sent a letter to the FAA detailing the flight paths at BWI that required immediate attention.

After initially announcing in November 2017 that the FAA would present possible solutions to these issues in February 2018, the FAA's presentation ultimately took place in April 2018. The FAA's presentation was made to the BWI Roundtable at the Lindale Middle School in Linthicum, Maryland on April 24. The FAA presented the PBN recommendations followed by a story board session with FAA representatives for interested attendees. The information presented at that meeting can be found at this web address: www.maacommunityrelations.com.

Of the issues the Roundtable identified to the FAA, both at its meetings and in its official correspondence, the FAA presented one proposal that could increase dispersion for a section of departures in Howard County. The PBN procedural change presented by the FAA appears to move the concentrated "interstate highway" somewhat to the south and to split the "interstate highway" for southern and western flights about nine miles from BWI. No solutions were presented for any arrival issues. Much of the FAA presentation included information on tweaks to the system they had put in place unrelated to the resolution of any problems identified by the Roundtable to date.

The BWI Roundtable asked the MAA to interpret information presented by the FAA in April and to provide explanations and data to assist in the Roundtable's determination that any of the proposed changes by the FAA would be consistent with its resolution for reversion. Due to the FAA's withdrawal from working with the BWI Roundtable in July 2018, the MAA informed the Roundtable it could not move forward with its interpretation of the FAA's data, citing concerns it no longer

had the most up-to-date information from the FAA to complete its analysis. In October/November 2018 the MAA informed the Roundtable it had received necessary information from the FAA and moved forward to complete its analysis which was presented to the Roundtable on December 4, 2018. At present, the Roundtable is preparing a response to the FAA.

On December 4th the MAA provided a detailed review of the FAA's proposed changes under the PBN process to the Roundtable.

MAJOR ELEMENTS OF THE PROPOSED PBN PROCEDURE PRESENTED BY MAA AND HMMH:

- No solutions to Roundtable-identified arrival procedure problems.
- A change that will move waypoint STABL to a new location increasing negative noise impacts on a larger number of Maryland residents on the Annapolis peninsula.
- A shift of the “interstate highway” created from departures off of RWY 28 to the south of its current position, more closely aligning it to the pre-NextGen location, but not achieving dispersion.
 - 70% of departures from Runway 28 - flights will be lower on average and thus louder over farther-out communities.
 - Changes to Runway 28 departures via LINSE and TERPZ offer significant noise relief to close-in communities north of the flight path.

OTHER ROUNDTABLE ACTIONS

FAA REAUTHORIZATION LEGISLATION

The Roundtable worked with Maryland's Congressional Delegation to add wording that could provide meaningful changes and protections from harmful aviation noise to the FAA Reauthorization Act of 2018. This included meeting with the Senate Transportation Committee to discuss legislative steps to alleviate the harm caused by NextGen, specifically in restoring dispersion, raising altitudes of arriving and departing aircraft, and revising and updating the 65 DNL noise threshold in place since 1971. The following was added to H.R.302:

SEC. 175. ADDRESSING NOISE COMMUNITY CONCERNS.

When proposing a new area navigation departure procedure, or amending an existing procedure that would direct aircraft between the surface and 6,000 feet above ground level over noise sensitive areas, the Administrator of the Federal Aviation Administration shall consider the feasibility of dispersal headings or other lateral track variations to address community noise concerns, if-- (1) the affected airport operator, in consultation with the affected community, submits a request to the Administrator for such a consideration; (2) the airport operator's request would not, in the judgment of the Administrator, conflict with the safe and efficient operation of the national airspace system; and (3) the effect of a modified departure procedure would not significantly increase noise over noise sensitive areas, as determined by the Administrator.”

The premise of Section 175 makes clear that local airport authorities can request the FAA to make flight path changes, including implementation of dispersal headings and other variations to alleviate harmful noise.

ADMINISTRATIVE ACTIONS/LITIGATION

In July, as a result of administrative petitions filed with the FAA in federal court by the State of Maryland and Howard County, the FAA stopped communication with the Roundtable. The State of Maryland’s administrative petition was filed with the FAA on June 26, 2018 and Howard County’s administrative petition was filed with the FAA on July 18, 2018. The FAA responded to both of these petitions denying their validity and stating “no formal right exists in the applicable statutes, regulations or guidance to ‘petition’ [them]” by either agency. However, the FAA simultaneously seemed to endorse the validity of the petitions by stating they would only resume working with the Roundtable on identified problems if the petitions were withdrawn.

