

Boston Logan Airport Noise Study (BLANS)

BOS/TAC Meeting Massport Logan Office Center Training Room

MEETING SUMMARY

10:00 a.m. – 12:30 p.m.

June 30, 2011

ATTENDANCE

Boston Technical Advisory Committee (BOS/TAC) Members:

Federal Aviation Administration (FAA)- Barbara Travers-Wright, Sandra Bogosian, Terry English, Brian Brunelle

Massachusetts Port Authority (Massport)-Flavio Leo

Community Advisory Committee (CAC)-Sandra Kunz (Braintree), Jerry Falbo (Winthrop), Darryl Pomicter (Beacon Hill), Ralph Dormitzer (Cohasset), Wig Zamore (Somerville)

VIA TELEPHONE

FAA- Gail Lattrell, Deborah James, Mike Nelson, Richard Doucette, Joe Bellabona (Alt)

CAC-Judy Kennedy (Milton), John Stewart (South End), Ed Kennedy, Ron Hardaway (East Boston), Maura Zlody (City of Boston), Declan Boland (Hingham)

Independent Consultant (IC)-Jon Woodward (Landrum & Brown, Inc.), Scott Carpenter

Project Consultant (PC)-Stephen Smith (Ricondo & Associates, Inc.)

OBSERVERS

FAA- Chris Poreda, Ed Green, Alan Reed-Recorder

Attachments:

FAA Response to Comments from CAC/IC on the FAA's Draft Level 2 Report, dated June 27, 2011, with the below attachments:

A: Level 2 Draft Report Transmittal email from PC (Stephen Smith) dated 5/6/11

B: Comments Received by FAA

C: Level 3 Process Steps Flow Chart-Draft

D: Draft FAA's Determination for BLANS Measure F-T

Attendance: T. English requested that phone callers and those at the meeting identify themselves, for the record.

She reiterated that the purpose of the meeting was to review and further discuss the FAA's Responses to CAC/IC comments received on the BLANS Draft Level 2 Screening Report, dated May 2011, and that S. Kunz had requested the meeting. She said that she had planned to use FAA's attachment as the agenda and discuss the FAA responses in the order that they appeared. The group agreed to this, without noted objection.

D. Pomictier requested whether FAA legal counsel had been involved in the discussion on the various measures. T. English confirmed that legal counsel is part of the FAA Evaluation Team and have been involved with the BONS and BLANS since the beginning of the study. She also said that C.Poreda would be attending today's meeting (C.Poreda arrived subsequently).

Comments Received:

T. English explained that the FAA's responses to comments primarily identify what the FAA "will do" to modify the report based on CAC/IC comments.

D. Pomictier commented that he was glad that the FAA addressed the comments directly rather than with an accommodating approach and that legal would be attending to also address some of his comments.

J. Stewart stated that he was fine with everything (in the Comments Received section).

Report Organization and Format: (unless specifically noted otherwise, FAA will update the report as stated in the attachment)

A summary of Points 1-6:

J. Woodward requested expanding the Table of Contents (TOC) so that it lists each of the Measures current ID and Description and the page numbers of where they are in the report. People are used to looking at the measures in alphabetical order and they should be listed this way in the TOC.

PC and IC discussed what they believed was the best way to organize the information, which would include potentially two separate "volumes". S. Kunz suggested keeping things simple and having one volume containing all appendices in the back. The general consensus was to have one volume with pages numbered both in the main volume and the appendices.

R. Dormitzer suggested inserting an executive summary and then going deeper into the document, depending upon interest. S.Smith noted that the summary sheets serve as the summary for each measure. There was no agreement to include an executive summary.

7. S. Kunz confirmed that there is no CAC logo. Not all CAC members agreed with FAA's proposed language for the cover of the report - "Prepared for the FAA" "In Association with the Logan Airport Community Advisory Committee and Massachusetts Port Authority". D. Pomictier suggested "in partnership" in place of "in association with." J. Falbo said that he believes the 2002 Record of Decision (ROD) describes FAA's role as a facilitator. R. Dormitzer quoted page 27 of the ROD, which states that FAA, Massport and the CAC (which includes South Shore communities) will work jointly to develop the scope of a noise study...". T. English recommended to use "in

collaboration” instead of “in association” on the cover of the report since this is the language used on page 7 of the BLANS Scope of Work. There was general consensus on this change

8. Despite his reluctance to accept a slightly different format to the FAA’s Determinations for Measures F-T and F-U, D. Pomicter agreed to accept the format and the inclusion with the other Measures as part of the Worksheet group, which correlates with FAA’s response.

9. T. English reiterated that “Id” would be changed to “ID”. There were no further comments.

10. There were no comments on the issue of the flow chart.

Individual Measures:

1. T. English reviewed FAA’s response. D. Pomicter noted that the voluminous documents to date cannot be considered readily accessible. He agreed with the last sentence [The Level 2 document is intended to document the technical analysis and not to provide a full history of all discussions that transpired throughout the process], but believed this is a summary document to date and significant related requests and considerations should be noted. D. Pomicter focused this on his specific comments on Measures F-T, F-U, and F-V, including for example with Measure F-U noting the FAA Report to Congress Nonmilitary Helicopter Urban Noise Study—which he advised of and has not yet been acknowledged. And, for Measure F-V, noting the CAC request to consider the London Heathrow Minimum 1000ft Before Turning Rule (which specifically decreases capacity to decrease neighboring noise effects) and the FAA denial to consider, such as including “Heathrow” information into FAA documents. The group briefly discussed the topic and while T. English said she would look at the language again, S. Smith noted that Heathrow has been a topic of conversation, but not included in the Level 2 report because it was not applicable to the determinations made by the FAA.

D. Pomicter repeated the purpose and goals (of the noise study):

- to identify and implement measures to reduce noise impacts to communities surrounding Boston
- decrease helicopter noise
- decrease noise from VFR flights

He expressed his frustration of (the FAA) turning 4 pages of CAC Initial Concepts into more than 80 pages of Measures with their definitions (53 mitigating measures) and would like the FAA to refocus on the 4 pages of the CAC’s Initial Concepts. S. Bogosian questioned if D. Pomicter was implying a rewrite of the work already done, while pointing out that a consensus doesn’t mean an agreement has been reached. D. Pomicter disagreed with her assessment and would (like the FAA) to please refocus on the CAC goals as explicitly as possible. T. English commented that (the FAA) has not lost focus or changed anything.

D. Pomictier noted the textual changes of F-T and F-U, asserting that the FAA is already renegeing (its assessments).

2. Measure G-I (v2). T. English reviewed the proposed language change for the measure. There were no objections or additional comments.

3. Measure G-N. T. English said that G-N will be relabeled as G-Bv2 as recommended. There were no noted objections. J. Falbo stated that although he has no problem with relabeling the measure, the CAC wanted (commitments involving ground noise measures) included in an FAA BLANS ROD and if deemed improper, he wanted a legal opinion regarding such.

4. Measure F-A. T. English confirmed with J. Woodward that he has the necessary TARGETS software to evaluate the STARS procedures, which is in progress.

5. Measure F-K (v2). T. English explained the limitations FAA has in identifying narrow procedure corridors and specific fixes beyond the proposed WYLYYA waypoint for Runway 27 departures. Although identifying corridors beyond this point seemed to be reasonable at the January subcommittee meeting, a more in-depth analysis and some FAA internal facility coordination revealed too many potential conflicts and unknowns such that FAA cannot commit to anything specific beyond the initial segment of the departure (i.e. up to the WYLYYA waypoint). She said that the FAA can reasonably commit to a 3-mile wide corridor either side of the backbone track (or 6 miles total) beyond the WYLYYA waypoint, but that the FAA wouldn't know the exact location of the fixes and corridors until after completion of the 18-Step process and Safety Risk Management (SRM) Review. She deferred to B. Brunelle for more specifics. J. Woodward had asked that CAC be included and appraised of the (results of) the 18-step process.

B. Brunelle added that with so many variables involved, this also applies to Runway 33. With regard to points after the initial turn points, FAA cannot commit that these will be the exact points when these procedures are actually created. There are many external factors. Additionally, the 18 Step RNAV Design Process will determine what routes will pass design criteria and meet air traffic requirements as well. These RNAV designs will then need to go through a SRM Review, and may be changed here as well. He went on to describe how the transition routes are affected, both off the different runways and associated air traffic issues.

R. Hardaway inquired if these are all related to the Center (Boston ARTCC) (for 33L and 27). B. Brunelle pointed out that this is not about the Boston Center, the issues he stated are all within the TRACON airspace. R. Hardaway acknowledged this, but was not clear about center "overriding" (TRACON).

