

DC METROPLEX BWI COMMUNITY ROUNDTABLE WORKING GROUP PUBLIC MEETING

Seventeenth meeting of the DC Metroplex BWI Community Roundtable Working Group

Tuesday, October 9, 2018, 7:00 PM – 10:06 PM

MDOT MAA Offices, Assembly Rooms A/B

991 Corporate Boulevard

Linthicum, MD 21090

**MEETING MINUTES**

REGULAR PARTICIPANTS

Roundtable Member	District / Organization	Attended	Roundtable Member	District /Organization	Attended
Mary Reese, Chair*	District 30	✓	Linda Curry	District 33	✓
Jesse Chancellor, Vice Chair*	District 9	✓	Pat Daly Jr. *	Office of Anne Arundel County Executive Steven Schuh	
Christopher Yates*	District 9		David Lee*	Office of Howard County Executive Allan Kittleman	
Howard Johnson*	District 12	✓	Grace Fielhauer	Alternate for David Lee, Office of Howard County Executive Allan Kittleman	
Drew Roth*	District 12	✓	Bryan Sheppard*	Office of Baltimore County Executive Don Mohler	
Gail Sigel	Alternate for Drew Roth, District 12		Gary Smith*	County Councilman Jon Weinstein	✓
Paul Verchinski*	District 13	✓	Kimberly Prium	Alternate for Gary Smith, County Councilman Jon Weinstein	
George Lowe*	District 13	✓	Ellen Moss*	County Councilman John Grasso	
Evan Reese	District 30		Brent Girard	Office of Senator Chris Van Hollen	✓
Tim Rath*	District 31		Paul Shank, Chief Engineer	MDOT MAA	
Paul Harrell*	District 32	✓	Robin Bowie, Director, Office of Environmental Services	MDOT MAA	✓
Richard Campbell	Alternate for Paul Harrell, District 32		Darline Terrell-Tyson, Deputy Director, Office of Environmental Services	MDOT MAA	✓
Dan Klosterman*	District 32	✓	Karen Harrell, Noise Program	MDOT MAA	✓

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Roundtable Member	District / Organization	Attended	Roundtable Member	District / Organization	Attended
Marcus Parker Sr.	Alternate for Dan Klosterman, District 32		Louisa Goldstein, Counsel	MDOT MAA	
David Scheffenacker Jr.*	District 32		Greg Voos	NBAA	
Lance Brasher*	District 33	✓	Kyle Evans	General Aviation Rep, CP Management LLC	
Ramond Robinson	Alternate for Pat Daly Jr., Office of Anne Arundel County Executive Steven Schuh		David Richardson	Southwest Airlines	✓

\*Voting Members

### ADDITIONAL PARTICIPANTS

#### Maryland Department of Transportation (MDOT) Maryland Aviation Administration (MAA)

Trey Hanna, Assistant for Legislative and Special Projects

Roberta Walker, Administrative Assistant

#### Contractor Support

Royce Bassarab, HNTB

### MEETING MATERIALS

Participants received the following materials in advance:

- Meeting Agenda for October 9, 2018
- Draft Meeting Minutes from July 17, 2018

Handouts at meeting:

- Meeting Agenda for October 9, 2018
- Draft Meeting Minutes from July 17, 2018
- E-mails between Roundtable Chair and MDOT MAA regarding status of legal petition
- E-mails between Roundtable Chair and Jennifer Solomon regarding re-engaging with the Roundtable
- E-mails between Roundtable Chair, Vice-Chair, and MDOT MAA regarding the status of the MDOT MAA's analysis of proposed FAA procedure designs
- September 21, 2018 FAA Response letter to Howard County Administrative Petition to FAA
- Roundtable letter to Senators Thune, Blunt, Nelson, and Cantwell regarding the FAA Reauthorization Act of 2017
- DC Metroplex BWI Roundtable Administrative Petition to the MDOT MAA
- E-mails between Roundtable Chair and MDOT MAA regarding BWI Marshall expansion

Presentations at meeting:

- Meeting Agenda for October 9, 2018
- Draft Meeting Minutes from July 17, 2018
- State of Maryland Administrative Petition to the FAA
- E-mails between Roundtable Chair and MDOT MAA regarding status of legal petition

- E-mails between Roundtable Chair and Jennifer Solomon regarding re-engaging with the Roundtable
- E-mails between Roundtable Chair, Vice-Chair, and MDOT MAA regarding the status of the MDOT MAA's analysis of proposed FAA procedure designs
- Howard County Administrative Petition to the FAA
- September 21, 2018 FAA Response letter to Howard County Administrative Petition to FAA
- Roundtable letter to Senators Thune, Blunt, Nelson, and Cantwell regarding the FAA Reauthorization Act of 2017
- DC Metroplex BWI Roundtable Administrative Petition to the MDOT MAA
- E-mails between Roundtable Chair and MDOT MAA regarding BWI Marshall expansion
- FAA Order 5190.6B, Airport Compliance Manual, Appendix X, 14 CFR Part 161

## **1. INTRODUCTIONS (7:01)**

### Introduction

Ms. Mary Reese (Chair) welcomed attendees and opened the meeting. Ms. Reese indicated that Mr. Drew Roth has been in an accident, and that the Roundtable wishes him a speedy recovery and that Mr. Roth expects to return in November or December.

### Member roll call

Ms. Reese asked members of the Roundtable to introduce themselves. Roundtable members introduced themselves to meeting attendees. Ms. Reese indicated that legislative districts are located on each of the name placards in the event that meeting attendees had specific questions for their representatives. Ms. Reese apologized so many representatives were missing from the meeting.

### Review and approve agenda for tonight's meeting

Prior to approving the agenda for the meeting, Ms. Reese proposed reordering the listed topics under Item two. Ms. Reese proposed that the first topic under Item two would be communication with Jennifer Solomon, the FAA Eastern Regional Administrator, the second would be communications with the MDOT MAA, the third would be the status of the June 26<sup>th</sup> Administrative Petition to the FAA, and the fourth would be an update on the Howard County Administrative Petition. Ms. Reese invited other additions or changes.

