

Los Angeles Area Helicopter Noise Coalition

Citizens seeking relief from helicopter noise - A problem for more than 40 years

June 8, 2017

LAHelicopterNoise.org

Chair
Richard Root
Founder, Citizens for
Quiet Helicopters
(Torrance)

Treasurer
Dave Garfinkle
Tarzana Property Owners
Association

George Abrahams
Beachwood Canyon
Neighborhood Association

Gerry Hans
Friends of Griffith Park

David Rankell
Van Nuys Airport
Citizens Advisory Council

Mike Savidan
Councilman, City of Lomita

Donna Sievers
Bluff Heights (Long Beach)
Neighborhood Association

Gerald A. Silver
Homeowners of Encino

Rudy Whitcomb
Rolling Hills Estates

Wayne Williams
Van Nuys Airport
Citizens Advisory Council

Mr. Dennis E. Roberts
Regional Administrator
Federal Aviation Administration
Western-Pacific Region
Post Office Box 92007
Los Angeles, CA 90009-2007

Dear Administrator Roberts:

Subject: **LAAHNC QUESTIONS ON OFFSHORE HELICOPTER ROUTES**

This letter is the Los Angeles Area Helicopter Noise Coalition's (LAAHNC's) response to your letter dated May 19, 2017.

Your letter referenced our meeting and stated we said the lack of progress in reducing helicopter noise caused us to consider whether or not to continue to engage in the collaborative process. That is true, but we also said what really damaged our trust was the way the FAA handled the offshore route issue. We also said we were looking for a way to go forward. Subsequently, we asked for a meeting for the FAA to explain its rationale for the offshore helicopter route and answer our questions. Your letter asked us to put our questions in writing and stated you would respond accordingly.

Over the course of many months of "collaborative" meetings with stakeholders, the FAA consistently stated it was considering coastal helicopter routes one-quarter mile offshore. At the last collaborative meeting in June 2015, the FAA stated it had decided to implement the routes at that distance offshore. It should also be noted that we repeatedly asked the FAA whether affected cities and the general public would be given advance notice and an opportunity to make input. The FAA never answered our question. So, it was a shock to us when, in June 2016, without any advance notice, the FAA announced that the routes had been implemented at only 750 feet offshore, with a spread of 250 feet on either side and no minimum altitude. This action was completely inconsistent with our concept of the "collaborative" process.

Shortly after learning of the new routes, we began asking questions about the process that led to their implementation. That raised additional concerns. As far as we can determine, the FAA has never explained its basis for setting the routes at 750 feet offshore. There was never any explanation as to why our proposal to set them at one-half mile offshore would not be feasible, or why the FAA decided to drop its plan for one-quarter mile offshore and replace it with routes as little as 500 feet offshore (750 feet with a spread of 250 feet).

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In addition, we got a copy of the FAA's Categorical Exclusion Declaration which was completed prior to implementation without our participation or input. We reviewed the document and found it to be lacking in many respects. First, it stated that the routes were established to "lessen noise impacts." However, it presented no evidence or factual data to show it would do so. At best the Declaration only stated that there would be no significant **increase** in noise. It also made the unsupported assertion that under the new routes helicopters would be more likely to fly farther offshore when flying along the coastline. However, the noise study graphics clearly show that in some places the routes were placed closer to shore than helicopters had already been flying (baseline condition), especially on the South Bay and Palos Verdes peninsula shoreline. (See ATTACHMENT 1.) Given that the objective was to lessen noise, we do not understand why the FAA would implement a route without any evidence it would actually do so.

Also, in order to justify the use of a categorical exclusion, the Declaration included several questionable determinations. For example, an assertion was made that the implementation would not result in any "extraordinary circumstances" under Environmental Order 1050.1F. However, the Environmental Order lists extraordinary circumstances that seem to apply, including the following: An impact on properties protected under Section 4(f); an impact on coastal zones; an impact on noise levels of noise-sensitive areas; and a project likely to be controversial on environmental grounds. But, the Declaration does not explain how the FAA came to the conclusion that none of them apply. We do not see how the FAA came to that conclusion.