B. Brunelle continued that the RNAV STARS are also a factor, as he described how the props and jets operate. He added that the FAA is at the point right now where they

believe the RNAV STARS are where they will be and how they will operate, but as all learned during the Phase 1 RNAV implementation, issues can come up when the procedures are actually flown. In addition, RNAV criteria do change over time, which as a result, can change the location of a procedure during the design and implementation phase. FAA and NATCA (union) are moving into a collaborative work environment. Such collaboration in the long term is beneficial, but does involve additional considerations during the design and implementation process that can impact where the routes are located.

At this time, the FAA has committed to the initial turn points from 33L and 27, as described to meet the proposed measure. Based on the best available information at this time, we can provide a track and a corridor around the track where the route will end up. B. Brunelle emphasized FAA's commitment to the portion of the RNAV procedure from the runway to the start of turn point, but cannot commit to a narrow corridor after the turning point. There are simply too many variables that will impact the exact location to pinpoint at this time.

S. Smith commented that the CAC has not seen the corridors; yet, PC will be sharing with IC the corridors for their review. B. Brunelle explained that the reasons described for this measure are also the same for F-HHv3 after the 5 DME turning point.

D. Pomictier acknowledged the thoroughness of B. Brunelle's explanation and the difficulty in designing and then determining operationally acceptable RNAVs. B. Brunelle stated that the FAA is committed to primary points only. D. Pomictier restated the CAC goal to reduce noise effects by relocating these primary turning points further out. He emphasized that secondary points must also be considered to achieve the goal. He stated the CAC's need to assure that primary points and secondary points are both optimized to achieve the goal, and recognized that this should be thought about collaboratively, including CAC knowledge on the ground in the process.

D. Pomictier reiterated that keeping the CAC "apprised" of the process is insufficient. R. Dormitzer suggested that the FAA continue to seek CAC input on the development of the locations of the procedures, such as they did and how it worked with the Phase 1 BONS procedures.

S. Bogosian asked for clarification related to this statement, specifically related to how this would occur before FAA would make such a commitment. S. Smith described the process that occurred for Phase 1, which was conducted as part of Phase 2, and added that perhaps it would be similar in nature, but as needed. Details related to the meaning of the above statement were not resolved, but there was consensus of the intent.

S. Kunz and S. Bogosian discussed the expectations that the CAC and FAA have after the noise study is over. F. Leo commented that Massport has said it will support a community noise group and explained the committee process.

J. Stewart acknowledged the discussions pointed out (on this measure) and understands the options available. T. English and B. Brunelle noted again the limitations of tracks and options of ATC.

B. Brunelle reiterated the many variables involved and could not nail this down any further at this point in time, while he explained the intent, which has not changed. J. Stewart responded that it sounded reasonable, but also wanted to address the wording of the measure and the issue of RWY 33 construction.

M. Zlody added that the overarching issue is what can be changed or what can (the CAC) count on prior to publishing procedures? B. Brunelle responded that the CAC can count on the intent, which follows as “initial heading until turning on course” with room for “tweaking” later.

M. Zlody gave a detailed explanation of why she questioned recourse for the CAC. B. Brunelle confirmed that this is what the FAA knows now and what Terry has done all along-keeping everyone aware of changes and this will continue. M. Zlody continued questioning: if things change significantly, then what happens if the intent is no longer possible? T. English continued that, like Phase 1, the FAA would evaluate the need to reconvene, and depending on whether the intent remains intact, figure out how to proceed forward consistent with FAA environmental policies. She added that the FAA will try to pass on changes notification in a timely manner.

6. Measure F-S: Information on Measure F-S will be added to the Level 2 Report as stated in the FAA’s attachment. No discussion requested.

7. Measure F-HH. T. English noted that FAA will need to modify the note added to Measures F-Kv2 and F-HH v3 based on the above discussion.

W. Zamore stated that the CAC needs clarification on the nature of (controllable) variables and their impacts from the FAA.

B. Brunelle offered that RNAV design criteria can change: Mitre Corporation addressed the concerns that an airline had when they said they couldn’t perform a procedure. S. Smith added that they tried to identify variables with margins of error. Now, subject matter experts have to come up with qualitative errors. He deferred to FAA for specifics (which would be 6 mile corridor).

W. Zamore believed that (a 6 mile corridor) is too broad of an area, which is why he questioned the use of the different variables to make that determination.

J. Bellabona responded that operations in all types of aircraft figure into flight procedures, with all variables taken into account every time a procedure is considered. W. Zamore pointed out that the 6 miles equates to a half million people who are affected. S. Smith responded that there are no quantitative issues (in the design process) and without a listing of the variables, the margin of error is not readily available.

W. Zamore proposed 2 scenarios, choosing one (at random) where 80-90% are in the corridor, with any potential differences in the noise model. S. Smith noted that it would be a struggle to do so with the number of variables involved.

R. Dormitzer recommended that F-HH include the same language as F-K(v2) about seeking input from CAC on the development of the locations of the procedures. T. English said that she had already made that note during the discussion on F-K(v2).

8. Measure F-T. D. Pomicter requested to first make the following points about the last 3 measures (Measures F-T, U, and V) and consider that the people nearby (where the aircraft are concentrated), may be where the greatest concentration of people are (in downtown Boston). And, while their noise effects are not as extreme as the communities in the top group next to the airport and runway ends, they are the second group of most severely affected communities-for which these measures can provide significant noise relief and avoid further deterioration.

He believes the BLANS process (including the FAA Evaluation Worksheets) has been increasingly “hijacked” by FAA legal. He has checked the case law (he referenced in his emails) and found the actions to be unsafe in Atlanta and hence, doesn’t believe FAA legal (in their characterization) of assessing his facts. He reiterated the goals:

1. Decrease VFR and helicopter noise;
2. Greater compliance will substantially decrease the noise, but not in the (BLANS) study

He asserts that a legal view of the ROD does not enforce standards and that it clearly refers to the EIS, quoting “not an FAA ROD commitment” as he continued reviewing several points in the ROD.

C. Poreda countered D. Pomicter’s points, questioning the constitutionality of his interpretations of the ROD. He clarified the purpose of the ROD, stating that the 2002 ROD is an approval of a project. The FAA agreed to enter into this noise study, which it has done. The noise study may end up as another document. Whatever results become of the project is immaterial (at this time). What the FAA is going to commit to is unclear, but it will not duplicate something that Massport has committed to. If the CAC wants Massport to make a commitment, they should go to them.

J. Falbo cited conditions of the ROD and noted that the language is (written) to ensure that Massport carries out its obligations.

C. Poreda countered that the ROD does not commit the FAA to enforce Massachusetts law. While J. Falbo pointed out (page 8 of the ROD for) commitment language.

In response to C.Poreda’s comment that the ROD requirement was “to work jointly to develop the scope of a noise study”, D.Pomicter responded that it also included “will

evaluate proposals” and “will be implemented.” C. Poreda answered that the FAA is committed to seeing this noise study through.

By following up with this meeting, he’s also addressing an email from J. Falbo, dated June 13th, which does not contain a question, just a comment. T. English added that the discussion was in reference to the June 6 Ground Measures meeting notes and J. Falbo’s request for a legal opinion from the FAA with regard to the FAA including Massport ground noise commitments in an FAA BLANS ROD.

J. Falbo raised the question of adopting a policy of a legally binding ROD if there is no legal issue here. C. Poreda clarified that the intent of a record of decision is not to become a vessel in which to develop obligations and this ROD has no specific references to ground noise. While J. Falbo acknowledged this, C. Poreda continued that the FAA will not interfere with commitments that Massport has made with the CAC.

D. Pomicter had further questions regarding the language in the ROD. C. Poreda answered that he would have to examine the text in question. **ACTION ITEM.** D. Pomicter also requested a copy of the EIS to review. F. Leo said that he would send D.Pomicter a CD of the EIS. D. Pomicter requested that the FEIS be added to the BLANS website for easy access by all because the ROD clearly references the FEIS as an integral part of its authorization. He believes the FEIS is necessary to understand the references and commitments in the ROD from Massport and the FAA

9. Measure F-V (v2). J. Stewart asked where the group was in terms of the agenda. There was group consensus to get back on the agenda and discuss the individual measures. T.English suggested moving to Measure F-V, to which there were no objections. She said that the primary comment received from J. Stewart was that Measure F-V was not fully discussed. She referenced the FAA’s response to comments which explained why FAA believes the measure was fully discussed.