Mr. Paul Verchinski made a motion to amend the agenda, and proposed a list of items that could represent steps the Roundtable could take. The items Mr. Verchinski listed included the following:

- Reestablishing the Maryland Airplane Noise Legislative Committee
- Seeking the endorsement of large homeowner's associations (HOA's) for Roundtable actions
- Picketing BWI Marshall
- Holding meetings with Southwest Airlines
- Suggesting noise riders to appropriations bills
- Asking Congress to request a Government Accountability Office (GAO) report on NextGen airplane noise
- Requesting the FAA Inspector General look into NextGen aircraft noise
- Have a representative from the Roundtable attend Maryland Aviation Commission meetings and speak out as appropriate

Mr. Verchinski agreed that these items could be discussed in more detail under Agenda Item eight, "Steps moving forward". Mr. Jesse Chancellor (Vice Chair) motioned to approve the amended agenda.

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An unidentified Roundtable member seconded the motion. The meeting agenda for tonight's meeting is approved.

Review and approve July 17, 2018 meeting minutes

Ms. Reese moved to approve the minutes from the July 17, 2018 Roundtable meeting. Ms. Reese, Mr. Chancellor, and Ms. Linda Curry discussed whether the meeting minutes from the July 17, 2018 meeting were ready to be approved. Mr. Chancellor stated that administrative deadlines are tight, the Roundtable membership is entirely volunteer, and that the minutes are often tabled due to insufficient time for Roundtable review prior to each meeting. Mr. Chancellor highlighted that for this meeting, there was some review and edits to the minutes between the Roundtable and the MDOT MAA and that he felt enough time had passed that MDOT MAA should have distributed the minutes sooner.

Mr. Chancellor and Ms. Robin Bowie of the MDOT MAA discussed a revised process to update the meeting minutes once the MDOT MAA receives all comments from the Roundtable. Ms. Curry requested clarification on the process that would ensure all Roundtable member comments were included prior to the Roundtable finalization of the minutes. The Roundtable discussed putting draft minutes on the website.

Ms. Reese moved to table the approval of the July 17, 2018 meeting minutes. Mr. Verchinski seconded and the. Delaying approval of the July 17, 2018 meeting minutes until the December meeting are approved.

## **2. FAA COMMUNICATION UPDATES**

Communication with Jennifer Solomon, FAA Eastern Regional Administrator

Ms. Reese indicated that Ms. Jennifer Solomon, the FAA Eastern Region Regional Administrator, had been in contact via email with Ms. Reese and Mr. Chancellor. Ms. Reese noted the FAA agreed in recent correspondence to participate in future Roundtable discussions and indicated that she is targeting the first week of December for holding the next Roundtable meeting to facilitate FAA attendance. However, Ms. Reese indicated that the exact date of the meeting would depend on the MDOT MAA's ongoing analysis of FAA's proposed procedures and a vote from the Roundtable at the conclusion of tonight's meeting.

Ms. Reese reviewed the timeline of email communications between the FAA and the Roundtable, Ms. Reese started by reviewing an email from Ms. Reese on August 1, 2018 to the FAA. In that email, Ms. Reese referenced the Roundtable's request for the FAA to work on the Runway 28 changes that might benefit Howard County. Ms. Reese noted on August 2, 2018, Ms. Solomon responded and indicated that FAA legal was reviewing the Roundtable's request. On September 25, 2018 Ms. Reese renewed the request for a response and invited FAA to attend the October 9, 2018 Roundtable meeting.

Ms. Reese noted that on September 28, 2018, Ms. Solomon responded to Ms. Reese's September 25 request and explained the FAA had conducted internal discussions regarding the proposed procedures presented to the Roundtable at the April 24, 2018 Roundtable. Ms. Reese highlighted Ms. Solomon explained internal FAA discussions had concluded that changes were not required to the procedures presented to the Roundtable in April and that the MDOT MAA was free to proceed with the Roundtable's analysis of the proposed procedures.

Communication with MDOT MAA on status of HMMH and MDOT MAA progress analyzing procedure data provided from FAA

Ms. Reese noted that following recent email communication with the FAA, it appeared the FAA had been communicating with the MDOT MAA and that potential changes to the procedures that the MDOT MAA thought were necessary would no longer be required or impact prior data being analyzed. Ms. Reese implored the FAA and MDOT MAA to reach common understanding such that analysis of the proposed procedures could continue.

Mr. Chancellor summarized an email he sent to Ms. Bowie and Mr. Paul Shank of the MDOT MAA that he was led to believe the FAA had protracted internal discussions concerning the conceptual procedure designs following the April 2018 Roundtable meeting. Mr. Chancellor noted it was his understanding that these FAA discussions had concluded, and determined that changes to the procedures as presented to the Roundtable in April 2018 were not required. Mr. Chancellor concluded it was his understanding the FAA indicated they had recently verified with the MDOT MAA that they had the most accurate data for the proposed procedures and that the MDOT MAA could resume the proposed procedure analysis started following the April 2018 Roundtable meeting, to which Ms. Bowie responded in the affirmative.

Ms. Bowie noted that she has not yet received an email from Ms. Solomon; but that the possibility existed the FAA may have communicated with others at the MDOT MAA regarding the proposed procedures. Ms. Bowie explained she subsequently discussed the issue with Ms. Solomon by telephone. Ms. Reese responded and stated the Roundtable needs to have those MDOT MAA employees with knowledge of the communication between the MDOT MAA and the FAA at future Roundtable meetings.

