

**DRAFT MEETING MINUTES  
OAKLAND AIRPORT-COMMUNITY NOISE MANAGEMENT FORUM**

April 21, 2021

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<b>1. INTRODUCTIONS</b>	

The April 21, 2021 meeting of the Oakland Airport-Community Noise Management Forum was called to order at 6:34 p.m. by the Forum’s facilitator, Mike McClintock. McClintock noted that this meeting was a regular meeting and there was a quorum. He welcomed all who were attending online or by smartphone.

**A. New City of Oakland Elected Representative—Councilmember Treva Reid**

The facilitator welcomed Councilmember Treva Reid and members of her staff, including Chief of Staff Brandon Baranco, and District Representative Haley Hester. Haley has the lead for Ms. Reid's district, which extends from the Oakland Coliseum area to the San Leandro border, and from the Oakland waterfront and airport area up to the Oakland Zoo. Ms. Hester also is the point person for the area below International Boulevard through the waterfront. She serves as the primary contact with Ms. Reid's office and will report back on matters before the Forum, and other community issues. Brandon Baranco will also participate in Forum meetings when he can join us. The facilitator again welcomed Councilmember Reid and her staff to the Forum. Oscar Arbulu, Congressional Aide/Field Representative for Congresswoman Barbara Lee was introduced to the Forum. The facilitator proceeded to call the Roll:

**Forum Members/Alternates Present**

Co-Chair Trish Herrera Spencer, Councilmember, City of Alameda  
Co-Chair Walt Jacobs, Citizen Representative, Alameda  
Ernest DelliGatti, Citizen Representative, Alameda County  
Councilmember Rigel Robinson, Berkeley  
James Nelson, Citizen Representative, Berkeley  
Councilmember Treva Reid, City of Oakland  
Edward Bogue, Citizen Representative, Hayward  
Peter Marcuzzo, Citizen Representative, Oakland/Chair, NextGen Subcommittee  
Mayor Tom Butt, City of Richmond  
Fred Simon, Councilmember, City of San Leandro  
Benny Lee, Citizen Representative, San Leandro  
Bryant L. Francis, Director of Aviation

**Staff Members/Advisors/Officials Present**

Craig Simon, Acting Assistant Director of Aviation  
Matt Davis, Airport Operations Manager  
Matthew Davis, Director, Port Governmental Affairs  
Diego Gonzalez, Port Governmental Affairs Representative  
Alex Katz, representing Congresswoman Barbara Lee (CA-13)  
Oscar Arbulu, Representing Congresswoman Barbara Lee (CA-13)  
Ben Bartlett, Councilmember, City of Berkeley  
Jesse Richardson, Airport Noise and Environmental Affairs Supervisor  
Susan Fizzell, Sr. Aviation Project Manager  
Joan Zatopek, Manager of Aviation, Planning and Development  
Colleen Liang, Port Environmental Supervisor  
Rolanda Rogers, Port of Oakland  
Chris Whitmore, Chief of Staff, Office of Mayor Butt, Richmond  
Ruben Hernandez, City of Richmond  
Kathy Ornelas, City of San Leandro/NextGen Subcommittee  
Mary Ellen Egan, HMMH, President and CEO  
Rhea Hanrahan, HMMH, Principal Consultant  
Sarah Yenson, HMMH, Airspace Consultant  
Tim Middleton, HMMH, Consultant  
Christian Valdes, Technical Consultant, Landrum & Brown  
Valerie E. Jensen Harris, Court Reporter  
Michael McClintock, Forum Facilitator

## **FAA Representatives Present**

Raquel Girvin, Regional Administrator, FAA Western-Pacific Region  
Marina Landis, Environmental Protection Specialist/Community Engagement Officer  
Bonnie Malgarini, FAA Western Service Area Operations Support Group  
Joseph Bert, FAA Western Service Area Operations Support Group

## **2. ANNOUNCEMENTS**

### **A. Recognizing Cindy Horvath for Service to the Forum**

Cindy Horvath has been the alternate for the Supervisor for District 3 in Alameda County for a number of years. She's an urban planner and was involved with the Alameda County Airport Land Use Commission, as well as the Forum. Cindy has made a number of significant contributions to the Forum based on her planning expertise. So, when somebody leaves the Forum after so many years -- in her case, for retirement -- we always like to give them a little something to show them our appreciation. The Forum has prepared a Certificate of Appreciation thanking Cindy for her service, and it has been forwarded to her.