J.Stewart disagrees with the FAA’s position. He said that he took time out of his schedule on a volunteer basis to attend the subcommittee meetings in January. He claims that the subcommittee had agreed to model the 260 and 290 degree headings rather than CAC speculating on potential noise changes among headings. He claims that after he left the meeting, (due to a meeting time change for which he was not properly notified) the decision was reversed to only model the 260 degree heading, and therefore, was made without community representation. He would like the Runway 27 communities to have the opportunity to fully participate in the decision making process.

S. Kunz countered that everyone had an opportunity to comment (at the CAC Subcommittee Meeting). She noted that J. Stewart represented those (Runway 27) communities and was the only one who left early from the (BOSTAC) meetings in question. J. Stewart confirmed he was representing them (at the meetings).

Additional Discussion on Measures F-T, U, V, Ground Noise Measures and Concluding Comments

C. Poreda addressed D. Pomicter's assertion and noted that he was well aware of the Atlanta case (referenced under Measure F-T, above). He explained that after 1992, NTSB decisions in FAA enforcement cases do not carry the same weight as precedent. Since the Atlanta case was decided before the change in Title 49 regarding the requirement for the NTSB to follow FAA "validly adopted" interpretations of FAA's own regulations, it does not control investigations performed in today regarding helicopter flights in Boston. He cited a newer helicopter case, decided in 2009, in which the Board states that it is following the FAA's interpretation of "undue hazard," and that the recent emergency landing of a news helicopter on Boston Common gives us a good example of the difference between "undue hazard" and "hazard" as those terms are used in §91.119.

The news helicopter did not present an "undue hazard" while hovering over downtown Boston because the subsequent landing after an engine emergency did not result in any injury to any bystander or person on board or any property damage either on the ground or on the aircraft. He continued that while the landing may not have resulted in any injury or damage, flying the aircraft out of that area would have constituted a "hazard", because of the potential for property damage on the surface from the takeoff, and, therefore, the FAA required the aircraft operator to truck the helicopter out instead of allowing the operator to fly it out, as the operator had requested. C. Poreda also disagreed with D. Pomicter's assessment that the outreach effort would result in a decrease in noise because that assessment was based on the false premise that helicopter pilots today are not complying with the rules but would comply after the outreach.

J. Falbo questioned what effect the ruling had on the subject matter, while D. Pomicter continued to assert that the pilot of the news helicopter that landed in Boston Common had acted irresponsibly.

R. Hardaway interjected and stated that he didn't agree with the report. T. English responded that Measures F-T, U, V, and Ground Measures would require more dialogue. While F. Leo concurred, he requested that any legal discussion take place outside of the technical discussion and noted some documents that seemed to be missing.

D. Pomicter requested another date to complete the comments review. He noted that his comments included explicit, numbered requests for each of these three measures, and they have not been addressed and each needs to be addressed—simply affirmatively would allow us to complete Phase 2, Level 2 without further delay.

T. English requested a good time for a follow up date. S. Kunz responded that the July 28 BOSTAC Meeting should be settled first. T. English will follow up on that note.

The meeting was adjourned at 12:30.

FOR DISCUSSION PURPOSES ONLY

FAA Response to Comments from CAC/IC on the FAA's Draft Level 2 Report entitled, BLANS Phase 2, Level 2 Screening Analysis, Draft – dated May 2011.

Background

FAA provided the Boston Technical Advisory Committee (BOS/TAC) and the Logan Airport Community Advisory Committee (CAC) with a copy of the Phase 2, Level 2 Screening Analysis Draft Report on May 6, 2011, (refer to **Attachment A** for copy of transmittal email from Stephen Smith, Ricondo Associates, Inc.) and requested comments by May 20, 2011. As stated in the transmittal email, FAA requested comments on the main section of the report (Introduction, Summary sheets and Next Steps), and the FAA Air Traffic Evaluation worksheets which contained highlighted edits (Measures G-Jv2, F-I, F-Kv2, F-N, F-Nv2, F-T(v1&v2), F-U (v1&v2), F-V, F-Vv2, F-HHv2, and F-HHv3).

Comments Received

Comments were received from the following individuals:

1. CAC-Darryl Pomicter (D. Pomicter) (email dated 5/8/11 and 5/24/11)
2. CAC-Wig Zamore (W. Zamore) (email dated 5/9/11).
3. CAC-Jerry Falbo (J. Falbo) (email dated 5/12/11)
4. Independent Consultant (IC)-Jon Woodward (memo dated May 19, 2011)
5. CAC - John Stewart (J. Stewart) through Sandra (email dated 5/23)

Refer to **Attachment B** for copies of the comments as submitted to FAA for consideration.

In response to comments, FAA has agreed to the following modifications. Further discussion can ensue at the June 30, 2011, meeting to be held at Massport.

Report Organization and Format

1. FAA will create two volumes for the Level 2 Report as follows:
 - Volume 1 – Main volume to include what is currently labeled in the Draft Report as Sections I-IV (I. Level 2 Screening Purpose and Process, II. Level 2 Screening Determination Summary Matrix, III. Individual Measure Summary Sheet, IV. Next Steps).
 - Volume 2 - Supporting volume which will include FAA's Operational Screening/Evaluation Criteria Worksheets and any attachments.
2. All pages in both volumes will be numbered.

3. Titling will be consistent as recommended by D. Pomictier in 5/24 email. (i.e. need consistency on summary and individual worksheets – FAA will use “determination” in lieu of “findings”).
4. All Level 2 measures will be included in the report and follow the order of the Summary Matrix. In addition, all Level 2 measures in the Summary Matrix will contain bolded borders row lines to create a better visual of what measures are contained in the report.
5. Language will be added to the appropriate summary measure sheets and individual worksheets to further clarify CAC issues and FAA responses. This will only be done for those worksheets that contained edits in the draft report transmitted to CAC. Refer to the following section, *Individual Measures*, for a description of summary and individual worksheets that were updated in response to this request.
6. The CAC goals and objectives as provided by CAC and is currently contained in the October 2009 BLANS Scope of Services (pages 40 and 41) will be added to the main section of the report.
7. FAA is not aware of a CAC logo; however, it will include a statement on the cover “Prepared for FAA” and “In Association with the Logan Airport Community Advisory Committee and Massachusetts Port Authority”.
8. The FAA determinations for Measures F-T and F-U will be included in order with the other FAA measure worksheets and not placed separately in an attachment section of the report. They will continue to be in the format of a determination and not an Operational Screening/Evaluation Criteria Worksheet format. Both measures do not involve air traffic procedure changes; therefore are not applicable to the criteria contained in the Operational Screening/Evaluation Criteria Worksheet. Instead, the FAA considered the refined elements of both measures and made a determination related to those actions the FAA can conduct to assist to encourage the intent of each measure.
9. “Id” will be changed to “ID” in the Measure descriptions and when referenced in the report.
10. FAA will work with the Project Consultant (PC) and IC to determine flow chart depicting next steps in Level 3 and an appropriate schedule to publish in the Final Level 2 Screening Report. Refer to **Attachment C** for draft.

Individual Measures

1. Regarding documentation of the completeness of the measures - the measure worksheets are intended to address FAA’s determination related to the Level 2 Screening criteria and not to document the history of all CAC comments received on the measure throughout the process. The BLANS meeting notes, (BOS/TAC, CAC subcommittee and/or any other special meeting notes) already capture CAC comments and FAA responses on the measures. These notes have been distributed to BOS/TAC/CAC and are

also locate on the public website. The Level 2 document is intended to document the technical analysis and not to provide a full history of all discussions that transpired throughout the process.

2. **Measure G-Iv2** (Preferred Locations for Run Ups Away from Communities) - will be modified as follows ID: G-Iv2 (Recommended by Massport as enhancement of CAC Measure G-I)

3. **Measure G-N** (Encourage Single Engine Taxi Away From Community) - will be relabeled as Measure G-Bv2. A parenthetical will be added to the main text at the first mention of G-Bv2 that explains the previous reference to Measure G-N, to maintain the measure's nomenclature history.

4. **Measure F-A** (Continuous Descent Approach) – FAA acknowledges that IC reserves the right to comment on the Level 2 findings for F-A until IC receives adequate information on the STARS procedures. FAA will add F-A to the Level 2 Report accordingly, once the IC and CAC provides their formal comments.