Mr. Paul Harrell stated that the proposed procedures would also impact departures from Runway 15R, and inquired as to whether that was being evaluated by the MDOT MAA. Ms. Bowie responded that the MDOT MAA will model the entirety of the proposed procedures as presented in to the Roundtable April, 2018. Ms. Reese questioned whether or not the MDOT MAA needs to model changes that do not pertain to Roundtable concerns in an effort to save time. Ms. Bowie responded and referenced the original Roundtable motion that directed the MDOT MAA to model the procedures. Mr. Chancellor responded and noted the discussion that occurred surrounding the HMMH scope of work and the additional data analysis beyond analysis of TERPZ and LINSE. He noted it was his understanding the analysis should focus on the essential needs versus the nice-to-have. Ms. Bowie noted it was the MDOT MAA's understating from the Roundtable's motion that the MDOT MAA was to model the entirety of the proposed procedures, and that if this was no longer required it would be beneficial to know. Mr. Chancellor responded he would review the motion following this meeting with the Technical Sub-Committee to confirm if the MDOT MAA's understanding of the analysis was correct.

Ms. Curry inquired whether Mr. Shank will be in attendance at the next meeting as he serves the role of technical advisor to the Roundtable. Ms. Bowie responded in the affirmative that Mr. Shank would be in attendance.

Mr. Harrell stated that the reason he was interested in seeing the analysis for Runway 15R was that a change in where aircraft fly has the potential to decrease noise in one area and increase noise in another, and that the Roundtable should understand those impacts.

Mr. Chancellor asked the MDOT MAA for the timeline for the analysis as was discussed in prior email communications. Ms. Bowie responded that the earliest that HMMH can produce the analysis is November 19, 2018 and is the date MDOT MAA will receive the results for internal review. After MDOT MAA receives the analysis results, they need to be thoroughly reviewed by the MDOT MAA legal department due to ongoing legal activities between the State of Maryland and the FAA . Ms. Curry asked if the procedure analysis had been reviewed by MDOT MAA legal prior to the meeting in July at which the MDOT MAA was scheduled to present the analysis results. Ms. Bowie responded that at that point the modeling had not begun and that the MDOT MAA started discussing the potential for procedural

changes around July 9 or July 10, 2018 after not receiving satisfactory responses from the FAA. Ms. Curry asked Ms. Bowie if the MDOT MAA had in fact been prepared to present the proposed procedure analysis results in July. Ms. Bowie responded in the affirmative and that MDOT MAA had hoped to be ready. Ms. Reese asked if the analysis could be fast-tracked with a focus on the changes the Roundtable requested.

Ms. Reese stated she supports Mr. Chancellor's suggestion that the Roundtable would like to be briefed by MDOT MAA before the FAA attends a Roundtable meeting. Ms. Bowie questioned when the FAA was planning to attend, to which Ms. Reese indicated she understood Ms. Solomon's email to say that the FAA could come the first week of December. Ms. Reese stated that the Roundtable could have two meetings to accommodate Ms. Solomon's suggestion. Ms. Bowie clarified her understanding that FAA could offer someone to participate via telephone to answer technical questions, but that she understood FAA was not likely to attend in person as they are expecting a recommendation from the Roundtable after consideration, discussion, and a Roundtable vote on the proposed procedures.

Mr. Chancellor stated that the Roundtable had originally requested MDOT MAA present to the Technical Committee, and wants to ensure that the Technical Committee has an opportunity to review the analysis, vet any questions on behalf of the entire Roundtable, and give MDOT MAA a chance to address those prior to presenting to the entire Roundtable. Mr. Chancellor does not want the Roundtable process to be rushed. Mr. Chancellor asked of Ms. Bowie whether the legal concerns were related to the State's petition to the FAA or the Roundtable petition to the MDOT MAA. Ms. Bowie confirmed that the concern is related to the State's petition to the FAA.

#### *Status of June 26, 2018 Administrative Petition from the Office of the Attorney General to the FAA*

Ms. Reese moved on to discuss the status of the State's Administrative Petition, and reviewed communications with Ms. Louisa Goldstein of the MDOT MAA and the State's Attorney General Office. Ms. Reese indicated that she initially was told by Ms. Goldstein that the State had still not received a response from FAA, but on October 9, 2018, the MDOT MAA received a letter from FAA dated September 10, 2018. Ms. Reese highlighted the FAA's letter to MDOT MAA regarding the State's Administrative Petition. Similar to the letter FAA sent in response to Howard County's petition, the FAA's letter to the MDOT MAA stated that it concluded no formal right exists for Maryland to "petition" the Acting Administrator. Ms. Reese noted the letter concluded by explained that the flight procedures referenced in the petition were implemented years ago, that there is no major federal action associated with these procedures, and as such, the FAA declined to respond to the State's administrative petition as it does not have a legal duty to supplement those reviews.

Mr. Verchinski stated that the Oakland Mills Community Associated received a similar letter on September 18 or 19, 2018. He stated the letter was basically identical to the letter sent to Howard County. Mr. Chancellor noted that the operable language was the conclusion that nobody has a right to petition the FAA.

Ms. Reese added that Ms. Goldstein stated that FAA submitted the letter to the MDOT MAA's outside counsel, which did not address the issues raised in the petition. Mr. Lance Brasher noted that it was disappointing that the FAA did not address the substantive elements of the petition, as he believed outside counsel and Ms. Goldstein did a good job.

Ms. Curry requested clarification that Ms. Reese received the letter dated September 10, 2018 on October 9, 2018. Ms. Reese stated that she and Mr. Chancellor noted that they are unsure if the letter reached its intended recipient in a timely manner, and emphasized that she did invite Ms. Goldstein to attend tonight's meeting. Mr. Brasher re-emphasized that the Roundtable has spent the last two years making recommendations. Mr. Harrell inquired as to the overall status of the State's petition, to which

Ms. Reese quoted Ms. Goldstein's email saying that the Office of the Attorney General in consultation with outside counsel is evaluating the State's options.

Howard County Administrative Petition to FAA update provided by Lewis Taylor, Senior Assistant County Solicitor, Howard County Office of Law

Ms. Reese introduced the next topic, the Howard County administrative petition to the FAA. Ms. Reese shared her appreciation for the Howard County Public Information Office in their timely response to her inquiry. Mr. Lewis Taylor, the Senior Assistant Counsel for Howard County, indicated that unfortunately, he did not have much to add to the contents of the letter and noted the letter is nearly identical to the one received by the State. Mr. Taylor had called Ms. Goldstein who confirmed that the State also received a letter from the FAA. Mr. Taylor stated that Howard County believes there is a possibility for filing an action in Federal courts, although no decision to do so had yet been made. Mr. Taylor inquired as to whether the State would be interested in taking any future actions jointly, and Ms. Goldstein indicated that the State would take that under advisement.