### **B. OAK Terminal Development—Environmental Notice of Preparation and Scoping Meeting Spring 2021**

The facilitator said the next item on the agenda is a briefing on the proposed Oakland Terminal Development Program. Joan Zapotec and Colleen Liang from Port Aviation Planning and Development and Port Environmental Programs and Planning, respectively, are present here this evening, and Ms. Liang will make the presentation. Ms. Liang began by noting that from the last meeting the Port is proposing a terminal development project at the Oakland Airport. This proposed project will address facility safety, efficiency, and modernization needs. It is anticipated that the project will encompass renovating and modernizing existing Terminals 1 and 2, including replacing and improving the existing infrastructure of the facility as well as constructing a new terminal building.

Colleen noted that it is anticipated that the project Notice of Preparation and Scoping Meeting will be released on May 7, 2021. This, she said, will kick off the environmental review process under the California Environmental Quality Act (CEQA). Virtual scoping meetings tentatively scheduled for May 25 and 26, 2021. The Notice of Preparation is being readied, and it will provide the details, including times and access to the virtual meetings. Information needed to join the meetings by telephone will be included also. She added that they are looking forward to hearing from all interested parties during the scoping period and at the meetings. The facilitator asked how the notice would be distributed? Ms. Liang replied the Port anticipates sending e-mails to its stakeholder list, which includes Noise Forum members; and posting on the Port website and publication in local newspapers.

### **C. Acceptance of 4th Quarter 2020 Noise Abatement Report**

The facilitator announced agenda item 2C as acceptance of the fourth quarter 2020 noise abatement report, adding that Forum members should have received copies of the report with their agenda materials. He asked if there were any questions or comments before he entertained a motion to receive and file? Benny Lee asked about jet compliance on Runways 28R/L. He noted the numbers seem to be getting better every year, but not so much on a quarterly basis, where we actually increased by about two percent in terms of non-compliance. He said, he wanted to find out what can be done about it, because in the third quarter of 2020 there were 84 non-compliant, then it went to 132 non-compliant; which is a more than 50 percent increase in non-compliance. He said he would like an explanation on this, as well as what can be done to get things back on track.

Jesse Richardson responded that the noise abatement program -- in particular, the North Field jet departure procedure -- is a voluntary program. He said they do their best to educate pilots on using the main runway. However, he noted, there are some pilot refusals because they say it will cost them time and money to taxi the 10 minutes to get to the main runway. Having said this, he said, with the help of some of the community members in CLASS – who have reached out to the owners/operators and asked for their help to increase the compliance rate in a positive direction, pilot education seems to be the key. We have to continue to educate the pilots. Jesse said he had reached out to one particular pilot concerning his non-compliance, and provided him with the noise data that he requested. The pilot's concern, and those of other non-compliant pilots was that in many cases their jets are quieter than some turbo props that depart the North Field. He said they were working with the pilots on this, and that with the help of CLASS, we can get some of these non-complying pilots to use the main runway.

Benny Lee thanked Jesse, and asked to be kept informed of any new developments. He complimented Jesse and the Noise Office staff for their good work, adding that, for those who are new to the Forum, the noise abatement reports have evolved over time. There are charts and graphs in them that really make it easier for us to understand the rates of non-compliance. With that said, Mr. Lee moved that this item be received and filed. Ernie Delli Gatti asked if anyone was keeping track of the aircraft that are non-compliant, *i.e.*, if they're "peaking" or, at that particular time, if you're getting a lot of noise complaints from the residents regarding a specific aircraft? Jesse Richardson asked, is your question whether or not we are getting access to the tail numbers? Delli Gatti responded by asking if the noise office was keeping track of these "frequent fliers;" those who are consistently non-compliant. Jesse replied, yes, the noise office does maintain a detailed spreadsheet on the pilot refusals, and he does have access to their tail numbers. They keep track of them in the violations browser. So, Jesse noted, we're staying on top of them; and we'll continue to educate them and work to get them to use the main runway. The facilitator called for a second if no further comment. Motion seconded by Peter Marcuzzo. The question was called. Motion carried.

Mr. Kurt Peterson said he wanted to comment with regard to the acceptance of the noise abatement report. Once again, he said, he wanted to try to understand why the standard daytime departure procedure for Runway 30 showed 100% compliance for the last two years. He said, this was very deceiving because in past years non-compliance was evaluated differently. His concern was that non-compliance was now being looked at differently, and that flights previously deemed to be non-compliant were now being labeled as compliant. This is especially so, he said, because the departure can be deviated from, and it's not considered non-compliant because it might have interfered in some way with a departure from SFO. The whole rating process has been changed from years past. This, he concluded, totally misleads people into thinking that we don't have a problem on the west end of Alameda.