5. **Measure F-Kv2** (Extend Runway 27 RNAV Departure Gates 1 nm Southwest of Existing WYLYY Waypoint) – The following paragraph will be added to the end of the description sections of the summary and worksheets for Measure F-Kv2:

FAA will continue to keep CAC apprised on the status of the location of the routes beyond the WYLYYA waypoint, but cannot guarantee a final route location until after the 18-Step process has been completed.

6. **Measure F-S** (Noise Abatement Departure Procedures) – FAA will add the following note to the measure summary sheets in the final version of the Level 2 Report and update the Summary Matrix to eliminate Measure F-S, because it is inconsistent with CAC Goals/Objectives. The entire IC memo to CAC on Measure F-S will also be referenced and included in the Level 2 report as an attachment.

The IC has reviewed in detail the PC's evaluation of the standard "close-in" and "distant" departure procedures and compared the resulting noise levels to the procedures now in use at BOS. IC concurs that the measures evaluated under F-S would in fact result in an increase of the population exposed to aircraft noise of substantial levels and agrees that continuation of existing departure climb procedures is the most appropriate response. These findings were accepted by the CAC.

7. **Measure F-HH (versions 2 and 3)** (Extend Runway 33L departure route to 5 DME) – will be labeled as such. It will not be described as going over the Mystic River (as version 1), because versions 2 and 3 do not depict the route over the Mystic River. FAA found that RNAV design criteria and existing obstructions would not allow a heading from Runway 33L which would place the route over the river.

In addition, the following paragraph will be added to the end of the description sections of the summary and worksheets for Measure F-HH(v3):

FAA will continue to keep CAC apprised on the status of the location of the routes beyond the WYLYYA waypoint, but cannot guarantee a final route location until after the 18-Step process has been completed.

8. **Measure F-T** (Establish altitude floor to increase altitudes over downtown area for local VFR traffic under BOS Tower control that are not on approach or initial climb) and **F-Tv2** (Educate and encourage pilots to comply with FAR Part 91-119 (Minimum Safe Altitudes) over downtown Boston) – FAA has modified the language to both versions of this measure in response to CAC comments and where FAA believes further clarification is necessary even absent CAC comments. See updates below that are arranged in the order they appear in the FAA determination.

F-T (v1) See **Attachment D** for modified language highlighted in yellow:

- Pg. 1, 5th paragraph (FAA initiated to further improve clarity, not in response to CAC comments)
- Pg. 2, 4th & 5th paragraphs (FAA initiated to further improve clarity, not in response to CAC comments)
- Pg. 2, 6th paragraph (In response to IC/CAC comments AND to further improve clarity)

Note: Prior to release of the Draft Level 2 Report, FAA counsel had advised that the language contained in the draft determination for Measure F-T regarding the outreach programs was not completely accurate. In particular, not all portions of the outreach program were indeed within the scope of the 2002 Record of decision and BLANS scope of work. As a result, the language was modified for CAC review. Based on CAC comments, FAA has further clarified what portions of the outreach program are outside the 2002 ROD and BLANS scope of work and why.

- Pg. 4, 5th paragraph (FAA initiated to further improve clarity, not in response to CAC comments)

9. **Measure F-U** (Establish Helicopter Routings within downtown area airspace for all users, including hospitals, businesses and media) and **F-U(v2)** (Conduct pilot outreach and encourage pilots to use the existing voluntary helicopter routes over low population areas in Class B airspace).

See clarification of outreach programs in Measure F-T, which are referenced in Measure F-U. In addition, FAA will not be monitoring and reporting on the use of voluntary helicopter routes, due to the fact that they are voluntary, the limitations on VFR radar coverage in these areas and the unnecessary workload this would place on BOS ATCT.

10. **Measure F-V(v2)** (Initial Runway 22L/R departure track heading of 260 degrees for turboprop and propeller aircraft heading northwest or west to an altitude of 2,000 feet

MSL or reaching 4.5 DME (whichever occurs first) before initiating turns over populated areas) –

FAA maintains that contrary to a CAC member's comment, Measure F-V(v2) was fully discussed for Level 2 Screening purposes.

Measure F-Vv2 was discussed numerous times at BOS/TAC meetings, CAC internal meetings and specifically at a subcommittee meeting which included the participation of the CAC, which included J. Stewart and D. Pomicter, on January 27, 2011, from 11:00 a.m. to 12:50 p.m. (one hour and 50 minutes). Those finalized notes were distributed February 16, 2011 to the CAC and BOS/TAC. In addition, as noted in the Operational Screening/Evaluation Criteria Worksheets, this measure was also discussed by the FAA Evaluation Team on 8/31/10, 2/22/11, and 3/22/11. Its earlier version (F-V) was discussed on 3/17/10, 4/15/10, and in tandem with version 2 on 3/22/11.

Also, Terry English, FAA BLANS Project Manager, sent an email to CAC-John Stewart on February 25, 2011 detailing the history of how the measure was developed (see attached). Questions or information beyond what was already addressed above and/or in the attachment can be answered at the June 30th meeting.

Monitoring of Ground noise Measures

On June 6, 2011, Massport met with the FAA and CAC to further discuss their ground noise measure programs. Massport agreed to additional items regarding their programs. which will be captured in official meeting notes that will be posted to the BLANS public website once finalized. The Level 2 Report will be updated accordingly.

In addition, CAC has commented that the FAA's 2002 Record of Decision contains a requirement that Massport implement a program to encourage single engine taxiing. This is incorrect. The Massport Board of Directors committed in its Section 61 Findings pursuant to MEPA to develop and implement a program to encourage the use of single-engine taxi procedures. It is not an FAA ROD commitment. Any mention of Massport's program is contained in Appendix B of the ROD, which includes FAA Responses to comments on the Logan Airside EIS.



Level 2 Draft Report Transmittal - Approved by FAA (Terry English) - Part 1 of 6 (Task 6.3)

Stephen Smith to: BOS TAC

05/06/2011 07:16 PM

Cc: BOS CAC, Boston, Alan Reed

All:

We are happy to provide to you the DRAFT Level 2 Report for your review. We attached to this email the main section of the document which contains the intro and Level 2 process description, summary sheets and next steps ("BLANS_Level_2_Screening_Report_MAIN_050411v2.pdf" – 2.6mb). We also posted a composite document that includes the main section, the FAA Worksheets, and Attachments in one Acrobat reader file ("BLANS_Level_2_Screening_Report_ALLSECTIONS_050411v2.pdf"), and a file version that contains only the FAA Worksheets and all source material attachments (70 mb). ("BLANS_Level_2_Screening_Report_WORKSHTSATTACHMENTS_050411v2.pdf"). You can find both on the file share site by selecting the following link:

Link: <http://forum.bostonoverflight.com/webx?13@@.ef51796>

You will find that the full report is extensive and large (70mb). Please note that about 90 percent of the material in the full report was provided to you over the past year as we proceeded through the Level 2 process. The only new material is what is in the main section: the introduction/description, summary sheets and next steps. The summary sheets contain content straight from the FAA worksheets, FAA determination sheets, and CAC documentation (noise barrier information, CAC responses, etc.). For Massport, we utilized all of the same information provided to you by Massport and summarized their conclusions in the summary sheets. All of the attachments contain documents that were shared with you over the entire term of Level 2.

ATTACHED FAA WORKSHEETS

To assist in expediting your review, we attached FAA worksheets to this email that were adjusted after the originals were provided to you. The next five emails contain the worksheets. They were sent in parts due to email file size management issues. They were also posted on the file sharing site along with the Draft Level 2 Report. Each worksheet attached contain the edits that were made, which will assist in your review efforts. In summary, adjustments were made to the FAA worksheet content for the following measures:

G-J(v2): Use of Site 1 Hold Pad for Delayed Departures due to Traffic Initiatives – based on our discussions at the last BOS/TAC meeting, members agreed that having a 30 minute delay threshold was not necessary. Adjustments to the description of the measure were made accordingly as well as some edits to help further clarify the definition of the measure.

F-I: 3 nautical mile separation for arrivals to Runway 22L – additional language was added to define Runway Occupancy Time and its relationship to final approach separation as requested by CAC.

F-Kv2: Extend Runway 27 departures further south to maximum extent possible with causing significant compromise to FAA's mission and goals – after further review by the FAA, FAA is not prepared to

commit to the precise location and definition of RNAV procedure segment that starts after the “Start of Turn” point just south of the WYLYY waypoint until the 18-step RNAV design process and Safety Management System risk assessment is completed. The complexity of the airspace west of Boston, the unknown publication date of the proposed RNAV SIDs, the Boston RNAV STARs, and other current factors will all be examined in the 18-step RNAV design and the SMS processes. FAA cannot determine the results of these processes until both are completed. For Level 3 noise modeling purposes, FAA will work to designate at least a 3 mile wide corridor from the “Start of Turn” point to each of the departure fixes. This information was added to the worksheet, and the exhibits adjusted just to depict the portion of the RNAV departure segment FAA is prepared to commit to, which meets the primary intent of the measure.