Mr. Taylor shared that it is rather disingenuous for FAA to withhold discussions on certain issues unless the State and Howard County petitions are withdrawn, which seems to be contradictory but consistent with the playbook of delay and obfuscation experienced by the Roundtable. Mr. Taylor inquired as to why a technical analysis prepared by HMMH could not be provided to the Roundtable without MDOT MAA and legal counsel review. Mr. Taylor wondered why the technical analysis would need to be reviewed by legal. Mr. Taylor concluded by expressing less optimism than Mr. Brasher, and does not foresee the State taking additional actions.

### **3. UPDATE ON FAA REAUTHORIZATION ACT**

Ms. Reese welcomed and introduced Mr. Brent Girard from Senator Chris Van Hollen's office and stated he may also be able to answer questions about FAA reauthorization, as well as representatives from the Montgomery County Quiet Skies Coalition (MCQSC).

Mr. Brasher stated that the Roundtable was able to secure the support of Senators Ben Cardin and Van Hollen on an amendment to the FAA Reauthorization Act regarding dispersion and altitude. The amendment was proposed but was not included in the final bill. Mr. Brasher and Ms. Anne Hollander of MCQSC met with Chairman of the Senate Transportation Committee Senator Thune. Mr. Brasher expressed disappointment that from his perspective that his audience had not investigated these issues, nor were there others reaching out to them. Mr. Brasher emphasized in meetings that NextGen resembled highways in the sky which did raise interest, but ultimately support for the amendment did not materialize. Mr. Brasher stated that if the House of Representatives shifts there would be new opportunities. Mr. Brasher pointed out that most of the Metroplex projects are located in generally blue states, and Ms. Reese noted that the current House and Senate leadership represent rural areas, which may not have the same noise concerns.

Mr. Brasher noted that the FAA Reauthorization Act of 2018 passed by a wide margin, and included reauthorization of a private investment corporation. Most of the noise provisions relate to studies to be completed within one or two years. Mr. Brasher listed example noise-related provisions which included the following:

- A requirement that the FAA complete noise studies looking at alternatives to Day Night Average Sound Level (DNL) 65 dB
- Updating Airport Noise Exposure Maps (NEMs)
- Allowing airports to request dispersion for new procedures (although it applies to departures up to 6,000 feet and it is unclear if it applies to arrivals)

- Provisions to supplement the FAA’s current noise ombudsman
- Provisions for supersonic aircraft.

Mr. Brasher concluded by highlighting Section 191 which discusses expedited environmental review provisions, and noting that the Reauthorization Act includes positive developments but they are unlikely to solve the Roundtable’s concerns within the next two years. Ms. Curry indicated that she has shared the noise provisions with the Roundtable via email. Ms. Reese requested that Mr. Brasher share his list with the Roundtable as it differs from that sent by Ms. Curry.

Ms. Curry asked if the legislation directs FAA to use the results of the various studies in any way, to which Mr. Brasher responded that none do. An audience member inquired as to what would happen if the FAA did not complete the studies, and Mr. Brasher responded that they would be in violation of the law and would likely be sued. There was discussion regarding whether all studies would be conducted by FAA or whether some oversight would be provided by Government Accountability Office (GAO).

Ms. Curry inquired as to what else could be done, to which Mr. Brasher noted that opportunities will continue to exist to insert provisions into proposed legislation, such as was done by Senator McCain in the National Defense Authorization Act (NDAA). Mr. Brasher noted that the State’s petition included actions by the FAA that should be subject to the provisions in the NDAA.

Ms. Curry asked about other non-aviation aspects of the act. Mr. Girard noted that the legislation included funding for smaller airports in Hagerstown and Montgomery County, consumer protections for passengers with disabilities, minimum leg lengths and other provisions. Mr. Girard stated that Senators Van Hollen and Cardin submitted four amendments, but noted that Republicans control the House, Senate and White House. Mr. Girard noted that Senator Van Hollen will continue to be engaged and will hold the FAA accountable for the provisions included in the act. Mr. Girard offered that the Senator’s office would be very happy to provide answers to questions about the Reauthorization Act upon inquiry. Ms. Reese concluded the conversation by noting that the Roundtable will continue to explore avenues to pass legislation.

#### **4. MDOT MAA COMMUNICATION UPDATES**

##### *Board of Public Works July 19 hearing and vote*

Ms. Reese explained that the Maryland Board of Public Works (BPW) held a hearing on July 19, 2018 to vote on the expansion plans for the Southwest terminal. Ms. Reese and Ms. Laura Donovan attended and provided testimony. Governor Larry Hogan and Treasurer Nancy Kopp voted to move forward, Comptroller Peter Franchot voted not to move forward. Mr. David Richardson of Southwest Airlines was also in attendance and provided testimony. Mr. Franchot challenged Southwest to help in providing solutions to the larger noise issue at BWI Marshall. The BPW voted 2-1 to support the project, including an amendment that requires an additional BPW vote upon re-opening of the gates vacated by Southwest on Terminal C upon completion of the new Terminal A gates. Ms. Reese noted that Governor Hogan described the future vote as a “difficult discussion”.

##### *Roundtable’s September 10, 2018 Administrative Petition to the MDOT MAA*

Ms. Reese explained that she had received an email from Mr. Ricky Smith, the Executive Director of the MDOT MAA, that indicated the MDOT MAA will provide a response to the Roundtable petition but did not provide a timeline to do so. Mr. Chancellor added that the implementation of NextGen exposed the airport noise problem, and that perhaps BWI Marshall has grown beyond it’s bounds and is now threatening quality of life in many communities. As an example, Mr. Chancellor described the additional flights that may result from a five-gate expansion. He noted that although the airport provides

tremendous economic benefits to the state, only certain communities pay a price for it. Mr. Chancellor stated that the petition addresses the concerns from neighborhoods, such as Annapolis, Ellicott City, and Clarksville, that are considerably further from the airport, and the petition is designed to address questions of growth and impacts and form the basis of a rational debate.