What Mr. Peterson is referring to is an aircraft turned by air traffic control for safety, replied Jesse Richardson. Aircraft turned for air traffic safety are considered to be compliant operations. He said the Noise Office keeps an accounting of these operations, and that they are included in the report prepared for the Forum. Matt P. Davis added that, from the airport's perspective, air traffic conflict has consistently been an allowable exception to otherwise non-compliant operations. The numbers today, he said, are based on the same criteria in effect a few years ago. They have not changed. He wanted to make that point, he stressed.

#### **D. Forum Response to FAA Request for Input Re: Noise Policy and Research**

The facilitator noted that on March 11, the submitted its response to the FAA's request for input on aviation noise and future research projects. Forum members received a copy of the letter in their agenda packets. The FAA has acknowledged receipt of the letter and it is in the system along with approximately 4,100 other submittals ranging from individual noise complaints about general aviation airports to large

commercial service airports, and some well-thought-out comments and submittals from community noise forums and other organizations. Matt P. Davis added that the Airports Council International (ACI) submitted its response to the FAA voicing the concerns of airports around the country having similar issues to those in the Bay Area. Davis said, we want to work with the FAA and encourage the agency to undertake further research on the issues raised. McClintock said that all we can do now is wait to see what the FAA does in response to the comments it received. The important thing is that the Forum's response met the deadline for comments, and these comments were directed specifically at the issues the FAA wanted feedback on. So, he said, thanks to everyone who helped in putting the Forum's letter together. Co-Chair Herrera Spencer thanked the facilitator for getting the job done.

### **3. APPROVAL OF MINUTES**

#### **A. January 20, 2021**

The facilitator noted that Forum members should have received copies of the draft Minutes from the January 20, 2021 Forum meeting. He asked if there were any questions or comments? There being no questions or comments, he called for a motion to receive and file. Motion proffered by Benny Lee. Second by Peter Marcuzzo. The question was called. Motion carried with one abstention (Councilmember Reid).

### **4. NEXTGEN RELATED NOISE CONCERNS**

#### **A. Subcommittee Report**

Peter Marcuzzo, Chair of the Forum NextGen/Metroplex subcommittee introduced himself. He said the subcommittee deals with the technical issues stemming from the FAA's implementation of NextGen, and works with the FAA to try to make the process and procedures better for the communities. He said he had three items he wanted to talk about, but would be brief because the FAA is going to give their own briefing on them; and we can ask questions later. First of all, he said, is the WNDSR TWO arrival into Oakland. The WNDSR arrival is in a configuration that takes an aircraft arriving from the Northwest down over the hills of El Cerrito, Berkeley, Oakland, San Leandro and so forth. The FAA has been working on making changes to that. One proposed change to the WNDSR arrival would take the course further to the west and to the south over the flatter areas of Richmond, El Cerrito, Berkeley, Oakland, etc. The FAA has received a lot of negative comments about it. So, the FAA's proposal to change the procedure is on hold, pending further review. That was about all the information he had on that now, and the FAA would be giving a briefing on it shortly.

The next procedure, announced Peter, is the HUSSH departure. He said the subcommittee and the Forum have been having some issues with this. The issue is that after HUSSH was modified, there is a greater chance for airplanes to drift slightly north of their course when the wind is blowing from the west, causing a little more noise over West Alameda. The FAA has looked at this and have reviewed what they could do to adjust the HUSSH departure. However, due to changes and directives, and the way they have implemented the RNAV departure, the FAA has said they can do nothing else at this time. So, he said, he would like to propose that the Forum authorize the involvement of one of the Port's consultants, under the guidance and direction of the Aviation Director, to further examine the HUSSH departure. He said, he knows that the FAA is working under difficult conditions, and that they have experienced COVID-19 issues, just like everyone else who has a business. It's been a very tough year for them and he knows they're working hard to look at all the issues presented by a lot of airports and people, not just us. So, he restated that he would like the Forum to approve and authorize using one of its consultants to do a review of what the FAA has said they can and cannot do; to see if anything has been overlooked that could possibly help to move the noise further to the west and the south on the HUSSH departure.

The facilitator thanked Mr. Marcuzzo for his report and cautioned that the Forum is only an advisory body to the Executive Director of the Port. So, he said, the Forum needs to advise the executive director of this proposed action prior to hiring anyone or directing anybody to undertake the review of HUSSH. The Port rightfully has to make that determination and make the assignment the consultant for the reasons that he just stated, said McClintock; who noted that a motion would be in order. Peter said that he would like to make a motion to ask the director to be involved in assigning a contractor to further examine the HUSSH departure procedure as discussed above. Motion seconded by Benny Lee. Motion approved by unanimous consent. Facilitator McClintock said that he would prepare the advisory notification for the Port's executive Director. Peter thanked the Forum members, and added that he just wants to exhaust all possibilities to make sure nothing has been missed before we have to say we surrender on the HUSSH departure; that's all. McClintock added that the FAA will also be discussing the status of the HUSSH procedure tonight, which provide more direction as to where we would like this investigation by the Port's consultant to go.