F-N: Implement an RNAV departure procedure for Runway 15R for late night hours that keeps departures further north of Hull compared to the Phase 1 RNAV 15R departure procedure – The original worksheet provided to you eliminated the original CAC proposal and proposed another version in the F-N worksheet. To be consistent, the FAA felt that the original F-N elimination should be documented on its own merit; therefore, the F-N sheet describes the original measure as intended and answers to the questions related to why it causes a significant compromise on the FAA’s ability to meet their mission and goals. A separate F-Nv2 sheet was created to address the proposed modified version.

F-Nv2: Assign the Phase 1 Runway 15R Conventional departure procedure during late night hours to keep departures further north of Hull – FAA proposed to CAC to look at this version to determine if it may cause a significant compromise to their ability to meet their mission and goals. Based on current direction within the FAA related to NextGen and incorporation of RNAV procedures, FAA determined this measure would cause a significant compromise to their ability to meet their mission and goals. The changes in the sheet document the reasons for their determination.

F-T(v1&v2): establish a mandatory minimum altitude floor to increase fixed wing and helicopter altitudes over the downtown area for local VFR or Visual Flight Rules (described in Federal Aviation Regulation Part 91) traffic under BOS Airport Traffic Control Tower (ATCT) control that are not landing or taking off from BOS or a helipad located within the Class B area – FAA decided to combine the v1 and v2 worksheets into one single document called a “Determination Sheet” due to the evolution of this measure during ongoing discussions and the need to keep information related to v1 and v2 together. Additional details were added as requested by CAC since the last BOS/TAC meeting as well.

F-U(v1&v2): establish fixed-wing Visual Flight Rule (VFR) routes and establish or revise helicopter routes within the downtown airspace for all users, including hospital, business and media - FAA decided to combine the v1 and v2 worksheets into one single document called a “Determination Sheet” due to the evolution of this measure during ongoing discussions and the need to keep information related to v1 and v2 together. Additional details were added as requested by CAC since the last BOS/TAC meeting as well.

F-V: Extends the initial departure course for turboprop aircraft to 2,000 feet before initiating turns over populated areas – FAA added clarification language related to low traffic periods and reasons why it is not feasible to have two different departure procedures based on traffic levels. This was requested by CAC.

F-Vv2: Conduct an initial Runway 22L/R departure track heading of 260 degrees for turboprop and

propeller aircraft heading northwest or west to 2,000 feet or 4.5 DME (whichever occurs first), before initiating turns over populated areas – FAA added a note related to Minimum Safe Altitudes stated in FAR 91.119 and the exemption to this rule for takeoffs and landings at the airport. This was requested by CAC. In addition, a new exhibit was provided that depicts population and the initial course heading, which was shown to the CAC sub-committee on January 27, 2011.

F-HHv2: establish both a conventional and RNAV departure route from Runway 33L that follows compatible land use to the maximum extent practical (e.g. Mystic River and industrial area toward Wellington Station) up to the BOS VOR 5 DME or at 5,000 feet – Initially, the FAA determined this measure did not cause a significant compromise to FAA's ability to meet their mission and goals. During the CAC sub-committee meeting held January 26, 2011, everyone in attendance learned that F-HHv2 as defined in TARGETS requires a non-standard departure climb rate of 493 feet per nautical mile. The standard is 200 feet per nautical mile. The current climb rate requirement for Runway 33L departures is 213 feet per nautical mile. After the meeting, FAA made every attempt in TARGETS to maintain the route, but reduce the climb rate requirement. Based on their efforts, FAA concluded there was no way to maintain the F-HHv2 route without having a steeper climb rate requirement. Therefore, FAA changed their determination and concluded this proposed measure causes a significant compromise to their ability to meet FAA mission and goals. The worksheet was updated to reflect what occurred and the reasons why a steeper climb rate causes a significant compromise.

In addition, for the same reasons stated above for F-Kv2, FAA determined they could not commit to a precise RNAV route to a departure fix after the initial turn at the 5 DME turning point. The exhibit was adjusted to depict just the segment FAA was prepared to commit to from Runway 33L to the 5 DME point, which is the primary intent of this measure.

F-HHv3: establish an RNAV standard instrument departure procedure from Runway 33L, turn to the northwest at a location that avoids Admiral's Hill, and follows compatible land use to the maximum extent practical (e.g. Mystic River and industrial area toward Wellington Station) up to the BOS VOR 5 DME or at 5,000 feet – Based on discussions held during the CAC sub-committee meeting on January 26, 2011, CAC indicated an additional intent for this measure: to keep departures just north of Admiral's Hill. The design conducted in TARGETS was done during the CAC sub-committee meeting. This design requires a 280 feet per nautical mile climb gradient, which FAA indicated is not expected to cause a significant compromise. This is the first time CAC was provided the worksheet for F-HHv3.

In addition, for the same reasons stated above for F-Kv2, FAA determined they could not commit to a precise RNAV route to a departure fix after the initial turn at the 5 DME turning point. The exhibit was adjusted to depict just the segment FAA is prepared to commit to from Runway 33L to the 5 DME point, which meets the primary intent of this measure.

REVIEW TIMELINE

Release of the Level 2 report is a major milestone for this project. It provides a significant update to the public where we are at and allows us now to focus on noise modeling those that were passed to Level 3. It also triggers a letter update campaign to elected representatives. Because 90 percent of the material was provided to you in the past and worksheets that were changed since the last time they were provided to you are attached with edits shown, we feel that two weeks is ample time for you to review the new material.

We are prepared to accept comments related only to those changes made to the FAA worksheets, the introduction and description of Level 2, the summary sheets and the Next Steps section of the report. As stated above, all other attachments were developed and shared with CAC during the entire Level 2 process, and is not new material; therefore, is considered final and not open for comment.

We understand this is a tall request on our part, but we hope you understand the need to finalize and close Level 2 so we can focus our energy on Level 3 during the last 7 months of Phase 2.

We request that all comments be sent to Sandra Kunz (CAC President), unless advised by her otherwise, and be consolidated so that we can efficiently address the comments and finalize the report.

Thank you

STEPHEN SMITH | Director

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BLANS_MeasureF-U(v2)_Determination_FAA_110406_CAC-BOSTAC_v1.pdf



BLANS_MeasureG-Jv2_OperationalScreeningWS_FAA_110322_CAC-BOSTAC_v1.pdf



BLANS_MeasureF-I_OperationsScreeningWS_FAA_100831_CAC-BOSTAC_v2.pdf



BLANS_MeasureF-N(v2)_OperationalScreeningWS_FAA_110425_CAC-BOSTAC_v1.pdf



BLANS_MeasureF-N_OperationalScreeningWS_FAA_110412_CAC-BOSTAC_v1.pdf



BLANS_MeasureF-T(v1&v2)_Determination_FAA_110406_CAC-BOSTAC_v1.pdf



BLANS_Level_2_Screening_Report_MAIN_050411v2.pdf

Attachment B: Comments Received by FAA

- 1.a. CAC-Darryl Pomicter (D. Pomicter) (email dated 5/8/11)
- 1.b. CAC-Darryl Pomicter (D. Pomicter) (email dated 5/24/11)
2. CAC-Wig Zamore (W. Zamore) (email dated 5/9/11).
3. CAC-Jerry Falbo (J. Falbo) (email dated 5/12/11)
4. Independent Consultant (IC)-Jon Woodward (memo dated May 19, 2011)
5. CAC - John Stewart (J. Stewart) through Sandra (email dated 5/23)

Attachment B

1a. CAC-Darryl Pomicter (D. Pomicter) (email dated 5/8/11) follows:

RE: Ground Noise Measures - Potential Meeting @ Massport
Darryl Pomicter

to:

Terry English, 'Flavio Leo', 'Jerry', 'Sandra Kunz'

05/08/2011 03:52 PM

Cc:

Gail Lattrell, "'Jon Woodward'", "'Stephen Smith'", Alan Reed, "'wig zamore'", "'declan boland'"
Show Details

Terry,

My review of the Level 2 draft documents finally distributed to us Friday is....disappointing. Even surprisingly so.

The FAA and Massport seem to be renegeing on commitments. I'm still searching for the missing, with nothing found...

