

County Council of Howard County, Maryland

2019 Legislative Session

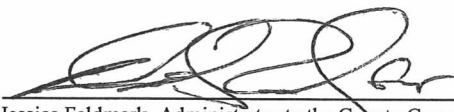
Legislative Day No. 4

Resolution No. 36-2019

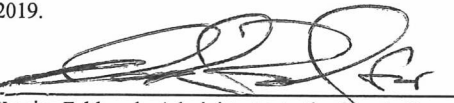
Introduced by: Deb Jung and Christiana Mercer Rigby
Co-sponsored by Liz Walsh

A Resolution expressing the County Council's continuing support for CB8-2017, which authorized the Howard County Office of Law to institute any civil action or other proceedings related to the implementation of the Next Generation Air Transportation System at Baltimore Washington International Thurgood Marshall Airport; and the Council's support for the related efforts of the DC Metroplex BWI Community Roundtable.

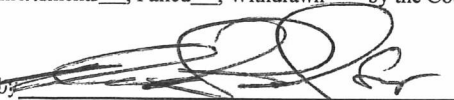
Introduced and read first time on March 4, 2019.

By order 
Jessica Feldmark, Administrator to the County Council

Read for a second time and a public hearing held on March 18, 2019.

By order 
Jessica Feldmark, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on April 1, 2019.

Certified by 
Jessica Feldmark, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, the Howard County Council has found and continues to find that the
2 implementation of the Next Generation Air Transportation System (“NextGen”) at
3 Baltimore Washington International Thurgood Marshall Airport (“BWI”) by the Federal
4 Aviation Administration (“FAA”) has harmed residents of the County due to excessive
5 and increased noise and air pollution from low-flying aircraft, which has a significant
6 negative impact on the quality of life for a large number of Howard County residents, and
7 has contributed to decreased home values; and
8

9 **WHEREAS**, the County Council has received numerous calls and emails from citizens directly
10 affected by the change in flight patterns; and
11

12 **WHEREAS**, the FAA has failed to appropriately consider significant environmental, health, and
13 land use impacts of NextGen and related flight operation changes that abandoned existing
14 State and federal noise abatement plans; and
15

16 **WHEREAS**, the FAA has acted arbitrarily and capriciously in failing to comply with federal
17 environmental, transportation, and historic preservation law in making several decisions
18 related to flight operation changes at BWI; and
19

20 **WHEREAS**, legal action is necessary to protect the residents and interests of the County from the
21 harm caused by the excessive and increased noise from airplanes; and
22

23 **WHEREAS**, the County has brought proceedings against the FAA related to the implementation
24 of NextGen at BWI, which proceedings are ongoing in federal court; and
25

26 **WHEREAS**, the County has brought a second claim against the FAA for continuing to ignore
27 significant noise impacts on Howard County citizens while approving proposed revisions
28 to the BWI Airport Layout Plan, which includes an expansion of cargo facilities; and
29

30 **WHEREAS**, the County Council supports the DC Metroplex BWI Community Roundtable’s

1 ("Roundtable") continuing efforts to work with FAA to address the adverse effects of the
2 implementation of NextGen and requests that the FAA immediately resume
3 communications with the Roundtable; and
4

5 **WHEREAS**, the County Council urges the FAA to revert to pre-NextGen flight patterns at BWI
6 as soon as possible;
7

8 **NOW, THEREFORE, the County Council of Howard County, Maryland**, on this ___ day of
9 _____, 2019, reiterates its support for the ongoing civil actions being pursued by the
10 Office of Law of Howard County, the efforts of the Roundtable to engage with FAA to
11 have it return flight patterns to pre-NextGen flight patterns, and any other proceedings that
12 are related to reversing the implementation of the Next Generation Air Transportation
13 System at BWI.

Sayers, Margery

From: stukohn@verizon.net
Sent: Sunday, March 24, 2019 3:49 PM
To: CouncilMail; Ball, Calvin; howard-citizen@yahoogroups.com
Subject: HCCA Most Recent Testimonies

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

FYI,

Just want to inform you of the Howard County Citizens Association, HCCA most recent testimonies relating to the County Council regarding Scenic Roads and the affirmation of the County's full support of major concerns of the effect of Airplane Noise on residents is very much appreciated. You can go to the following links to view our testimonies. [Testimony to County Council Regarding CB11, Scenic Roads](#) and [Testimony to County Council Regarding CR36, Next Generation Air Transportation System at BWI](#).