Mr. Chancellor explained that Anne Arundel County and Howard County, as well as Baltimore County residents are paying the price for the airport as everyone else benefits. Mr. Chancellor hopes that the State's response includes some substantive discussion on these topics. Ms. Reese provided information on the Airport Improvement Program grant process and noted that the Roundtable concerns resulted in pushback as it appeared to threaten federal grants. Mr. Chancellor clarified that the Roundtable developed the petition as citizens intending to receive a response rather than engage in litigation.

#### MDOT MAA's September 27, 2018 email response to Chair regarding BWI expansion plans

Ms. Reese explained that she had invited Mr. Shank to attend tonight's meeting to discuss expansion plans at BWI Marshall. She shared Mr. Shank's response, which indicated that projects moving forward in the Capital Improvement Plan (CIP) are subject to the National Environmental Policy Act (NEPA), and includes preparation of an Environmental Assessment (EA). Mr. Shank's email stated that MDOT MAA is preparing responses to comments submitted during the public review process of the EA and therefore the MDOT MAA could not speak to the program at this evening's meeting.

Ms. Reese requested of the MDOT MAA that if Mr. Shank is not able to provide unbiased technical support to the Roundtable, that someone else should serve that role in his place. Ms. Bowie indicated that Mr. Shank intends to attend the future Roundtable meeting with the results of the MDOT MAA's technical analysis of FAA's proposed procedures. Mr. Brasher questioned whether the MDOT MAA follows FAA guidelines for environmental analysis. Ms. Bowie stated that the MDOT MAA's environmental reviews are done according to FAA Orders 1050.1F and 5050.4B. Mr. Verchinski asked about Maryland's environmental review laws, to which Ms. Bowie replied that the Maryland Environmental Policy Act is folded into the NEPA analysis. Mr. Harrell inquired as to whether the Maryland legislature could implement more stringent requirements, to which Ms. Bowie responded she could not answer. Ms. Reese indicated she could submit these questions to the MDOT MAA in writing, and asked about the current EA referenced in Mr. Shank's email. Ms. Bowie responded that the EA could be found at the MDOT MAA's website, which includes Ms. Barbara Deckert's inquiry about public comments.

*\*Note: The Draft EA for airport improvements at BWI Marshall can be found at:  
<http://www.marylandaviation.com/content/environmental/environmentaldocs.html>*

## **5. ROUNDTABLE DISCUSSION OF PART 161 PROCESS**

Ms. Reese introduced a slide showing the Title 14 Code of Federal Regulations (CFR) Part 161 process, which is the process that an airport operator must undertake to request changes to their operations with the FAA. Ms. Reese expressed that she understood that the MDOT MAA has not initiated a Part 161 Study for BWI Marshall. Ms. Reese further indicated that the Roundtable is interested in pursuing this topic further, including discussing Part 161 with Maryland legislators in the General Assembly to force the MDOT MAA to consider further pursuing a Part 161 Study. Ms. Reese inquired as to Roundtable member's thoughts on pursuing this issue. Mr. Brasher asked if this was related to a presentation given by HMMH about restricting operating hours, to which Ms. Bowie responded affirmatively.

Ms. Curry expressed interest in making a motion to move forward, and the Roundtable discussed potential wording for the motion. Ms. Reese will draft language for the General Assembly forcing the MDOT MAA to initiate a Part 161 process with the support of Ms. Curry.

Mr. Chancellor stated that he had inquired of Ms. Bowie if the MDOT MAA had considered a Part 161 Study, and if the MDOT MAA was looking at other changes that would assist the Roundtable's concerns. Ms. Bowie had conveyed to Mr. Chancellor that the MDOT MAA has not undertaken a Part 161 Study, that new concepts for noise reduction being studied by MIT at Boston Logan International Airport (BOS) were still being researched and evaluated by the FAA, and that the MDOT MAA intends to undertake an updated Part 150 Study in 2019.

Mr. Chancellor asked Ms. Bowie what kinds of topics will be addressed in the Part 150 Study, and Ms. Reese requested a briefing on Part 150 at the next meeting. Mr. Verchinski inquired as to what a Part 150 covered? Ms. Bowie replied that a Part 150 Study includes development of Noise Exposure Maps (NEMs), and that separately but using the same data, the MDOT MAA will update the State Airport Noise Zone (ANZ). Mr. Royce Bassarab from HNTB stated that in general, a Part 150 Study consists of NEMs for the existing year and five years into the future, and noise abatement options, including operational, land use and program/administrative measures. Mr. Bassarab explained that under Part 150, noise abatement measures must show a benefit within the DNL 65 dB noise contour to be approved by FAA. In general, a Part 150 Study will include a public process that includes airlines, community and the airport to the table to discuss potential abatement options.

Mr. Chancellor pointed out that the DNL 65 dB standard is too close to the airport, and changes that benefit people within the DNL 65 dB noise contour may have no impact 10-15 miles from the airport. Mr. Chancellor would like the MDOT MAA to develop a list of options to provide relief from aircraft noise and do the things within the MDOT MAA's control, which differs from the Part 150 process.

Ms. Curry asked what it means that the Part 150 process will involve communities. Mr. Bassarab explained that in the past studies, a Technical Advisory Committee (TAC) was formed, which included the Air Traffic Control Tower (ATCT), community representatives, the MDOT MAA, and the airlines who met and walked through the study process together. Ms. Curry expressed concern that the Part 150 would involve communities such as Severna Park, Laurel and Annapolis. Ms. Reese reemphasized the desire for a briefing about the Part 150 process and that she will submit questions to the MDOT MAA.

