



**To:** MAYOR AND COUNCIL

**Agenda Item #:** X. A.

**From:** Scott H. Neal, City Manager

**Action**

**Discussion**

**Date:** October 1, 2013

**Information**

**Subject:** Authorize Public Comments To Federal Aviation Administration

### **Action Requested:**

Authorize the submission to the FAA of comments related to potential changes in the environmental review rules related to the management of aviation noise.

### **Information / Background:**

The 2012 reauthorization of the Federal Aviation Administration included several new provisions that amended the environmental review process for the implementation of new air traffic systems. Among them was a categorical exclusion (CATEX) for next generation (NextGen) air traffic management such as RNAV.

On August 9, 2013, the FAA published a notice for public comment to consider changes to its rules related to environmental review. The notice identified 29 changes. While some of the changes are clarifications of the current rule, their concern among people concerned about aviation noise about the proposed changes to the CATEX and its reference to measure noise on a "per flight basis."

The attachment is a proposed comment on the CATEX matter that has been approved and submitted to the FAA by the Minneapolis City Council. I recommend the City Council consider and adopt the same comment language. If approved by the Council, I will submit the comment to FAA on October 2.

### **Attachments:**

Proposed comments for FAA Order 1050.1E

Comments to the Federal Aviation Administration  
Order 1050.1E  
City of Edina, Minnesota USA  
October 1, 2013

The City of Edina appreciates the opportunity to provide public comment regarding the proposed changes to the Federal Aviation Administration's Order 1050.1E. We would particularly like to direct our comments and input on the new legislatively mandated Categorical Exclusion (CATEX) included in these regulatory changes paragraphs (5–6.5q and 5–6.5r). When the legislative CATEX outlined in Section 213(c)(2) was included in the FAA Modernization and Reform Act of 2012, the City formally addressed Congress and the FAA to make our concerns regarding the potential impacts of this CATEX known.

The City's concerns with this CATEX focus on the ambiguity of the language and its reference to measuring noise on a "per flight basis", and although the report issued by the NextGen Advisory Committee in August, 2013, provides further instructions on a method for measuring the noise impact, this CATEX still poses potential for significant noise impact changes on communities without a full NEPA outlined Environmental Assessment (EA).

The lack of a full EA for Performance Based Navigation (PBN) procedure implementation serves to highlight what we view as a larger issue with existing regulatory CATEXes. We believe that because of the unique nature of the changes PBN procedures have the potential to impose on communities, namely the increase of frequency and concentration of flight patterns, the current process for reaching any regulatory CATEX is insufficient to accurately measure the true noise impact.

We support full Environmental Assessments for PBN implementation at all Operational Evolution Partnership (OEP) and non-OEP airports in the United States until further consideration of the health and physiological impacts of new PBN procedures can be studied and new, appropriate metrics for impact can be put in place that reflect the potential impact on communities. We support federal investment into the study of these impacts.

If the intent of reaching a regulatory or legislative CATEX is to expedite NextGen implementation, or specifically PBN implementation at airports in the United States, communication with communities regarding not only the potential impact, but the process with which the FAA determines impact, is key. We look forward to continuing to engage on this issue and highlight community needs.