Furthermore, the Declaration stated that the **applicable** categorical exclusion was "*Establishment or modification of helicopter routes that channel helicopter activity over **major thoroughfares**....*" The Declaration does not explain how the FAA came to its conclusion. Clearly the coastline is **not** a major thoroughfare. Therefore, we do not see how the FAA determined that this exclusion was applicable.

Moreover, the FAA's noise modeling study that supports the Declaration is misleading. It states that "...*the results indicated that for 2499 of the 2500 grid points there is **no change in noise exposure** as a result of the implementation of the South Bay and Palisades Helicopter Routes.*" We asked for a copy of the raw data so we could verify that statement, but FAA staff refused our request. We were eventually able to obtain a copy through the Freedom of Information Act, but that delayed our review two-and-one-half months. When completed, our review of the study showed that there were at least 58 grid points that showed increases of more than 5 dB DNL. So, in fact the modeling did show there would be some noise increases. Although the study makes no mention of these noise increases they show up in the raw data and many of them are substantial. For example, one grid point (No. 1979) on the Malibu coastline showed an increase in noise of 8.38 dB (from 34.38 to 42.77 dB DNL).

Finally, in many areas, the noise study showed increases on **both** the ocean side and the coastline side of the routes. That is illogical on its face. If a route causes the noise level to increase on one side it should show a decrease on the other side. These results lack credibility and indicate that there may have been something wrong with way the study was done. We made the FAA aware of our concerns about the validity of the noise study in January of this year and asked your staff to review it and get back to us with an explanation. However, we never received one. This noise study was done a year ago, but we are still waiting for explanations.

As you know, the legislation enacted in January, 2014, directed the FAA to make "significant" progress in reducing helicopter noise in LA County, including adjusting helicopter routes. That goal has not been met. The only route change that has been made is the establishment of the offshore routes which are not really "offshore" at all and are more likely to increase noise in many places along the coastline than they are to produce significant decreases in noise.

The FAA has scheduled no stakeholder collaboration meetings in almost two years. In your letter, you mention that the monthly Automated Complaint System committee meetings have borne fruit. However, the examples you mentioned are prospective and it remains to be seen whether they will actually bear any fruit, let alone achieve the "significant" progress directed by Congress over three years ago. As your letter states, "*while no*

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one voluntary measure or multiple measures are likely to substantially alleviate community noise concerns, they should provide an incremental step forward.” On this point, we agree. Voluntary measures (assuming we were able to reach agreement on any) are not likely to lead to significant noise reduction.

We appreciate your willingness to engage in ongoing dialogue although it is pretty clear to us that the pilots who have participated in our meetings will never agree to significant changes in flight practices. Even if they did agree, experience shows that pilots do not comply with voluntary measures. So, we question whether dialogue alone will ever result in actual noise reduction. At the same time, the FAA is unwilling to establish regulations to mandate such changes. Therefore, we do not appear to be on course to achieve any significant solutions to this problem in the foreseeable future.

However, for the time being we plan to continue to participate in the Automated Complaint System monthly committee meetings as well as any collaborative meetings the FAA might propose. As you requested, attached is a list of our specific questions on the offshore route. (See ATTACHMENT 2.) Your responses should give us better insight into how the FAA thinks the collaborative process is supposed to work. We look forward to receiving it as soon as practical.