Ms. Bowie explained that MDOT MAA undertakes a NEM update under Part 150 every five years. Mr. Brasher inquired as to the significance of redoing the NEMs. Ms. Bowie explained that a Part 150 is used for land use planning and noise abatement. Mr. Bassarab explained the difference between the ANZ Update Study required under COMAR, and the Part 150 process. Mr. Bassarab concluded by explaining the Part 150 process allows the MDOT MAA to obtain funding used in the residential sound insulation program once accepted by the FAA, and allows local jurisdictions to proactively undertake land use planning activities.

Ms. Curry asked if noise monitors are used for the update. Mr. Bassarab indicated that noise contours are developed through the use of noise modeling, but that MDOT MAA will evaluate noise monitoring data to ensure that they align. Ms. Deckert indicated that an airport can petition the FAA to use noise data to produce noise contours, but understood that MDOT MAA does not have current noise monitoring data. Ms. Deckert pointed out that six of the original 23 permanent noise monitors are currently operational. Mr. Harrell indicated that MDOT MAA is working on installing new permanent noise monitors. Ms. Bowie responded that the project will be completed next year and that the new noise monitors are coming online in batches.

Ms. Reese indicated that she has requested portable noise monitoring and intends to request additional sessions, as there is no permanent noise monitor in Annapolis. Ms. Reese noted she is concerned with the use of the data from the portable and permanent noise monitors as they are expensive and require

taxpayer dollars. Ms. Reese asked if the Roundtable could have a role in suggesting and helping where the permanent noise monitors will be placed, and that she would submit that request in writing.

## **6. COMMUNICATIONS COMMITTEE UPDATE**

Ms. Curry noted she has kept the Roundtable updated of the Communications Committee via email. Ms. Curry explained her participation in two activities that she has not communicated to the Roundtable to date. The first was a conference call with Mr. Jim Spensley, a retired systems engineer who had dealt with NextGen building block capabilities. Ms. Curry will share the recorded conference call when it becomes available, but noted that Mr. Spensley discussed state aviation commissions and highlighted that Mr. Shank serves on the Maryland Aviation Commission, which she was not aware existed. Mr. Spensley suggested that you cannot change the FAA without working with your state aviation commission and that major hubs can direct traffic to smaller airports to reduce over-taxed systems. He also suggested that safety should be more of a concern than noise.

Ms. Bowie clarified that Mr. Shank attends Maryland Aviation Commission meetings, but is not a commissioner. Ms. Reese stated that there are nine voting members, eight of whom are appointed by the Governor.

Ms. Curry also explained her efforts to get elected officials to make statements, on the record, that they support the Roundtable's efforts and do not support further expansion of the airport. She has attended two meetings but has not yet been able to ask this question. Ms. Curry expressed that most email addresses in the Roundtable database are people who attend Roundtable meetings.

Ms. Curry mentioned the Sky Justice National Network, which has members in 14 states and five countries to share information. They host a monthly conference call to share ideas, including the relationship between state aviation commissions and the FAA. Ms. Curry indicated that the Maryland Aviation Commission meeting agendas are on the MDOT MAA website, but not the minutes. Ms. Reese, Mr. Verchinski, and Ms. Curry discussed the lack of meeting minutes and the desire to have someone from the Roundtable attend the meetings.

Ms. Curry also discussed contacting the Office of the Inspector General to investigate the FAA, and that the Roundtable should proceed forward with making a request. Ms. Curry also discussed having the Roundtable consider additional actions moving forward in addition to the ideas presented by Mr. Verchinski at the start of tonight's meeting. Ms. Curry discussed ways to increase community support of the Roundtable, and that the general population is not aware of what to do about noise. She stated that news crews only provide coverage when major occurrences happen, such as the AG letter to FAA, and concluded by noting that Counties have varying levels of participation but more could be done to combine efforts.

Ms. Reese stated that she believes the Roundtable will do great things and is finally at a point that they understand what actions are necessary. She expects other environmental and human rights groups will come onboard. Ms. Curry stated that she is seeking to increase participation in meetings such as the Board of Public Works, and suggested reaching out to large community associations such as Oakland Mills, the Greater Severna Park Council and Long Reach. Ms. Reese agreed, and Ms. Curry continued with ideas such as picketing the airport, outreach in the public arena, and working with State Senators and Delegates. Ms. Reese explained that others had heard that Howard County has received approximately 16 emails from Southwest employees who live around that airport that Howard County's petition was harming the airline. Ms. Reese stated that it appeared that Southwest had created a form email and encouraged employees to reach out to Howard County.

Mr. Richardson clarified that Ms. Reese's statement was incorrect and noted at the BPW meeting testimony he explained that the cause of the issues at BWI Marshall is the FAA's changes to procedures in and out of the airport. Mr. Richardson stated that Southwest's total daily flight operations have not increased by much, if any, since implementation of the Metroplex program. Mr. Richardson recognized the frustrations of the Roundtable but stated that turning against the airport and by extension its tenants does not serve the Roundtable's interests or achieving its ultimate goal. Ms. Reese stated that the focus should be on the FAA and changing the procedures. Mr. Verchinski disagreed and stated that the FAA has not been responsive for two years, and that not letting BWI Marshall expand is the Roundtable's only pressure point. Mr. Richardson stated that he believes that position is a minority position within Maryland, and that Southwest's number one request from people who live in Maryland is for Southwest to offer more flights to more destinations.

Ms. Reese asked if Southwest was pursuing operations from Martin State Airport, to which Mr. Richardson replied that no commercial services exist there and he doesn't see that ever changing. Mr. Harrell suggested that Southwest could set an example by flying higher, to which Mr. Richardson stated that Southwest does want to fly higher and is on record stating so, but that FAA designs the procedures and manages the airspace. Mr. Richardson said he was pleased with the progress of the PBN Working Group in meetings it had in April and June, but that he believes the State's petition and the recent lawsuit in the D.C. Circuit have changed things. Mr. Richardson stated that noise issues have been around since the 1970's and 1980's and have occurred throughout the country. Mr. Richardson stated his belief that, based on his experiences, the most effective way to influence the FAA is the local airport, lead airline and the community to all work together and that working against each other is an imprudent and ineffective strategy to mitigate noise concerns.