Mr. Marcuzzo next introduced the matter of the proposed San Lorenzo 1 (SLZ-1) arrival procedure. He said that this is a chartered visual approach proposed by Ernie Delli Gatti as a little change to the FAA's proposed Cal State Hayward chartered visual approach to Oakland. As proposed by Mr. Delli Gatti, the SLZ-1 approach would be routed over more of the hayward/San Lorenzo industrial area than would be the Cal State approach. This proposal was submitted to the FAA, who reviewed it and said that it may be feasible, but they have questions about it. So, the FAA is supposed to be drawing up its list of questions to be forwarded to us so we can respond and see if it's possible to get the San Lorenzo-1 visual approach approved for flying into Oakland for aircraft coming from the north. It was noted that the FAA rejected the Forum's proposal for a 180-day test of the feasibility of the proposed procedure because of the constraints involved and problems with issuing approaches and test periods for operational traffic; hence, a test period is not feasible at this time.

Ernie Delli Gatti said that he had been in contact with the manager of the Hayward Executive Airport, and had advised him of the San Lorenzo 1, and he is standing by to help out as may be needed, including monitoring and tracking any noise complaints and overflight traffic because it is a congested area, especially when they take the shortcut over the top of the airport itself and on into Oakland. The facilitator said that he thought the best way to proceed at this point would be to let the subcommittee and Mr. Delli Gatti work with the FAA to get them the information they said they needed. Peter noted that Bonnie Malgarini had said that she would forward a list of all the items they had questions about. So, we should be able to start the back-and-forth discussions about what needs to be resolved for the issues they had with the SLZ-1 proposal. McClintock said that he thought things should be able to move forward on both HUSSH and SLZ-1. Referring to the request for the HUSSH analysis, Matt P. Davis noted that in 2016 HMMH performed such an analysis. He said he would be happy to forward the report to anyone interested.

## **B. FAA Noise Forum Meetings Update**

Matt P. Davis reported that there have been no FAA Noise Forum meetings. The facilitator concurred, saying that it is understandable, under the current circumstances. He noted that this item is a standing agenda item anyway, so, we will have to wait for the July meeting for any updates.

## **C. FAA Regional Administrator's Update**

### **1. WNDSR TWO Procedure**

FAA Western-Pacific Regional Administrator Raquel Girvin began her update by recognizing the communities' interest in the WNDSR approach. So, she said, for the FAA, their engagement with the Oakland Noise Forum and representatives from the Oakland International Airport enabled them to better understand specific community concerns. As a result of these community concerns about the FAA's proposed changes to the WNDSR arrival into Oakland, they explored a number of options to address the operational

safety issues with the current WNDSR route. Ultimately, she said, they were able to find a safety solution that does not involve modifying the current route. In other words, she stated, “We don't need to change the current WNDSR.” She thanked the Forum and airport representatives for the ongoing dialogue, which was very much appreciated because this “enabled [the FAA] to arrive at this mutually-beneficial solution. So, she said, that's the latest on WNDSR. Noting again, “...just to summarize, the WNDSR is staying.” So, she added, the IFP gateway item for the proposed WNDSR publication date will be noted as rescinded and updated to reflect this latest decision. “So that's it on the WNDSR,” she said.

Peter Marcuzzo noted that Ms. Girvin had said that the present WNDSR procedure will stay as it is. He asked “Does this mean we're no longer exploring other options to try to move it even somewhere else to try to relieve the noise over the...the eastern parts of El Cerrito, Berkeley, Oakland, [and] San Leandro?” Ms. Girvin replied that the options they were looking at were to try to address the safety issue that would involve moving the procedure. As you know, she said, the proposal that they (FAA) had initially set forth, which is the one on the IFP gateway, was intended to address the safety issue. So, what we were trying to do, she explained, was to look at other options different from that one to address the safety issue. She noted that, ultimately, they found a safety solution that actually does not involve changing the WNDSR route.

Berkeley City Councilmember Rigel Robinson thanked Ms. Girvin for her update and noted that this was welcome news to the City of Berkeley; which, as of last night, wanted to express its opposition to the proposed change in the WNDSR procedure. He noted that Ms. Girvin had mentioned a separate solution that the FAA had found for the safety issue that didn't involve changing flight paths. He asked if she could describe, with a little more specificity, what actually entailed. Girvin said that she, personally, could not; but added that if there was a specific request from the Forum for them to explain it, she would send that back to their safety experts for an explanation. Steve Pucci noted that the current WNDSR track has been in place for a while now, and that has been accompanied by years of noise complaints from local residents. He asked, “Is your new safety solution also going to fix the noise problem in the East Bay Hills?” The administrator answered that “Our solution...will not change the flight paths. It will be the same current route.”