My complaint is not trying to negotiate outstanding disagreements further now. It is trying to solidify hard won commitments. And, certainly not to lose them, to allow them to be simply dropped in the revision.

For non-Logan VFR airplanes and helicopters, and for ground measures, there is No Program—to monitor, investigate, enforce and report—to hopefully improve over time. Without some program, including working together, there is no hope for some actual consideration and noise relief (after all these years).

[We know too well Massport's avoidance of their current MEPA and ROD requirement for a Program to Encourage Single-Engine Taxiing. Brushing aside requests from us, City, and State to improve their efforts—and now unilaterally (it seems with some FAA support) claiming their legal responsibility is completed, satisfied. And, we know too well the FAA's PRAS implementation, and Massport's positive touting of it—both ignoring its actual failure.]

I've just discovered for F-T, the prior "The public outreach and education component of the measure is not outside the scope of the BLANS and should be considered with the SOP updates..." is suddenly changed to "The public outreach and education component of the measure is also outside the scope of the BLANS and may be considered with the SOP updates..." WHAT'S GOING ON? Who authorized this "not" to "also" and "should" to "may" trickery?

Yes, I certainly believe we need another meeting, with these all on the agenda. To reach agreement, before the Level 2 Report is released.

Sincerely,

Darryl

Darryl Pomicter
136 Myrtle St
Boston, MA 02114-4447

Attachment B

1b. CAC-Darryl Pomicter (D. Pomicter) (email dated 5/24/11) follows:

CAC Response to FAA Draft, including to F-T, F-U, & F-V
Darryl Pomicter

to:

'Sandra Kunz', Terry English

05/24/2011 02:53 AM

Cc:
'BOS TAC', 'BOS CAC', Alan Reed
Show Details

Dear Sandra, Please bless onwards to FAA. Thanks, Darryl

Dear Terry, Steve, and FAA,

Reviewing this draft has been a grueling, arduous ordeal. Beyond reasonable and normal capabilities. The quantity, density, and complexity of information, developed since the October 2009 Phase 2, Level 1 Screening Analysis (and from earlier) is very great. Additionally, the FAA has made very significant changes at this late stage, changing, reversing, and aborting courses—and omitted some of these significant changes from their transmittal summary listing, with no clarifying response since. The FAA has changed the organization of the measures, inconsistently pulling several out and burying assassinations in a new format as attachments at the end of the support volume. And, the formatting of the documents is incomplete. After way too many hours and days on screen, online, and in print, trying to understand and respond coherently, I suddenly realized that the page numbers after the first section are missing—through all the supporting information! It is very understandable why the CAC has not been able to comment after our initial surprised responses. The FAA has succeeded in overwhelming the CAC. But, this should not pass to issue without another revision to bring it to some coherency and allow us to see and discuss what you have decided and intend.

1. Coherency: We participants and our constituents, including Community, Political, and Press, should be able to read this report document and get the gist of it—with completeness and accuracy. What has been considered, and what will be considered further. In the main volume ~50 pages, <3MB, which will be much more broadly available and much more manageable than (and should not require) the supporting or complete volume, >300 pages, >70MB.
2. Formatting: Need page numbering throughout the documents for coherency—currently only the initial 46 of 331 pages.
3. Titling: Need consistency for coherency: At least, Screening Determination on Summary and Level 2 Screening Finding on Individual Sheet should be titled the same—they are the same thing, individual and summary.
4. Organization: Need consistency for coherency. Need Individual Measure Sheets for all Level 2 Measures, in order in the main volume. Need Worksheets for all Level 2 Measures, in order in the support volume. Not new format Determination sheets for selected Measures with Version together. And, relocated away from other Measure Worksheets—as final Attachments at end of support volume!
5. Completeness: Every Individual Measure Sheet, needs the basic CAC requests for consideration stated more completely with some FAA answer—for clarity and understanding of both what has been accepted for further action and what is not to continue in this Study. The basic questions need to be in the Measure sheets in the primary report, with secondary responses and most detail is in the Worksheets in the support volume—too many are not included at all.

Current Inconsistent Titling & Organization

ToFC Level 2 Screening Determination Summary Matrix
Level 2 Screening Determinations Matrix
[Measure ID, Title]
Screening Determinations
ToFC Individual Measure Sheet
[Measure Sheet]
Measure ID, Measure Number, Measure Description
Level 2 Screening Findings
ToFC FAA's Operational Screening/Evaluation Criteria Worksheets
FAA's Operational Screening/Evaluation Criteria Worksheet
BLANS Measure [ID], Description
FAA Decision
ToFC FAA's Determination [New Format, Only F-T/F-Tv2 & F-U/F-Uv2]
FAA's Determination [Located Apart As Attachments at End]
FAA Decision

Suggested Consistent Titling & Organization

Screening Determinations Summary
Screening Determinations Summary
Measure ID, Title
FAA Screening Determination
Individual Measure Sheets
Measure Sheet
Measure ID, Title, Description
FAA Screening Determination
FAA's Operational Screening/Evaluation Criteria Worksheets
FAA's Operational Screening/Evaluation Criteria Worksheet
Measure ID, Title, Description
FAA Decision

[Restore F-T, F-Tv2, F-U, and F-Uv2 Worksheets]
[Restore Location With All Other Measures Worksheets]

My greatest issues with specific measures are (with further issues, details, and comments further below):

Measure F-V, to decrease noise from short takeoffs over Downtown Boston.

The FAA needs to substantiate their response that all airport operations are excluded from Minimum Safe Altitudes (beyond the included "when necessary for takeoffs and landings"). Your latest document offered (again) does not address this specific issue.

Measures F-T and F-U to decrease noise from VFR planes and helicopters over Downtown and Inner City Communities.

The FAA needs to reference and consider:

- A. The FAA Helicopter Urban Noise Study, conclusions and recommendations: higher altitude, noise-sensitive routes, educating pilots and controllers, and tracking. It seems all of our issues are covered there; it should be a primary resource. But, I had to find it and advise about it; and you have not yet acknowledged its existence.
- B. Relevant NTSB case law, including NTSB 3542 finding Undue Hazard violating MSA for hovering low, near building, in congested Downtown Atlanta—for operating within height-velocity dead man's curve, and not providing sufficiently for safe emergency landing area, which may be relatively distant in congested urban areas and requires sufficient altitude to reach. Which the FAA did not include in its memo citations (it seems "overlooked" after 6 months preparation), now included in your support—after asking for no response at the time, promising future discussion, but never allowing it.
- C. Existing FAA publications, including FAA AC 91-66 Noise Abatement For Helicopters: altitude and noise are (inversely) related by the square—double altitude and quarter noise; half altitude and quadruple noise (2X Altitude = ¼ Noise). ½ Altitude = 4X Noise). And, more other sources, like the British Helicopter Association Codes of Conduct which addresses many of our issues.

The FAA needs to Pass these Measures to Level 3, to develop monitoring with reporting and enforcement for increased compliance—not bury them in the back of the support volume as attachments with Determination: Completed. Considering:

- A. As previously agreed, including: Measures Status Summary Matrix, April 8: "Further details related to the implementation of this measure will be coordinated with CAC during Level 3" "Outreach efforts will be discussed further and defined in Level 3" (Before FAA April 28 response to Beacon Hill Civic Association, inaccurately stating never within the scope of the Study)
- B. Consistent with the Ground Measures which require Level 3 program development and implementation with monitoring, reporting, and enforcement for increased compliance.
- C. Consistent with the many other Measures with versions (of which G-N should be G-Bv2). The new format "FAA Determination sheet" only for F-T and F-U—and as attachments at the rear of the supporting volume—is inappropriate.
- D. The FAA Helicopter Urban Noise Study recommendation for higher altitude flight, including noise mitigation approaches integrated within the ATC design planning in specific urban airspaces.
- E. The FAA's current rulemaking to implement operational procedures for helicopter air ambulances and commercial helicopter operations.
- F. The history of FAA not (never?) being able to determine violations, despite many experienced long-term complaints—with recent FAA Flight Standards, Massport Noise, and CAC communications being promising.

Please remember that this VFR airplanes and helicopter noise is not included in the reported, noise model figures. And, based on field monitoring measurements, the IC

has estimated that it may double the reported noise figures in the most affected Communities. The most affected communities are in the second group, well behind the most severely affected communities, more adjacent to Logan. But, this much greater actual noise significantly increases their distress; and these measures for enforcement of existing regulations to gain greater compliance with MSA can significantly decrease their noise. That cannot happen with FAA Flight Standards working apart, intended to change accepted practices with outreach and even enforcement. It takes continued communications and efforts by all parties to improve over time.