Mr. Richardson stated that he believes that the Roundtable erred in many of its public interactions with FAA professionals, and that the Roundtable was rude and condescending to FAA attendees in past meetings, which may have had a negative impact on their work and priorities. Mr. Richardson believes that may have led to some delays in the FAA's work. He also stated that he believes the MDOT MAA is working in good faith and that good progress was made until April and June. Ms. Reese asked to confirm that Mr. Richardson stated at the BPW meeting that he had said he thought the petition was a bad idea. Mr. Richardson confirmed.

Mr. Chancellor asked Mr. Richardson about the five gates. Mr. Richardson clarified that the project under consideration relates to baggage handling operations, and confirmed that upon completion in 2020 that BWI Marshall will have an additional five gates available for use but a net gain of zero as the baggage project will force the closure of five gates for an extended period of time. Mr. Chancellor discussed induced demand, to which Mr. Richardson responded that BWI Marshall's International Terminal, completed in 1995, only recently reached capacity. Ms. Reese brought up fuel incentives. Mr. Richardson stated that the current project is being pursued to address baggage handling, and he could not predict future growth or factors that may inhibit it. Ms. Reese stated that the Roundtable wants to work with Southwest, and Mr. Richardson indicated his willingness to meet with the Roundtable leaders. Mr. Richardson pointed out that the argument of Comptroller Franchot at the Board of Public Works meeting was challenged at that meeting, in that the baggage handling project was not of material interest of the FAA. Mr. Richardson stated that Southwest had expressed concerns about the Metroplex process to the FAA and those concerns were made public in the Baltimore Sun in 2014.

*\*Note: The 2014 Article in the Baltimore Sun regarding Southwest Airlines concerns regarding the DC Metroplex referenced by Mr. Richardson can be found at:*

<https://www.baltimoresun.com/business/bs-bz-bwi-descent-technology-20141125-story.html>

Ms. Curry asked for clarification of communications between Mr. David Lee from Howard County and Mr. Richardson, and asked to understand why Southwest desired support from Howard County. Mr. Richardson stated that Southwest and the airport contribute billions of dollars annually and over 25,000 jobs to the State's economy and that the airport's construction projects are unrelated to NextGen. Mr. Richardson stated further that it is not the NextGen technology that is the problem, but is instead the Metroplex re-design of flight paths, and that the new flight procedures in place do not save fuel for Southwest.

Mr. Brasher noted the Roundtable made it clear to the FAA that the Roundtable's primary concerns are with aircraft flying at low altitudes in concentrated flight paths and that thus far the FAA has failed to address these issues. He explained that the action taken by the State and the Attorney General against the FAA is intended to pressure the FAA to take action because in the past the FAA has failed to do so. Mr. Brasher highlighted that the Roundtable members do not have personal animosity against the FAA and consider them as professionals, but did not appreciate when FAA representatives would not acknowledge they received letters from the Roundtable dealing their requests. Mr. Brasher concluded by noting that he understands the Roundtable could have perhaps taken a more constructive approach in dealing with the FAA, but the FAA has not entertained the Roundtable's concerns and as such, that has driven the Roundtable's current approach. Mr. Richardson responded he understood Mr. Brasher's frustration, but believes that the lack of progress on action from the FAA since the April Roundtable meeting is attributable to the risk to the FAA stemming from the State's legal action as well as the harshness of interactions between the FAA and Roundtable members.

## **7. UPDATE FROM MONTGOMERY COUNTY QUIET SKIES COALITION (MCQSC)**

Ms. Reese invited Ms. Anne Hollander of the MCQSC to provide an update, but Ms. Hollander noted the substantive points had already been discussed.

## **8. ROUNDTABLE DISCUSSION**

### *Airnoise.io*

Ms. Barbra Deckert reported that in the nine weeks since launch at BWI Marshall, Airnoise.io users have filed in excess of 45,800 complaints as of the afternoon of October 9, 2018 at the rate of approximately 1,000 complaints per-day. Ms. Deckert invited others to use Airnoise.io, and emphasized the importance of demonstrating public interest on this topic. Ms. Deckert submits a weekly screenshot of her personal statistics and digest to approximately 50 representatives. Ms. Deckert indicated she looks forward to seeing the increase in noise complaints in the MDOT MAA Quarterly Noise Report. Ms. Deckert is not aware of the number of Airnoise.io users, but noted that the service costs \$5 per month plus additional cost for the use of a 'clicker'.

### *Schedule next meeting*

Ms. Reese proposed the next Roundtable meeting occur during the first week of December, which would allow FAA participation. Ms. Bowie noted she had discussed December 4, 2018 with Ms. Reese as a potential meeting date. Ms. Reese and Mr. Chancellor agreed the next meeting would be scheduled for December 4, 2018.

### *Other steps moving forward*

Mr. Verchinski listed his suggestions for moving forward for discussion, which included:

- Reestablishing the Maryland Airplane Noise Legislative Committee
- Seeking the endorsement of large homeowner's associations (HOA's) for Roundtable actions

- Picketing BWI Marshall
- Holding meetings with Southwest Airlines
- Suggesting noise riders to appropriations bills
- Asking Congress to request a GAO report on NextGen airplane noise
- Requesting the FAA Inspector General look into NextGen aircraft noise at the request of Congress
- Have a representative from the Roundtable attend Maryland Aviation Commission meetings and speak out as appropriate

Ms. Curry requested that the next meeting include discussion of these items.

## 9. PUBLIC COMMENT

**Mr. Mark Peterson** of Elkridge stated that FAA could design NextGen procedures and that the airlines could then veto them as he understood the airlines have veto authority on proposed procedure changes. Mr. Peterson noted that he enjoyed airplanes and noted the specific examples of aircraft he observed during Fleet Week, such as the F-18 Hornet, but that none of those aircraft regularly fly over his home in a residential area. Mr. Peterson concluded by highlighting the \$35 million for terminal expansion as well as \$50 million for maintenance hangar improvement at BWI Marshall is being financed by Maryland State taxpayer funds, and suggested that perhaps providing that combined sum of \$85 million directly to Southwest Airlines could be used as an incentive for Southwest to abandon operations at BWI Marshall.