Christopher Whitmore thanked administrator Girvin for her update and said he agreed with Councilmember Robinson; adding that “...it'll be welcome news to Richmond residents to learn that the WNDSR flight path is going to stay as is, at least in its general current location.” He asked if the FAA could prepare a formal statement about the update that Administrator Girvin shared with us tonight. Ms. Girvin said she'd be happy to provide a statement, if that would be helpful, for your offices to address questions from your constituents. She said, she knows that the FAA has been receiving a subset of some of those concerns for communities, and they would be providing the same response that was offered here tonight. She said she would provide it to the Forum facilitator for distribution.

Susan Stephenson said that she was very disturbed to hear what Administrator Girvin had to say, because about a hundred community members had signed a petition and submitted comments to the FAA's aircraft noise policy and research call for comments that just closed on April 14. So, she said, she was surprised to hear that it's moot already. She added that, there are letters expressing our ongoing frustration with the noise and actual pollution being dumped on those of who live under this narrow flight corridor. Susan [reading]:

*“This relentless noise is nothing less than debilitating. Residents have created a multi-year record of the flights and the noise they generate, beginning early in the morning and continuing until after midnight. Jets and propeller planes are recorded flying very low inland in succession, one after the other, every one to three minutes, at only 3000 to 2900 feet. Furthermore, the impact of flights from SFO on top of Oakland Airport add to the inequitable impact on East Bay residents...[in] the Oakland hills*

*and also parts...of our East Bay parks. Those of us who like to have a respite by hiking in the parks are continually hearing overhead jets. We would like to demand that the path be widened...so that planes are spread out over a larger area to avoid a disproportionate impact on any one area. We believe that was, in fact, the system for decades until this so-called NextGeneration pattern was implemented.”*

Berkeley City Councilmember Ben Bartlett thanked the FAA for responding to his community. After hearing about the proposed westerly shift of WNDSR, he said his community prepared a petition of one-thousand people against it; and the entire City Council voted to send a letter asking the FAA not to do this. He cited why this proposal was not well-grounded, and thanked the FAA for its “mercy.” So, going forward, he said, we hope that there is another solution that spares our neighbors to the east from these bad effects. He said there is a proposal to move the WNDSR flight path three miles to the east, adding that at first glance, it does seem to be promising; it spares families emissions and noise. He urged the FAA to consider it. Laurie Earp expressed dismay at the lack of care or concern for the people living in the East Bay hills under these conditions. She cited examples of current overflight activity and noise, saying they are untenable in that by concentrating the flight tracks so that a few hundred people have to suffer, while the rest of the Bay Area sleeps comfortably. Lori Hart said she was greatly pleased that the FAA has abandoned the revised WNDSR approach, and hopes that it remains so. Martine Kraus echoed the sentiments of Berkeley Councilmembers Bartlett and Robinson. She did not think, however, that moving the problem to a different part of the community is the solution; nor did she know of anyone in Berkeley who would support that. She cautioned the Forum and the FAA to not be too complacent now that the WNDSR problem is solved. She noted that there are thousands of people still living under this. Jeff Butler thanked Councilmember Bartlett and Administrator Girvin for their actions, adding that by moving the WNDSR flight path to the flats of Albany, Berkeley, and Richmond, the number of people exposed to noise and overflight would have doubled.

## 2. HUSSH TWO Departure

Bonnie Malgarini opened with a PowerPoint presentation entitled “Oakland International Airport’s Request to Modify the HUSSH Initial Departure Altitude.” On October 16, 2019, she said, the FAA received a request through its Instrument Flight Procedure (IFP) Information Gateway from the Oakland Airport to modify the initial turn altitude for the HUSSH procedure. Aircraft currently turn toward HUSSH at or above 520’ MSL (mean sea level). RNAV initial turn altitudes cannot occur below 500’ AGL (above ground Level). Bonnie said that the airport wanted aircraft to turn at 520’ altitude, as opposed to at or above 520 feet. Often aircraft do not turn until well above 520 feet, which takes them closer to Alameda, she said, thus reducing the noise abatement benefits that this procedure attempts to achieve. An FAA order requires that the first altitude on a VA/DF (heading to altitude/direct fix) leg sequence “must be an ‘at or above’ altitude to ensure all the various types of aircraft avionics can operate appropriately.

