

**BOARD OF SUPERVISORS
BOARD BUSINESS MEETING
ACTION ITEM**

SUBJECT: **TRANSPORTATION AND LAND USE COMMITTEE
REPORT: Federal Aviation Administration Community
Process to Mitigate Aircraft Noise within the Area of the
Airport Impact Overlay District**

2011 ELECTION DISTRICT(S): Countywide

2022 ELECTION DISTRICT(S): Countywide

CRITICAL ACTION DATE: July 18, 2023

STAFF CONTACT(S): Josh Peters, Planning and Zoning
Daniel Galindo, Planning and Zoning
Dusty Smith, Public Affairs and Communications

PURPOSE: The purpose of this item is to seek endorsement from the Board of Supervisors (Board) of the draft comment letter to be submitted to the Federal Aviation Administration (FAA) regarding their Civil Aviation Noise Policy.

RECOMMENDATION(S):

Transportation and Land Use Committee (TLUC): At the TLUC meeting on June 21, 2023, the TLUC forwarded (4-0-1: Randall absent) the item to the Board with a recommendation that the Board endorse the staff recommended public comment letter and direct staff to submit the letter to the FAA in advance of the July 31, 2023 deadline.

Staff: Staff recommends the Board endorse the draft comment letter regarding the FAA's Civil Aviation Noise Policy and direct staff to submit the letter to the FAA in advance of the July 31, 2023 deadline.

BACKGROUND: On January 17, 2023, the Board adopted (6-1-1-1: Buffington opposed; Kershner absent; Chair Randall abstained) a Comprehensive Plan Amendment, Zoning Map Amendment, and a Zoning Ordinance Amendment to update the Airport Impact Overlay District (AIOD) boundaries based on a Metropolitan Washington Airports Authority 2019 noise study. In addition to the adoption of the new AIOD boundaries, the Board directed staff to open a dialogue with the FAA to better understand the range of options available to address community concerns

related to airport noise. At the request of the Chair for the TLUC, staff has provided monthly updates to the Committee on the progress to engage the FAA.

Concurrent with other staff activities related to this initiative, on April 28, 2023, the FAA announced a comprehensive review of their Civil Aviation Noise Policy, including an opportunity to submit public comment on their airport noise policy. The TLUC directed staff to prepare a comment letter on behalf of the Board. On May 17, 2023, the TLUC directed staff to develop draft comments for submission to the FAA on their Civil Aviation Noise Policies. On June 21, 2023, staff presented the draft letter to TLUC. The Committee endorsed (4-0-1, Chair Randall absent) the draft comment letter (Attachment 1) and recommended the Board approve the letter and direct staff to submit the comment letter before the July 31, 2023 deadline.

ISSUES: Staff has not identified any outstanding issues.

FAA Open Comment Period on Noise Policy Review: On April 28, 2023, the FAA issued a press release announcing an invitation to submit public comments relating to the FAA's Civil Aviation Noise Policy. On May 1, 2023, the official notice was posted in the Federal Register. The Civil Aviation Noise Policy sets forth how the FAA analyzes, explains, and publicly presents changes in noise exposure from aviation activity, recreational and commercial fixed wing airplanes, helicopters, commercial space transportation vehicles, unmanned aircraft systems, as well as emerging technology vehicles. The FAA will consider how changes to the Civil Aviation Noise Policy may better inform agency decision makers, the types of impacts it considers in making decisions (e.g., community annoyance, certain types of adverse health impacts highly correlated with aviation noise exposure), and potential improvements to how the FAA analyzes, explains, and presents changes in exposure to civil aviation noise.

The staff has prepared draft comments for the TLUC to consider for endorsement before submitting the letter for approval to the Board. On June 21, 2023 the TLUC voted (4-0-1: Randall absent) to recommend the draft letter be endorsed by the Board.

FISCAL IMPACT: There is no fiscal impact associated with this action item.

ALTERNATIVES:

1. The Board may endorse the draft comment letter, as provided as Attachment 1, and direct the submission to the FAA.
2. The Board may not endorse the draft comment letter, as provided as Attachment 1, and provide staff with suggested edits before endorsement and submission to the FAA.
3. The Board may choose not to submit the draft letter to the FAA.

DRAFT MOTIONS:

1. I move the Transportation and Land Use Committee recommendation that the Board of Supervisors endorse the public comment letter, provided as Attachment 1 to the July 18, 2023, Board of Supervisors Action Item, regarding the Federal Aviation Administration's Civil Aviation Noise Policy, and authorize the Chair-at-Large, or her designee to execute the letter, and direct staff to submit the letter to the Federal Aviation Administration prior to the July 31, 2023 deadline.

OR

2. I move an alternative motion.

ATTACHMENT(S):

1. Draft public comment letter proposed for submission to the FAA relating to Civil Aviation Noise Policy and endorsed by the TLUC.