Sincerely,

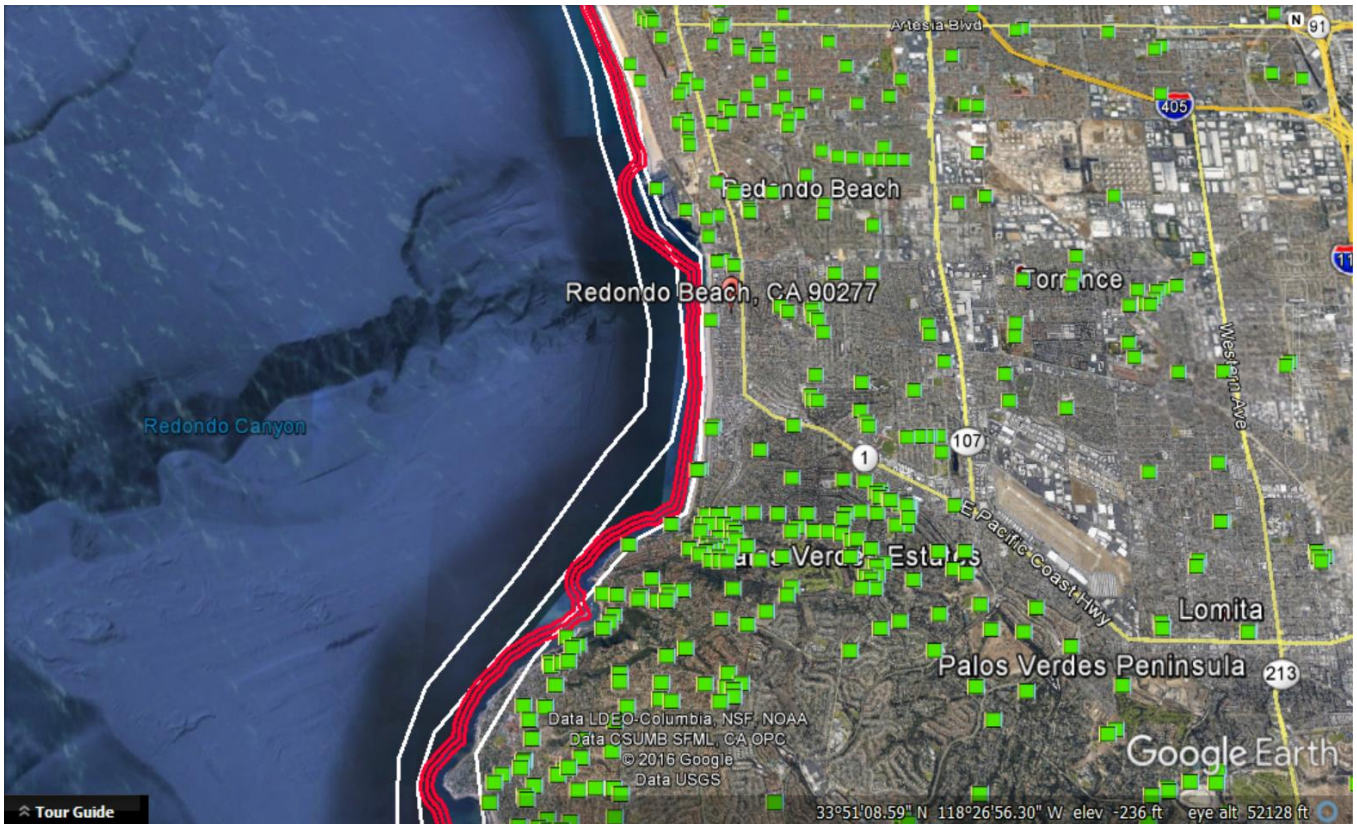


Richard Root, Chair
LAAHNC

cc: Concerned elected officials and other stakeholders

COMPARISON OF BASELINE AND NEW OFFSHORE ROUTE SOUTH BAY AREA

White lines show baseline helicopter flight area (where pilots were already flying in 2015)
Red lines show new offshore helicopter route implemented in June, 2016
Green squares show locations of 4(f) properties (public parks, historical sites, etc.)