With regard to CB11 --- Scenic Roads we would like to THANK the Council in particular, Jung, Mercer Rigby, and Walsh for taking action on the view of the land. We ask for the Council to not only consider but adopt our suggested Amendment to add a sentence to state, "There shall be no destruction of existing mature trees or digging of any kind on Scenic Roads due to the need of utilities for any proposed developments within the immediate area." We say this especially because this is the case on Gorman Road a designated Scenic Road. This Road will be abutting a proposed development consisting of 397 units. We need to take pride regarding such Roads to protect our environment.

Stu Kohn
HCCA, President



Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

CR36-2019
HCCA Testimony
By Paul Verchinski
March 18, 2019

First, I would like to commend Councilwomen Deb Jung and Christiana Mercer Rigby for introducing this Resolution and for Councilwoman Liz Walsh for co-sponsoring this Resolution.

The Howard County Citizens Association (HCCA) supported CB8-2017 which has led to legal action against the FAA on the part of Howard County during the past two years. Since you are a new Council, HCCA requested that you reaffirm CB8-2017.

I have represented District 13 as Senator Guy Guzzone's appointee to the DC Metroplex BWI Roundtable (Roundtable). Councilwoman Deb Jung now represents the Council on the Roundtable. I have served on the Roundtable for the past two years. The Roundtable has not wavered from its original resolution, passed unanimously in March 2017, requesting the FAA to revert to pre NextGen arrival and departure dispersion of flights over Howard County, Anne Arundel, and Baltimore Counties.

Unfortunately, the FAA has a monopoly legislated by Congress on control of the National Air Space. Any changes can only be influenced thru Federal legislation.

While the Roundtable hoped that the Maryland Aviation Administration would represent Maryland citizens, this has not occurred. In fact, BWI continues to expand by adding new gates and an East Coast Maintenance hub for Southwest Airlines. While the State of Maryland benefits economically from BWI, tens of thousands of Maryland citizens in Howard County and adjoining counties have their quality of life shattered due to concentrated airplane noise thru FAA's GPS NextGen flight system. So we now have airplane noise on a 24/7 basis.

I have lived in the same house in Columbia since 1973 and never had a problem with airplane noise until NextGen was implemented at BWI. Now the airplane noise occurs from 5 AM until after midnight and sometimes I am woken up by cargo planes flying between midnight and 5 AM. The Roundtable submitted a Petition for Action to the Maryland Aviation Administration requesting that until the NextGen issues are resolved that BWI not expand nor add additional flights. To date, there has been no response.

There are only a few realistic avenues for Howard County. Continue litigation, push for Federal legislation to change the archaic noise measure adopted in 1971, and push for



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

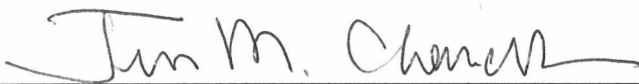
I, Jesse M. Chancellor, have been duly authorized by
(name of individual)

DC Metroplex BWI Community Roundtable to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Resolution ^{JMC 36} ~~10~~-2019 supporting CB8-2017 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Jesse M. Chancellor

Signature: 

Date: March 15, 2019

Organization: DC Metroplex BWI Community Roundtable

Organization Address: c/o Maryland Aviation Administration P.O. Box 8766 BWI Airport, MD 21240-0766

c/o Maryland Aviation Administration P.O. Box 8766 BWI Airport, MD 21240-0766

Number of Members: 21 voting

Name of Chair/President: Mary Reese

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Paul Verchinski, have been duly authorized by
(name of individual)

Howard County Citizens Assoc. to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 36-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Paul Verchinski

Signature: Paul Verchinski, HCCA Board of Directors

Date: 3/18/19

Organization: Howard County Citizens Association

Organization Address: P.O. Box 89
ELLCOTT CITY, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

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**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Lisa Markovitz, have been duly authorized by
(name of individual)

the People's voice to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 36 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Lisa Markovitz

Signature: [Handwritten Signature]

Date: 3/18/19

Organization: The People's voice

Organization Address: 3205 B Corporate Ct

Ellicott City MD 21042

Number of Members: 2821

Name of Chair/President: Lisa Markovitz

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HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

CR36-2019
HCCA Testimony
By Paul Verchinski
March 18, 2019

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The Howard County Citizens Association (HCCA) supported CB8-2017 which has led to legal action against the FAA on the part of Howard County during the past two years. Since you are a new Council, HCCA requested that you reaffirm CB8-2017.