I hope for your positive response to allow our long efforts working together to be productive.

Sincerely,

Darryl

Darryl Pomicter
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Boston, MA 02114-4447
H: +1 (617) 227-1153
C: +1 (617) 755-0151

Measure F-V

Note: Measure F-V extends the initial departure course for turboprop aircraft to 2,000 feet before initiating turns over populated areas. Extending the initial departure course to this point would place turboprop aircraft on routes very similar to those utilized by jet aircraft.

Measure F-Vv2

Proposes an initial Runway 22L/R departure track heading of 260 degrees for turboprop and propeller aircraft heading northwest or west to 2,000 feet or 4.5 DME (whichever occurs first), before initiating turns over populated areas.

[The Pomicter comments below apply identically to both F-V and F-Vv2.]

[1] The CAC reaffirms its intent: **Decrease Noise from Short Takeoffs at Logan Turning Low and Loud Over Downtown Boston (and not in compliance with the FAA Minimum Safe Altitudes)**

[2] The CAC questioned compliance with the FAA Minimum Safe Altitudes regulations, which begin: "Except when necessary for takeoff or landing..." The FAA responded that airport operations are exempt from MSA. The CAC acknowledged that it may not be possible for MSA compliance maintaining some runway headings, but questioned "necessary" for all takeoffs from all runways at all times. The CAC also questioned after takeoff, in climbout to reach initial cruising altitude. (Particularly those tracks turning quickly and hard after liftoff well before the end of the runway (with short ground roll) and then climbout initially over and near the Jeffries Point, East Boston neighborhood and then near Downtown towers—not in MSA compliance—for which maintaining the runway heading would maintain MSA compliance.) [Should include same Note from F-Vv2 with F-V, pertaining to MSA exemption.]

"Note 2: As requested by the CAC, information pertaining to minimum safe altitude (MSA) criteria, found in FAR 91.119, does not apply to aircraft departure procedures on takeoff (Pilot/Controller Glossary, 2/11/10)."

[In this document, CAC finds MSA, but no exemption—and no definition of "takeoff": http://www.faa.gov/air_traffic/publications/atpubs/PCG/M.HTM. Researching other FAA regulations and documents, CAC finds references to MSA, and no additional exemption. Aeronautical Information Manual requires controller consideration for MSA compliance, including: "b. Controller. 3. Provides approved separation between the aircraft cleared for a contact approach and other IFR or special VFR aircraft. When using vertical separation, does not assign a fixed altitude, but clears the aircraft at or below an altitude which is at least 1,000 feet below any IFR traffic but not below Minimum Safe Altitudes prescribed in 14 CFR Section 91.119." and "The controller may require the pilot to fly at or below a certain altitude due to other traffic, but the altitude specified will permit flight at or above the minimum safe altitude.": http://www.faa.gov/air_traffic/publications/ATpubs/AIM/Chap5/aim0505.html. Takeoff defined: "from the start of the takeoff to the point at which the airplane is 35 feet above the takeoff surface" and "CLIMBOUT- That portion of flight operation between takeoff and the initial cruising altitude.". **Requires accurate, more exact substantiation by the FAA.**]

[3] The CAC requested the London Heathrow Airport Minimum 1,000ft (Before Turning) Rule be considered, in addition to the initial 2,000ft request. At a much busier airport, with only two parallel runways, it has been agreed to decrease efficiency for surrounding communities noise mitigation. The FAA declined to consider further, for the same reasons: safety, increased workload, increased delay, and decreased capacity.

[4] The CAC questioned if there were any requirements for minimum altitude on/after takeoff before turning. The FAA advised that there was no specific minimum altitude requirement; but "good practice" is considered to be minimum 400ft or clear of the airport perimeter. The FAA confirmed that this is not always followed in normal practice at Logan (CapeAir in particular normally turns more quickly, to avoid turbulence incidents—and is commonly not in compliance with MSA near Downtown Boston towers). The CAC requests these "good practices" at Logan—maintain runway heading to minimum 400ft and clear of the airport perimeter before turning. The FAA declines for the same reasons: safety, increased workload, increased delay, and decreased capacity.

[5] The CAC requested consideration during off-peak periods—nights, weekends and holidays. [Should include same comment from F-V with F-Vv2, pertaining to low traffic periods.]

"When considering this for low traffic levels, the FAA determined that it is not feasible to mix different conventional procedures for different traffic levels as this would introduce a safety hazard. Introducing different procedures for different traffic levels introduces a new risk into the system. Incorporating a new risk is a significant compromise of FAA's mission and goals."

[6] The CAC requested consideration during periods with multiple runways available, separating jet and propeller aircraft departures to avoid the safety issues. The FAA declines, citing workload, efficiency, and safety.

FAA's Determination (V1 and V2)

BLANS MEASURE: F-T DATE OF ASSESSMENT: 3/18/10, 4/14/10, 2/22/11 9

Description: This measure proposes to establish a mandatory minimum altitude floor to increase fixed wing and helicopter altitudes over the downtown area for local VFR or Visual Flight Rules (described in Federal Aviation Regulation Part 91) traffic under BOS Airport Traffic Control Tower (ATCT) control that are not landing or taking off from BOS or a helipad located within the Class B area.

BLANS MEASURE: F-T (Version 2) DATE OF ASSESSMENT: 3/18/10, 4/14/10, 4/22/10, 8/31/10, 2/22/11

The FAA will conduct initial pilot outreach to remind pilots of their responsibility to adhere to the Part 91.119 minimum safe altitude requirements in Boston Class B Airspace and to fly neighborly with the intention of reducing community noise impacts as follows

[1] The CAC reaffirms its intent: **Decrease Noise From Non-Logan Aircraft Over Downtown Boston and Inner City Communities (Controlled By FAA Logan).**

"Specifically, when it is necessary for the facility to issue an altitude to a VFR fixed wing aircraft or an airship that will be transitioning the Class B airspace, the minimum assigned altitude will be 2,000 feet Mean Sea Level (MSL) over the downtown area and 1,500 feet MSL over other land areas, as depicted in **Exhibit I-1**. Similarly, when it is necessary to issue an altitude to a VFR helicopter that will be transitioning the Class B airspace, the minimum assigned altitude will be 1,000 feet MSL over all land areas (except for the established recommended helicopter routes as depicted on the existing helicopter chart) as depicted in **Exhibit I-2**."

[2] The CAC notes that these minimums are At or Below, which makes them effectively maximum altitudes flown. [Which should be clarified in the copy.]

[3] The CAC asks for detail when it is necessary to be assigned, and if the FAA can assign more frequently than required—assign for noise abatement. [Is this only required for special VFR Clearance, when the weather is less than that required for VFR flight?]

[4] The CAC notes the increase of the minimum assignable At or Below altitude to 2,000ft from 1,100ft in the revised "Downtown and Nearby" area around the 1,000ft Back Bay and 600ft Downtown towers. The CAC notes the Minimum Safe Altitude requirement for 1,000ft higher than within 2,000ft still leaves relatively little airspace around these towers—although substantially better (Downtown, other than Back Bay) than the prior 1,100ft.

[5] The CAC notes the increase of the minimum assignable At or Below altitude to 1,500ft from 1,100ft in the revising nearby surrounding areas—west into Fenway, Cambridge, and Somerville; south well into Roxbury and Dorchester; and north well into Everett and into Revere. The CAC questioned why this 1,500ft minimum At or Below cannot be higher than the 2,000ft closer to Logan, around the towers, in the Class B controlled airspace. The FAA reminded that MSA requires, in congested areas 1,000ft higher than within 2,000ft; and the 1,500ft is consistent, to allow compliance with MSA.

"The public outreach and education component of the measure is also outside the scope of the BLANS and may be considered in concert with the SOP updates on VFR altitude assignments. See refined Measure F-T (version 2) description below."

[6] The CAC advises in strongest terms, this sudden and silent revision to ALSO and MAY from "not outside the scope of the BLANS and should be considered in concert with the SOP updates on VFR altitude assignments is a reversal of agreement, betrayal, destructive to the entire process—it is NOT ACCEPTABLE.

BLANS MEASURES STATUS SUMMARY MATRIX, UPDATED APRIL 8, 2011

F-T Establish Altitude Floor Over Downtown Area

CAC provided a memo dated 10/27/10 documenting their concurrence to pass F-Tv2 to Level 3, which by de facto indicates concurrence with eliminating F-T. Further details related to the implementation of this measure will be coordinated with CAC during Level 3

F-T (v2) Issue highest altitude for fixed wing as stated in BOS ATCT SOP via "at or below" instruction; issue letter to airmen informing noise sensitivity over downtown; for helicopters not operating over recommend routes, issue altitude at or below 1,000 ft. MSL.