**Mr. Jimmy Pleasant** of Ellicott City noted that in 2015 departures began using NextGen and that the FAA decided to do a noise transfer to aircraft to the TERPZ 6 departure procedure, which should not have been done. Mr. Pleasant noted the increase in operations of 5,000 per year and that Southwest could ship some flights to Cincinnati.

**Mr. Ron Pusloskie** of Severn stated that he has been involved in noise issues since 1988, including previous Part 150 Studies. He stated that the Part 150 process does not include community input. Mr. Pusloskie discussed Stage 2 and Stage 3 aircraft and departure turns that have not decreased. A noise monitor was located at his residence in Elmhurst for a year and none of the data was subsequently used. Mr. Pusloskie provided examples of monthly east flow operations as high as 70 percent in September of 2018. Mr. Pusloskie discussed the April meeting, and noted that previous meetings were advertised but that does not appear to be happening now. Mr. Pusloskie compared his experiences with the current experiences of other Roundtable members and noted that neither the FAA or MDOT MAA has provided sufficient answers regarding noise issues at BWI Marshall.

**Mr. Richard Wissing** of Columbia noted that Governor Hogan's position on expansion of BWI is known, but inquired as to whether or not Ben Jealous had made his position known on the issue. Ms. Reese indicated she did not know but had tried to reach out to his campaign. Ms. Curry indicated she had a conversation with him at a District 33 meeting and she believes he is supportive on the issue of airport noise. Mr. Wissing asked whether anyone had suggested to Mr. Jealous to include the issue in campaign messaging, to which Ms. Curry noted that most discussion has been about overdevelopment and schools and airport noise is not getting enough press. Mr. Wissing noted that considering Mr. Jealous' status as an underdog he may be happy to endorse a position that differs from Governor Hogan.

**Ms. Julie McQuie** of Ellicott City thanked Mr. Howard Johnson for his efforts on the Roundtable, as well as Howard County. Ms. McQuie noted the interference of activities such as tv, radio, sleep, and being outdoors in and around her home in Ellicott City. Ms. McQuie noted that she was disappointed in Southwest for instructing employees to send petitions to Howard County. She noted her depressed

property value and that Howard County represents her as a citizen. Ms. McQuie and Mr. Richardson engaged in discussions about Mr. Richardson's prior comments.

**Mr. Sunil Misra** of Owen Mills noted he likened NextGen to corrupt 1850s railroads that bribed their way into getting land. Mr. Misra expressed his disappointment that he is unable to do his research as a behaviorist because of Southwest airline's policy. He described the intermittent schedule of operations as intermittent punishment or intermittent abuse that leads to cardiovascular disease, heart attacks, strokes, anxiety disorders, depression and mood disorders. Mr. Misra also noted his frustration that the home and peaceful environment he worked hard to attain, specifically for his son with medical concerns, has been stolen from him due to aircraft noise and feels his family is being driven out of their home due to the inefficiencies of NextGen. Mr. Misra concluded by noting he felt he had been given the run around by the MDOT MAA and the FAA for years with regards to aircraft noise at BWI Marshall, and requested the Roundtable do a better job of messaging concerns about aircraft noise to communities as currently he does not believe the Roundtable's messaging has been effective.

**Ms. Laura Donovan** of Glen Burnie inquired as to the role of Mr. Richardson. Mr. Richardson responded he is an attorney for Southwest Airlines. Ms. Donovan explained she was surprised by Mr. Richardson's opinion that the Roundtable had been rude to the FAA, as it was her impression the FAA has been equally as rude and hostile towards the Roundtable. Ms. Donovan expressed that FAA's decisions have affected our health and home values. Ms. Donovan concluded by noting that most of her other questions had been answered.

**Mr. Shizhong Han** of Clarksville asked what actions FAA can take to relieve suffering, and what actions could be taken to motivate more people get involved to oppose the FAA's implementation of NextGen. Ms. Reese noted that many good points were raised this evening, including blanket emails, and emails to community associations. Ms. Reese indicated the Roundtable's desire to get the MDOT MAA to bring solutions to the table.

**Ms. Barbra Deckert** of Elkridge reminded attendees to file noise complaints via Airnoise.io, and Ms. Reese reminded attendees to vote. Mr. Misra inquired as to the activities of the MDOT MAA noise abatement team. Mr. Misra suggested the Roundtable obtain noise complaints from FAA. Mr. Chancellor noted that Mr. Harrell has been working with MDOT MAA on the noise monitoring system, and that perhaps Mr. Harrell and Mr. Misra could discuss the noise monitoring system and noise complaints.

**Mr. Michael Bahr** of Hanover stated that he first became acquainted with NextGen was in August of 2017 and that there has long been discussion of reaching out to the community, which does not seem to have happened. Mr. Bahr expressed that previous MDOT MAA efforts associated with Stage 2 aircraft phaseout and direct communications represented the MDOT MAA doing their job, and that is not happening now. Mr. Bahr expressed his frustration that the MDOT MAA has not stopped airlines from flying MD-88s, and that aircraft are not following the prescribed noise abatement procedures and continue to fly at lower altitudes. Mr. Bahr expressed frustration that flights continue to occur later in the evening and earlier in the morning, and that the MDOT MAA should be representing the interests of the public.

**Ms. Tawanda Lovett** of Columbia noted she lives between the SARLY and WONCE navigational points and that the issue of noise created by NextGen has been ongoing for some time and is now gaining momentum. However, she noted that the conversation is focused on noise but not structural and foundation issues and aircraft lighting intruding into homes.

Ms. Donovan inquired as to whether a congressional hearing could be help. Mr. Girard responded that would be up to the legislature.

## **10. ADJOURN**

Ms. Reese moved to adjourn the meeting. Prior to adjourning, Ms. Curry noted that George Lowe has joined the Roundtable and requested he be added to the Roundtable email list. Ms. Reese again moved to adjourn the meeting. Mr. Chancellor seconded. The meeting adjourned at 10:06 p.m.