I have represented District 13 as Senator Guy Guzzone's appointee to the DC Metroplex BWI Roundtable (Roundtable). Councilwoman Deb Jung now represents the Council on the Roundtable. I have served on the Roundtable for the past two years. The Roundtable has not wavered from its original resolution, passed unanimously in March 2017, requesting the FAA to revert to pre NextGen arrival and departure dispersion of flights over Howard County, Anne Arundel, and Baltimore Counties.

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There are only a few realistic avenues for Howard County. Continue litigation, push for Federal legislation to change the archaic noise measure adopted in 1971, and push for

Maryland legislation to limit BWI expansion, flight operations. and limit the hours that BWI allows for flight operations.

We thank you for and ask for a favorable vote on this Resolution.

Thank You,

Paul Verchinski
HCCA, Board of Director

3/18/2019

Testimony Lisa Markovitz for The People's Voice

Ellicott City MD

CR36 – 2019 – Support

We are pleased to see allowance of possible litigation regarding addressing airplane noise in Howard County. We hope that this issue can be dealt with in an overall way, so as not to have the burden shifted from one neighborhood to another. Many jurisdictions are dealing with the unexpected increased noise from the NextGen program. Some other areas have sued, and the problem keeps moving around.

We have heard from several areas in Elkridge and Columbia with problems, and recently there has been a large increase in lower flights in Ellicott City as well. We support this Bill.

Thank you.

3/18/2019

Testimony Lisa Markovitz for The People's Voice

Ellicott City MD

CR36 – 2019 – Support

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Thank you.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Linda Curry, have been duly authorized by
(name of individual)

The Greater Severna Park Council to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR36-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Linda Curry

Signature: _____


Date: 3-18-2019

Organization: Greater Severna Park Council

Organization Address: P.O. Box 786, Severna Park, MD 21146

P.O. Box 786, Severna Park, MD 21146

Number of Members: 58+ communities

Name of Chair/President: Maureen Carr-York

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Greater Severna Park Council
P.O. Box 786
Severna Park, Md 21146

A little over two years ago I stood here representing the Greater Severna Park Council in Anne Arundel County to testify in favor of CB8-2017. Since that time, I have applauded every action Howard County has taken against the FAA as well as the Council's efforts to correct the wrongs done to so many.

In the two years since I was here last, I have gotten a closer look at the FAA as a representative of the RT. I can tell you from personal observations that not much has been accomplished. The FAA has gone so far as to say there are no issues to resolve in Anne Arundel County. Contrary to their assertion, there are indeed issues to resolve. So, aside from a small change proposed for Howard County, the FAA has done nothing. That being said, even the proposed change is not an absolute. The FAA has the authority to withhold approval until the changes are subjected to safety and environmental reviews and can take years to complete. These changes could fail at any point in this process leaving Howard County with nothing.

So, I stand here once again representing the Greater Severna Park Council (GSPC), this time to testify in favor of CR36-2019. The GSPC represent over fifty-eight communities in Severna Park who are suffering under the FAA's concentrated flight paths. We support Howard County's continued efforts to find legal ways to stop the NextGen nightmare for both our counties.

Thank you,

Linda Curry
Chair
Airport Noise Committee
Greater Severna Park Council



COUNTY COUNCIL

[Home](#) > [Testify](#)

TESTIFY

Thank you for signing up to testify. Shortly you will receive a confirmation email. If you need to make any changes, please contact the council administrator, Jessica Feldmark, at jfeldmark@howardcountymd.gov, or (410)313-2001.

Note: Unfortunately, at this time, our system does not permit the user to go back and edit sign-up information once it has been submitted.

We look forward to seeing you at the hearing.

Thank you,

Jessica Feldmark, Administrator
Howard County Council

DC Metroplex BWI Community Roundtable Testimony to Howard County Council
By Jesse M. Chancellor, Vice Chairperson on March 18, 2019

I am here this evening representing the D.C. Metroplex BWI Community Roundtable, simply referred to as the BWI Roundtable. My name is Jesse Chancellor, I live in District 9 and am Vice Chair of the Roundtable. As of the last election, I am also proud to serve with Councilperson Deb Jung, who has joined the Roundtable representing this body.