Ms. Malgarini showed an option the FAA had considered to the current VA/DF HUSSH procedure: “Climb heading 296° to at or above 520 then left turn direct HUSSH...” The option was to change the initial portion of the HUSSH procedure to a VI/CF (course intercept/course fix):

“Climb on heading 173° to intercept course 127° to cross GIIST...” She summarized that (1) this procedure would force faster climbing aircraft to turn later than they are capable, (2) most aircraft are heavy cargo aircraft and may not be able to fly this as designed, and this could possibly cause aircraft to ‘miss’ the turn to HUSSH, and (3) it would put more aircraft on a single stream with less dispersion.” She concluded that “the current design is the best option under the current criteria.” However, she noted, they would consider anything that HMMH could find and submit. They are definitely open to community input, she said.



Martine Kraus asserted that the fact is that pilots are not following the HUSSH procedure. She said that West Alameda is getting a lot of traffic after 10:00 p.m. and well into the night. These are planes that should be not coming overhead at that time, so, she is wondering what is going to be done to ensure some level of compliance with the HUSSH procedure? Malgarini said that just by looking at the slide with the flight tracks the aircraft seem to be turning inside the prescribed route, i.e., once they hit 520 feet, they are turning. There are a few, she noted, that she assumed to be heavier cargo jets that are not yet flight stable enough to make this turn. They are compliant in the fact they're to turn at or above 520 feet. So, once they reached flight stability, they would start their turn. She said she couldn't speak for all the tracks that are outside of the route to be able to say why they didn't start turning earlier, but as can be seen from the exhibit, a large portion of them do start the earlier turn. Ms. Krause replied that what she is struggling to reconcile with this is what she is hearing overhead every night. According to Ms. Malgarini offered that they may be compliant with FAA operating criteria, but may not be compliant with airport noise abatement criteria. Bonnie asked Jesse Richardson if her assumption was correct. Jesse, said that was correct, adding that the noise office monitors for compliance with the HUSSH procedure. For aircraft to be compliant, there are three waypoints that the aircraft must penetrate. The first is HUSSH, then NITE, then REBUS. If any aircraft misses these way points, it's flagged in the airports ANOMS system as non-compliant. Joe Bert concurred that the airport does the monitoring.

Ernie Delli Gatti asked a question with respect to aircraft turning due to inclement weather and winds aloft, given that weather can affect aircraft performance. Suggesting that it might be worthwhile to look into this, as he believed it was cargo aircraft that were flying straight out. Matt Pourfarzaneh said he had a couple of observations to make (1) "These airplanes are compliant because the goal post was changed... Whenever we change the goal post, we can make anything we like;" and (2) "The point is with the large airplanes. The small airplanes can move faster, turn faster, and they get to the proper altitude faster." The airplanes we are talking about are the FedEx and UPS heavies. These are the airplanes that are the most disturbing because they are very low. One other thing, he said, that during the subcommittee meeting, it was mentioned that this happened because of the airspace "modernization." This word was not used tonight, but Dr. Pourfarzaneh thought that it should have been. He feels that if the FAA wants to modernize or make improvements, they need to do this for people as well as efficiency. He thanked Ms. Malgarini and her associates for being open to discuss this, and to hopefully be able to come to a solution as FAA technology evolves. Ms. Malgarini said that when they are working on these projects, they want a win, too. They would really like these options to work, and to be of help to the community because – although they are not dealing with noise, they are still trying to help; then to find out that what they thought might work doesn't work, is frustrating for them as well. Please don't think that we aren't trying to get to a solution for everybody, she said, they are just not always able to find a solution for many things.

Laurie Earp thanked Bonnie for her thoughts. She said she was wondering what hasn't been proposed, and that we are being told that we have to live with this now. Why can't the flight patterns be widened for a more just distribution as they had been previously. She doesn't need the technical information, just the basics. Please explain why it's not being widened she asked. Malgarini explained that the majority of this was mandated by Congress; by directing the FAA to change over to a satellite-based air navigation system from the old land-based air traffic controller model. This also entailed upgrades to aircraft navigation equipment and computerized flight management systems in aircraft. She explained that although this is all more precise, they still do not have the capability to disperse aircraft tracks along RNAV procedural tracks. Ms. Earp alluded to the Phoenix decision. Joe Bert replied that what the judge in Phoenix ordered the FAA to do was to go back and mirror as close as possible the conventional procedure. So, they did, and Phoenix is on RNAV procedures today, just like Oakland and San Francisco. The aircraft are still on a confined flight path, and they're over the same areas where they were prior to the change. The facilitator interjected to say that we have gotten somewhat off topic, and need to move on.