In September the Roundtable filed an administrative petition for action with the MAA with a request that all plans to expand BWI be stopped until such time as a

solution to the harms caused by NextGen is achieved for both departure and arrival flight paths. To date, the Roundtable has not received a response from the MAA.

WORK WITH LOCAL AND STATE ELECTED OFFICIALS

The BWI Roundtable continues to strengthen its role as the most prominent voice for tens of thousands of Maryland residents who are suffering from the FAA's implementation of NextGen and Maryland residents who are at high risk of suffering in the near future under the implementation of additional low and concentrated flight paths at BWI. The BWI Roundtable has secured working relationships and open lines of communication with many county and state elected and appointed officials and continue to build upon these and new relationships.

To inform officials and the public of our work, the Roundtable has secured significant media coverage in radio, television and print outlets including *The Washington Post*, *The Baltimore Sun*, *The Capital Gazette* and *The Kojo Nnamdi Show*.

COMMUNITY ENGAGEMENT AND OUTREACH

BWI Noise Complaints:

On August 7, a web-based software service called Airnoise became available to the communities surrounding BWI. The service uses household Wi-Fi to capture an aircraft's ADS-B signal as it passes near the user's home, and automatically sends a noise report, at the request of the user, to the MAA with one click of a physical button or a dashboard button. The individually filed complaints include date, time, flight number, aircraft type, operation, distance from user's home at the moment of signal capture, and altitude.

As of December 31, area users filed a total of 142,374 noise complaints since launch. Generally, complaints are being filed at the rate of over 1,000 a day. Users filed approximately 105,680 noise complaints in the third quarter alone. In comparison, while Airnoise.io users filed 36,694 complaints from launch to the end of the third quarter, the MAA reported a total of 43,004 complaints, or about 6,310 through their complaint system. Before Airnoise.io became available, the MAA recorded 4,965 noise complaints in the second quarter.

To report each noise incident, the MAA's on-line complaint form requires filling out a long page of information and the use of a captcha box, which is tedious and time-consuming. Airnoise makes it easier for citizens to document dissent.

For more information please read "Button Offers Instant Gratification for Those Plagued by Airplane Noise." *The Washington Post*, 29 Dec. 2018.

2018 Media Coverage of Roundtable Activities:

See Appendix

IDENTIFIED AND UNRESOLVED PROBLEMS AND RISKS

- The FAA has proposed a potential solution to a small portion of the problems the BWI Roundtable identified with no plan to address any of the remaining significant and crippling noise issues being experienced.
 - Airplanes flying in low and highly concentrated arrival routes over Anne Arundel County are causing major noise, health and monetary issues for its residents. These altitudes are significantly lower than arrival altitudes flown pre-NextGen. At prior meetings, the FAA informed the BWI Roundtable that they do not intend to make any changes to arrival procedures at BWI. The BWI Roundtable, together with the FAA, MAA, aviation industry stakeholders and our elected representatives, needs to ensure the arrival issue is brought back for further discussion to develop changes that all parties can support to remedy this issue.
 - Remaining NextGen-generated issues with departures need to be resolved.
- The FAA's process for designing and managing flight patterns in the national airspace does not consider the presence of, or effects to, densely populated areas, historic areas, local established noise abatement areas, etc.
- There are serious unaddressed health and environmental concerns that the visibly settling aviation exhaust particulates and the present but invisible exhaust pollution created by the low and concentrated paths of commercial aircraft are likely to cause serious negative effects on human health and the environment.
- Planned expansion of BWI and subsequent increases in flight operations can worsen the noise crisis in Maryland so long as there is no solution to NextGen nor a demonstrated ability of the MAA or Maryland leadership to protect Maryland residents from the FAA's unchecked management of our airspace.
- Maryland leadership may place confidence in the highly uncertain FAA/Roundtable process and fail to take meaningful legislative measures to alleviate harm and to protect Marylanders.

- Elected representatives should not be solely reliant on the success of the State of Maryland’s administrative petitions to the FAA, sometimes referred to as lawsuits, to force the FAA to fix the problems it has created at BWI. Such reliance is problematic and, based on the outcomes of similar legal attempts at other airports, unlikely to result in positive outcomes for the harmed.
- The BWI Roundtable does not have a line of funding and has no dedicated staff and no administrative, legislative or legal authority.