The Roundtable consists of legislatively appointed representatives for all the districts in the state, and the three county governments, that are currently negatively impacted by the FAA's implementation of NextGen at BWI. We have voting representatives from Howard, Anne Arundel and Baltimore counties, and non-voting representatives from the airline industry and representatives the Maryland Aviation Administration.

For nearly two years we have tried to work with the FAA to resolve the NextGen crisis at BWI. To date, our results have **not** been encouraging. While the FAA has proposed, and the Roundtable has approved, a shift in departing flights over Howard County to be more aligned with the pre-NextGen flight paths, the FAA has not proposed changes that will return those flights to the non-controversial, low impact paths that previously existed. Left unaddressed by these minimal changes, which themselves will take approximately two years to implement, are the often painfully high concentrations of both departing and arriving flights.

In our most recent Annual Report, a copy of which I have given to the Council tonight, we at the Roundtable express our frustration with the **minimal** progress we have made. Our general view is that the FAA had a mandate from Congress to modernize the national airspace, which is necessary and appropriate, but they chose to implement that modernization in a most arrogant and simplistic manner. In the process, they have created a national problem. However, that problem is only being addressed by local advocates and officials. There are few, to no, national vehicles for addressing the NextGen fiasco.

In my personal opinion, the FAA took a public review framework that had been designed to protect the public during the analogue age and rammed a revolutionary digital overhaul of the airspace through it. There was never enough clear information for public officials, let alone the unsuspecting public, to fully comprehend what was about to be unleashed by hitherto unseen technology. Only aviation and noise experts could have foreseen the consequences, which were never made apparent to local, non-technical, non-expert, decision makers. It is that hubris, approaching deception on the part of the FAA, that is at the heart of the wrong being done to communities.

Congress had an opportunity to address these issues in the most recent FAA reauthorization bill. Our Roundtable was actively engaged with other groups around the country seeking to place health, environmental and noise issues among the FAA's lesser considerations. Despite the best efforts of our Maryland senators, only a few lines of text speaking to these issues were included in the final legislation. So, effected Howard County citizens have seen little from the Roundtable and even less from

DC Metroplex BWI Community Roundtable Testimony to Howard County Council
By Jesse M. Chancellor, Vice Chairperson on March 18, 2019

Congress. That makes the Howard County lawsuits, and similar ones around the nation, almost the last measure of hope for those citizens.

The BWI Roundtable will continue to work with the FAA, the MAA and the airlines to revert as much as possible to the status quo that existed before NextGen. In that effort, we believe the legal actions brought by Howard County have been helpful. Remember, the Roundtable was formed **only** after the County Council passed the original legislation authorizing the Office of Law to pursue legal remedies.

That is why the lawsuits brought by Howard County are so very important. To keep the pressure on the FAA to not walk away from the problems they have created AND to keep them focused on redressing the wrongs they have done to localities in the rightful pursuit of national policy.

We thank you for considering Council Resolution 36-2019 and for your continuing support of our efforts. We urge you to pass the Resolution.

D.C. METROPLEX BWI COMMUNITY ROUNDTABLE
c/o Maryland Department of Transportation Aviation Administration
P.O. Box 8766
BWI Airport, Maryland 21240-0766
January 21, 2019

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 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 achieve 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 Linthicum 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.”

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 our 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 there 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 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.
- 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.
- Our elected representative 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, and (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.”



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

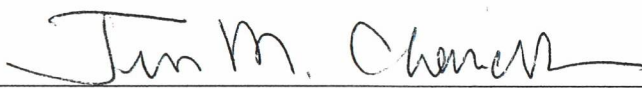
I, Jesse M. Chancellor, have been duly authorized by
(name of individual)

DC Metroplex BWI Community Roundtable to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Resolution ^{JMC 36} ~~19~~-2019 supporting CB8-2017 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Jesse M. Chancellor

Signature: 

Date: March 15, 2019

Organization: DC Metroplex BWI Community Roundtable

Organization Address: c/o Maryland Aviation Administration P.O. Box 8766 BWI Airport, MD 21240-0766

c/o Maryland Aviation Administration P.O. Box 8766 BWI Airport, MD 21240-0766

Number of Members: 21 voting

Name of Chair/President: Mary Reese

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.