Forum Co-Chair Walt Jacobs said he was of the opinion that the resolution of the problems we have been hearing about will require a top-down solution, not the bottom up one we have been pursuing. Over the many years, the Forum has been working with tremendously competent people; local citizens who live in this area and who are trying to improve this situation, and operating under whatever system the FAA tells us we should be operating under. So, he said, this is what we have gotten after all this. He said he still thinks that the situation in Arizona was resolved by a top-down solution because they had a great U.S. Senator who able to influence the outcome of the situation in such a way that it created action from the top down. He said, he still believes that that is very important. In the meantime, he said, we're working hard at trying to find some middle ground that would allow these changes to occur and improve the situation--and that is what the noise Forum is all about. He added that the airport has been tremendously cooperative in this whole thing, as has Congresswoman Barbara Lee. Benny Lee spoke to the difficulties of getting bills out of Congressional committees, noting that over 200 co-sponsors are needed to get proposed legislation to the floor for a vote. The Forum has a pretty good track record working with the FAA and Barbara Lee's office, but, he said, Walt Jacobs is right; it has to come from the top down. This does not mean that we do not appreciate Administrator Girvin's commitment to the Forum; she has attended all of the Forum meetings since she assumed her office.

Udette Flesch asked if WNDSR TWO was a 24-hour procedure. Peter Marcuzzo answered that it is. Ms. Flesch asked this so that other people would understand that by living in the Oakland hills, they are hearing more of the WNDSR arrivals and they are coming in lower and lower; and it is quite frightening how low they are. She added that she was sorry that neighborhoods had to be pitted against each other, but happy for the "flats" that they're not going to get WNDSR. Seeing no more hands raised, the facilitator thanked Ms. Girvin, Bonnie Malgarini and Joe Bert for their participation. He noted that it will be necessary to reconnect to determine where to go next on these issues, particularly with regard to the HUSSH procedure, and what the ramifications are in leaving WNDSR in its current configuration.

## **5. PUBLIC COMMENT**

The facilitator opened the public comment period; noting that this is an opportunity for the public to speak on issues not on the agenda, but relevant to airport noise and air quality at Oakland International Airport. Kurt Peterson asked where in the compliance reports are the SFO issues. He asked for the reasoning behind making SFO traffic compliant prior to June 2018. There being no other members of the public indicating a desire to speak, the facilitator closed the public comment period.

## **6. NOISE OFFICE REPORT**

The facilitator announced that Matt P. Davis and Jesse Richardson would begin by recapping the action items from the January 20, 2021 Forum meeting:

### **A. Update on Action Items from January 20, 2021 Meeting**

The facilitator noted that these are items that were brought up at the Forum meeting that required some action on the part of staff or consultants. Matt P. Davis said that after the FAA's presentation on its new noise initiative copies of the presentation were distributed to interested parties. Benny Lee had asked FAA if noise complaint statistics were available from the noise portal or through FOIA. FAA replied that work was in progress and that he would be updated. Davis added that no updates have been received; and same for question to FAA about personally identifiable information (PII) being collected along with any noise complaints. CLASS had asked for HMMH to conduct a survey of all noise metrics used in recent airport environmental studies for submittal to the FAA in response to its request for information. There was insufficient time for HMMH to respond to the request because the FAA's deadline for comments was imminent. Many of the issues raised by CLASS were incorporated into the Forum's letter to the FAA in

response to its request for input, as were some of the thoughts of the Palo Alto Sky Posse as requested by Ernie Delli Gatti.

Benny Lee moved to establish an annual joint collaboration session with representatives of the SFO and Santa Clara/Santa Cruz roundtables. This has been incorporated into the Forum's 2021 Work Plan. It was requested that the Viewpoint app be included in the Noise 101 curriculum. Future Noise 101 sessions will include the Viewpoint module. In the interim, Mr. Davis offered that anyone interested in finding out more about noise, noise metrics, and other noise-related topics, they can visit the Port's website, or those having specific noise questions can contact Jesse Richardson.

## **B. Viewpoint Update**

Jesse Richardson reported that the Board of Port Commissioners had approved the new contract with the Viewpoint vendor on March 25, 2021. This is good news for both the Port and the Forum, he said.

## **7. NOISE NEWS AND UPDATE**

Christian Valdes said that subsequent to the January Forum meeting, the FAA released the results of its Neighborhood Environmental Study (NES), and that thousands of stakeholders have responded to this and the FAA's request for information to inform its noise policy and future research. He said he hopes that the slides he presents will help to show how challenging and difficult the decision-making process will be for the FAA and Congress over the coming months and years.

### **Slide 1: "Survey Shows FAA's Method to Measure Noise is Deeply Flawed"**

Eleanor Holmes Norton (D-DC), Co-Chair of House Quiet Skies Caucus.