POTENTIAL NEXT STEPS

- **Legal Action:** Support appropriate legal action by Howard County, the State of Maryland and other communities similarly situated across the country. Encourage additional government entities to pursue legal action.
- **The FAA Reauthorization Bill:** The recent bill did not contain any of the strong language the BWI Roundtable sought. However, the BWI Roundtable will continue to ask legislators to seek remedies to the impact of NextGen.
- **New PBN Working Group.** Now that the FAA reauthorization bill has passed with new funding, the Roundtable asks that the FAA reconvene the PBN process and at BWI to address issues such as dispersion, low altitudes, and remaining arrival and departure issues that were substantially left unaddressed by the recent PBN process.
- **MAA and airport support.** Given that the FAA has largely not addressed the problems faced by Maryland residents, consider Maryland State Legislation that would require the MAA among other things: (1) to refrain from expanding facilities or operations that could lead to an increase in frequency of aircraft flights or noisier flights, (2) to apply through the federal process to reduce and restrict hours of operations and make other operational changes to mitigate the adverse effect of the FAA’s actions, (3) develop procedural changes to present to the Roundtable that can then be endorsed and suggested to the FAA for implementation, and (4) when conducting environmental reviews apply more stringent Maryland environmental standards relevant to BWI communities and the nature of air traffic at BWI.

CONCLUSION

In addition to the current major aviation noise crisis in Maryland, BWI Roundtable proceedings have revealed the immediate threat and likelihood that even more low and concentrated flight paths can be implemented by the FAA over any areas within a 20+ mile radius (areas well outside of established noise abatement zones) of BWI with no transparent prior public notice from the FAA, no effective legislative, legal or administrative path for impacted residents to object to the new flight paths, and no legal recourse under the current Environmental Assessment standards for the state of Maryland to force the FAA to stop or reverse its actions.

All elected officials need to prioritize efforts to right the wrongs of the FAA at BWI. While BWI could be championed as an economic engine providing jobs and bringing in revenue to our state, the FAA's changes to Maryland's airspace have called into question all that BWI has stood to bring to Maryland. Now every dollar generated by BWI must be weighed against the millions of dollars of property devaluation, millions of dollars in unseen and unstudied health consequences, real pain and suffering of tens of thousands of Maryland residents and tax payers, and lasting negative impacts to our environment and Chesapeake Bay.

Appendix

2018 Media Coverage of Roundtable Activities

1/24: *The Washington Post*, “The FAA created a superhighway in the sky.” Letter to editor by Paul Verchinski.

2/20: *WJZ-TV*, “Frustrated Homeowners Attend FAA Roundtable on BWI Flight Patterns.”

3/15: *WBAL-TV*, “Outside legal firm to take action against FAA, Nextgen.”

3/15: *The Baltimore Sun*, “Citizens group annual report says FAA 'disowns responsibility' for BWI noise.”

4/25: *WBAL-TV*, “FAA offers proposed changes to lessen air traffic noise for residents near BWI-Marshall.”

6/26: *The Baltimore Sun*, “Maryland files petitions to change flight paths at BWI, Reagan airports to reduce noise.”

7/17: *The Baltimore Sun*, “Following legal action, FAA cuts off talks with BWI roundtable on flight noise.”

7/17: *The Washington Post*, “After Maryland challenges, FAA pulls out of discussions on airport noise.”

7/18: *WBAL-TV*, “FAA abruptly cuts communication with BWI-Marshall community roundtable.”

7/19: *WTOP*, “BWI Marshall expansion gets OK amid airport noise concern.”

7/19: *The Baltimore Sun*, “Maryland Officials Approve \$60 million expansion at BWI Airport over Franchot’s objections.”

9/10: *The Baltimore Sun*, “Neighbors petition Maryland Aviation Administration to halt BWI expansion until NextGen issues are resolved.”

11/27: *The Washington Post*, “Airport noise complainers’ sound and fury signify nothing to the FAA.” Letter to editor by Paul Verchinski.

11/30: *WBAL-TV*, “Howard County takes FAA to court over NextGen flight paths at BWI-Marshall.”

12/5: *WBAL-TV*, “Roundtable receives technical analysis of proposed BWI-Marshall flight changes.”

12/7: *The Baltimore Sun*, “Howard County wants federal court to prod FAA to reduce BWI jet noise.”