Source: Routes from FAA Noise Study and 4(f) properties from FAA SoCal Metroplex Final EA

QUESTIONS FROM LAAHNC TO FAA REGARDING OFFSHORE ROUTE

1. What was the FAA's basis or rationale for setting the offshore routes at 750 feet? What evidence or data existed to show that it would reduce noise on the coastline? On what basis did the FAA reject our proposal for a route one-half mile offshore? Why did the FAA change its thinking and decide to implement the route at only 750 feet offshore rather than one-quarter mile offshore?
2. Why didn't the FAA consult us on the 750-foot routes prior to implementation, especially since we were stakeholders in the collaborative process and we were the ones asking for an offshore route (at one-half mile offshore)?
3. We recognize that the FAA is not **legally required** to give advance public notice of a change approved through use of a categorical exclusion. However, considering all the circumstances, it seems like public notice should have been provided in this case. Why didn't the FAA give any advance notice of the routes to the County, affected coastal cities, or the general public and give those stakeholders a chance to make input prior to implementation?
4. We asked the FAA whether it was going to make the proposed routes available for public comments prior to implementation. Why didn't the FAA ever answer our question?
5. The FAA's Categorical Exclusion Declaration states that the applicable exclusion is "*Establishment or modification of helicopter routes that channel helicopter activity over major thoroughfares....*" Does the FAA consider the coastline to be a major thoroughfare? Please explain how this exclusion is applicable.
6. Under Section 5-2.b, the FAA's Environmental Order states that a categorical exclusion is **not** appropriate if **one** or more "extraordinary circumstances" exist, including the following:
 - (2) *An impact on properties protected under Section 4(f). (Public parks, recreation areas, refuges, historic sites, etc.)*
 - (4) *An impact on...coastal zones.*
 - (7) *An impact on noise levels of noise-sensitive areas.*
 - (10) *Effects on the quality of the human environment that are likely to be highly controversial on environmental grounds.*

The FAA's Categorical Exclusion Declaration states that the routes would not result in any extraordinary circumstances. Please explain the FAA's basis for determining that none of the above extraordinary circumstances was applicable.
7. In Section 3-1.2, the FAA's Environmental Order lists actions normally requiring an Environmental Assessment (which **requires** advance public notice), including the following:

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“(12) New air traffic control procedures (e.g., instrument approach procedures, departure procedures, en route procedures) and modifications to currently approved procedures that routinely route aircraft over noise sensitive areas at less than 3,000 feet above ground level (AGL)....”

The offshore routes were new en route procedures that route helicopter traffic less than 3,000 feet from noise sensitive areas. The fact that the offshore routes are voluntary doesn't change the fact that they FAA procedures. Why wouldn't this provision calling for an Environmental Assessment apply?

8. Please explain the anomalies in the noise modeling study. Has the FAA taken another look at the study and found any errors? Or, does the FAA stand by the original data? Also, would the FAA acknowledge that the study showed that the new routes would result in **some** noise increases on the coastline even if they did not rise to the FAA's threshold for significance? Since we were engaged in a collaborative effort, why weren't the study results shared with us in advance so we could collaborate or at least make input prior to the FAA's decision? After implementation, when we requested a copy of the raw data, why did FAA staff refuse to give it to us?
9. Why were the offshore routes extended into Orange and Ventura Counties when they were never the subjects of any of our discussions?
10. The FAA has stated that the route was a “necessary first step” in addressing coastal noise concerns. The FAA could have implemented a route on a six-month trial basis and evaluated the results without any environmental review. Instead, the FAA implemented all the routes on a permanent basis and they have been in effect now for almost a year without any evaluation. Why didn't the FAA implement one or more routes on a six-month trial basis rather than making them all permanent? Does the FAA plan to evaluate the effect of the routes on coastal noise? If so, how and when?
11. Please comment on the overall process. Was it a collaborative process? The FAA Community Involvement Manual (published in February, 2016) defines collaboration this way: *“Facilitate discussion and collaboration, for example, by providing a forum for the FAA and community to work through topics and **generate shared solutions**.”* The 750-foot route was not a shared solution. Please clarify how the FAA views “collaboration” on noise issues. Does it only consist of the FAA listening to stakeholder concerns up to a point then proceeding unilaterally? Or should it involve a good faith effort to reach a consensus among stakeholders before taking an action?