- NES survey confirms community concerns
- Schultz Curve and DNL are no longer useful
- FAA must evaluate meaningful metrics
- More FAA engagement is needed
- Continue noise dialogue with Biden Administration

### **Slide 2: "Updated Annoyance Data Could be New Foundation for Noise Policy"**

Peter Kirsch, Kaplan Kirsch & Rockwell

- Updated annoyance dose/response curve may serve as new basis for legal discussion of noise
- Possibly years to determine legal significance of NES findings
- Is it legally permissible to rely on the 65 DNL standard?
- FAA must continue to rely on 65 DNL until new legislation is passed
- FAA options:
  - No change to policy
  - Adjustment to policy
  - New Policy
- Signs of limited willingness to use other metrics outside of 65 DNL
- Health science (research) will never be perfect

Dr. Mathias Basner, MD (expert on the effects of noise on health)

### **Slide 3: "Overview of Potential Changes in FAA Regulatory Noise Policy"**

Sanford Fidell, Fidell Associates

In a special report for ANR, Dr. Sanford Fidell, PhD, warns that decisions about changes to the FAA's current regulatory noise policies are more complex than they superficially appear to be, i.e., "Many potential policy changes would be simple, appealing, and wrong."

- DNL continues to be the best metric to predict annoyance

- An improvement would be noise contours based on the percentage of population highly annoyed
- No need to change from health-based to annoyance-based rationale
- Essential understanding in policy evolution, possible changes, and who profits and who suffers is needed.

#### **Slide 4: Must FAA Redo Completed Environmental Studies in Light of Updated Annoyance Data?**

The Van Nuys Airport Citizens Advisory Council is insisting in comments to the FAA's request to be informed on its Neighborhood Environmental Survey (NES) that a supplemental Environmental Assessment of Van Nuys Airport's NextGen procedures must be prepared in light of the NES finding that annoyance to aircraft noise is dramatically greater than the FAA's current noise policy predicts.

- A supplemental EA of VNY NextGen procedures is needed
- NES is scientific evidence and has no independent legal significance
- There will be pressure on the FAA from communities and the aviation industry
- Tampa International Airport has urged the FAA to identify funding source
- Port of Seattle and surrounding communities urge swift decision-making—enough research has been done

#### **Slide 5: House Quiet Skies Caucus Asks FAA to Explain How it Will Proceed in Light of New Annoyance Data**

- Will DNL and the DNL 65 threshold continue to be used?
- What is the status of hiring additional community engagement staff?
- What are the next steps?
- Caucus appreciated the FAA's efforts
- Urges deeper engagement with affected communities

#### **Slide 6: Jurisdictions Around Miami Challenge FAA's Approval of FL Metroplex project**

- Five lawsuits were filed against the FAA's Finding of No Significant Impact (FONSI) for the South-Central Florida Metroplex
- Allegations are that FAA increased noise over towns in increments so noise impacts would not be significant
- The FAA's noise modeling was inappropriate
- Minority and low-income communities will be impacted

#### **Slide 7: Community Groups Urge Buttigieg to Make FAA Take Action on NextGen Noise**

Asserting that the noise from FAA's NextGen program is "destroying American neighborhoods," eighteen grass-roots community groups from around the country urged U.S. Transportation Secretary Pete Buttigieg to direct the FAA to take action to address NextGen noise impact.

- 18 community groups from around country request action
- Suggestions:
  - Increase community interests in FAA NextGen Advisory Committee
  - Create a separate community-based advisory committee
  - FAA to work with consultants hired by communities
  - Form a committee to examine health effects of noise

Lastly, Christian touched-on the following related informational issues:

- New problems discovered with B-737 Max
- Cutting-edge recorders to measure X-59 “Sonic Thump”
- Aerion unveils AS3 Mach 4+ airliner concept
- Lilium Airmobility introduces all-electric 7-seat jet w/36 engines
- Nasa’s “Ingenuity” helicopter made historic flight on Mars

Benny Lee asked the range of the Lilium. Christian said 186 miles on one charge. Lee replied that it would be slower than high-speed rail. James Nelson asked if the 186-mile range was roundtrip or one-way. Christian replied 186 miles either way. On one charge. James asked how long it would take to charge the batteries. The facilitator noted that it would probably take a long time to change all the AA batteries in those 36 electrical motors.

## **8. CONFIRM NEXT MEETING DATE**

The next meeting is scheduled for July 21, 2021.

## **9. NEW BUSINESS/ADJOURNMENT**

Facilitator McClintock again thanked the FAA, elected officials, and all who participated in tonight’s meeting.

The meeting was adjourned at 9:14 p.m.

END