July X, 2023

Docket Operations, M-30
Federal Aviation Administration, U.S. Department of Transportation
1200 New Jersey Avenue, SE, Room W12-140
West Building Ground Floor
Washington DC 20590-0001
Submitted via [Regulations.gov](https://www.regulations.gov) Comment Portal

**Ref: Federal Aviation Administration's Civil Aviation Noise Policy Review
Public Comment Docket No. FAA-2023-0855**

Dear Federal Aviation Administration:

This correspondence is submitted in response to the Federal Aviation Administration's (FAA) Request for Comments regarding Review of the Civil Aviation Noise Policy, Notice of Public Meeting. The notice was issued in the Federal Register, Monday, May 1, 2023, as Docket No. FAA-2023-0855. Loudoun County, VA offers the following comments for your review and consideration:

Loudoun County supports the FAA in their efforts to review and integrate current research findings on the effects of exposure to aviation noise into federal noise policies, including any correlation of exposure to aviation noise with adverse health impacts, economic impacts, and annoyance. We suggest the FAA adopt a policy regarding specific increments of time where literature and policy review is completed to remain current with available research findings.

Loudoun County has a longstanding history of using zoning regulations to manage development of noise sensitive uses in areas where aviation noise occurs. These regulations require noise abatement in residential construction in certain areas and prohibit new residential development in other areas, using noise exposure maps and standards consistent with the FAA's guidelines. This established process includes maintaining an excellent working relationship with the Metropolitan Washington Airports Authority (MWAA), the operators of Dulles International Airport (IAD). We are requesting the FAA consider issuing guidance whereby airports, meeting some appropriate operational threshold that would include IAD, be required to perform and publish two airport noise exposure studies. The first, would be a study that is considered a long-range land use planning tool to give guidance to localities for defining locations where land uses not compatible with aviation noise should and should not be located. The interval for a study of this nature could be as high as once every 15 to 20 years. A study of this type would be based on ultimate buildout of the airport layout plan and the airport operating at full FAA regulation compliance capacity. The second, would be a more frequently (every 5-7 years) prepared airport noise study that reports on airport noise based on relatively current operations using airport development as it exists on the ground, existing activity, and fleet mix. The ability to reference two distinct noise exposure maps would serve to separate the concepts of long-range land use planning from the more tactical practice of addressing existing and near-term compatibility issues. The more frequent study could be used to compare against the longer-term study to ensure there is development consistency between studies. The more frequent study can also serve as an indicator for when the long-term study needs updating.

Regarding FAA's standard noise metric that describes exposure to aircraft noise, and potential revisions thereto, Loudoun County encourages the review and selection of a system of metrics that

Attachment 1

are consistent and objective in analysis. Loudoun County requests that the FAA not lower the sound exposure threshold of 65 Day-Night Average Sound Level (DNL), which is currently the maximum sound exposure whereby residential development is deemed normally compatible with aviation noise. Decades of land use planning and actual development have followed this as a guiding principle. Lowering the limit below this level will significantly increase the volume of aviation related noise complaints to localities and the FAA. In addition to the DNL metric, Loudoun County encourages the FAA to establish guidance on the maximum sound level (L_{max}) exposure for residential development.

Aircraft engine and vehicle design have changed significantly since the 1970's when the Aviation Safety and Noise Abatement Act of 1979 (ASNA) was introduced. Loudoun County supports a proposal for the FAA to examine the content of ASNA and determine whether amendments are prudent given the technological changes in aircraft design, navigation systems, and airport operations.

Loudoun County suggests the FAA establish guidance for Airport Sponsors to establish public outreach programs and advisory committees to regularly engage the communities where they are located to receive feedback on matters related to noise exposure and other areas of interest. Such guidance could be tied to the Airport Grant Assurance agreements between the FAA and sponsoring airport.

Loudoun County encourages the FAA to create funding programs to award grants to residential and commercial landowners who are impacted by aviation related noise. Despite the efforts of localities, like Loudoun County, to manage growth with consideration of aviation noise, conflicts still arise in some instances, and localities cannot address the issue through land development after it has been permitted. Changes in aviation operations have led to changes in sound exposure for some communities, thus exposing previously approved development to noise conditions that were not anticipated. Having funding programs to implement noise abatement will assist with protecting communities from the adverse health effects of aviation noise.

Loudoun County encourages the FAA to continue its efforts, through regulation, if necessary, to promote the transition to newer aircraft technology and operational rule modifications that minimize aviation sound exposure.

On behalf of the Board of Supervisors I would like to thank you in advance for the opportunity to provide feedback through the open comment process.

Sincerely,

Loudoun County, VA Board of Supervisors

Phyllis J. Randall, Chair At-Large