FAA proposed to implement steps to enhance the monitoring and enforcement of FAR Part 91 minimum altitude requirements and conduct outreach. Outreach efforts will be discussed further and defined in Level 3

"Massport will forward potential low-flying aircraft incident data from their noise complaint system directly to Flight Standards on an ongoing basis for FAA to investigate further if warranted. This is in response to issues raised to Flight Standards during the BLANS process.

In response to CAC requests for reports on some or all of the above items, we wish to note that the FAA does not create special reports for private or special interest groups. The public may make specific incident/accident report requests. Flight Standards will consider a response to these requests on a workload permitting basis or the public may request specific information via the Freedom of Information Act (FOIA)."

[7] The CAC reaffirms the need for an ongoing program of monitoring, reporting, and enforcement to increase compliance, noise, and safety. This will require some initial discussions and further agreement between the FAA, Massport, and CAC, and some ongoing review together—for which recent communications have been promising—as part of the intended ongoing efforts together.

[8] The CAC reaffirms, despite recently improved communications, the CAC feels a very long and painful history of the FAA never determining any violation:

A. Despite hundreds, thousands of Noise Complaints to Massport, many dozens of them personally, the CAC is unaware of any determination of violation, and has never seen any change in any behavior in response to complaints (except defiant buzzing of complainer homes):

B. In 1995, the FAA Flight Standards Principal Operations Inspector found the very experienced and well-organized aviation professional pilot flew the Metro Traffic Helicopter in full compliance with their Letter of Agreement, including: "The pilot shall adhere to the routes as narrated and depicted on the Boston Helicopter Route Chart,"—without deviation or violation, that morning. The traffic helicopter continues to fly over the Back Bay, Beacon Hill, and West End neighborhoods side of the highway—never over the River on the other side of the highway, where the Route is mid-stream. The same Inspector has been recommended to investigate current complaints.

C. In 2010 Level 2 screening, the FAA researched and found no relevant complaints, and only when given copies by the CAC, determined that Massport Noise complaints were never sent to FAA FS—even when specifically requested to be sent. The CAC requests for some accounting of overall investigation results has never been answered.

D. In 2011 recently, the FAA Incident Report for the Mayday Distress emergency media helicopter landing on Boston Common fails to note the pilot's failure to identify—caller, location, and condition—which the Controller was forced to deduce through repeated calls, including to other aircraft, required by the Mayday pilot's lack of proper calls and avoidance of complete response.

FAA's Determination (Versions 1 & 2),

BLANS MEASURE: _F-U_ DATE OF ASSESSMENT: 3/18/10, 4/14,10, 2/22/11

Description: This measure proposes to establish fixed-wing Visual Flight Rule (VFR) routes and establish or revise helicopter routes within the downtown airspace for all users, including hospital, business and media. The intent is to establish these routes over more compatible land use within the Class B airspace in accordance with CAC's priority of low population areas as stipulated on page 40 of the BLANS Scope of Services.

Measure F-U also includes a compliance component to decrease non-compliant operations and ease enforcement by developing materials and programs to monitor and improve compliance.

BLANS MEASURE: _F-U_ (Version 2) _DATE OF ASSESSMENT: 3/18/10, 4/14/10, 4/22/10, 8/31/10, 2/22/11

[1] The CAC reaffirms its intent: **Decrease Noise From Helicopters Over Downtown Boston and Inner City Communities (Controlled by FAA Logan).**

[2] The CAC requests the FAA acknowledge and develop from: **FAA Report To Congress Nonmilitary Helicopter Urban Noise Study**, December 2004, and it's conclusions and recommendations, (it's all there) including:

- **Further operational alternatives that mitigate noise should be explored.** A number of operational alternatives, proposed by the public and industry, have the potential to mitigate urban nonmilitary helicopter noise and preserve the safe and efficient flow of air traffic. In particular, the FAA found:

- Noise reduction benefits can be achieved with **higher altitude flight**. With more conclusive demonstrations addressing safety, such noise mitigation approaches could be integrated within the ATC design planning in specific urban airspaces;

- **Optimal helicopter route planning to avoid noise sensitive areas** will require comprehensive evaluation for each specific region of concern;

- The **promotion of noise abatement procedures should be pursued on two fronts – with helicopter pilots and air traffic control personnel**. The FAA will continue training ATC personnel to increase awareness of noise abatement procedures that best mitigate noise over communities; and

- The use of **advanced technologies, such as dGPS**, aids in helicopter approach and departure procedures do show to be beneficial for noise abatement operations.

Preliminary dGPS/noise research sponsored by the National Rotorcraft Technology Center (NRTC)/ Rotorcraft Industry Technology Association (RITA) has indicated

6.2.1 Voluntary Rules

There is consensus among individual respondents, homeowners' associations and citizens' associations that voluntary restrictions on helicopter operations in urban areas do not work. However, respondents from helicopter operators' associations dispute this conclusion.

6.2.4 VFR and IFR Operations

The helicopter industry recommends that the FAA revise current VFR corridors and checkpoints to minimize noise exposure in urban areas. They also seek that ATC be more aggressive in assigning helicopter flight altitudes for minimum noise whether or not requested by the helicopter flight crew. In addition, the FAA and ATC should develop a better understanding of the helicopter noise problem in urban areas and devise better techniques and training with respect to the unique characteristics of helicopters.

"The FAA will conduct pilot outreach to encourage pilots to use the existing voluntary helicopter routes that were already established over low population areas in the Class B airspace. This will be conducted through seminars conducted by the FAA Safety Team (FAAST) at the same time the training is conducted for the minimum safe altitudes. Letters to Airmen as described in Measure F-T will include distribution to the Eastern and New England Helicopter Councils."

[3] The CAC notes emphatically, affirmed by the FAA Helicopter Urban Noise Study, that promotion and training should be to both pilots and controllers, and that voluntary programs don't work.

[4] The CAC notes emphatically, affirmed by the FAA Helicopter Urban Noise Study, that promotion and training should accompany higher altitudes, more noise considerate routes, and tracking.

[5] The CAC requests the FAA review existing FAA publications for more effective education and compliance, including the FAA Helicopter Urban Noise Study and AC 91-66 Noise Abatement For Helicopters:

5. OPERATE MORE QUIETLY: a. Recognize noise-sensitive areas and avoid them by flying as high as practical. Sound attenuates relative to the square of the distance to the receiver. If the altitude is doubled, the sound reaching the surface is a fraction of what it was [1/4]. Increasing altitude is probably the most effective means of noise abatement: LOW flying creates the worst problem even though the sound footprint is smaller. Avoiding these areas by a lateral offset of 1,000 feet or more in conjunction with the higher altitude adjustment will reduce or possibly eliminate noise complaints. An increased number of exposures to noise sensitive areas will increase the Leq.

[6] The CAC requests the FAA review international publications for relevant programs and publications for possible use, including the British Helicopter Association Pilot's Code of Conduct: and Code of Conduct for Aerial Work: http://www.britishhelicopterassociation.org/civil_helicopter.asp.

[7] The CAC requests enforcement of the FAA's Letters of Agreement (20?, including Metro Traffic Control) which require adherence to the Boston Helicopter Route Chart, and altitudes coordinated and approved by ATC, when operating within the Boston Class B Airspace.

[8] The CAC requests enforcement of the Boston Helicopter Route Chart for helicopters claiming the Section 91.119 (d) exception, as the FAA noted in the Phase 2, Level 1 Report:

"FAA Note: Helicopter recommended routings have already been established for the BOS Class B airspace and surrounding area to minimize noise impacts to the underlying communities. See **Attachment 11** for the BOS helicopter route chart dated 20 DEC 2007. To minimize noise, these recommended routes were primarily

established over major thoroughfares in accordance with FAA Order 1050.1E Environmental Impacts: Policies and Procedures, Par 311h. In accordance with Section 91.119 (d) helicopter operators "may be operated at less than the minimums...if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator."
 The second sentence, initially added to the FAA regulations in the 1960s, refers to early dedicated helicopter routes such as victor airways which had assigned routes and "altitudes". The Boston Helicopter VFR Route Chart does indeed contain "...routes prescribed for helicopters..." and as such should be complied with per 91.119 as it pertains to conducting the operation without hazard to person or property on the surface. However, a couple points are pertinent: This chart does NOT contain any prescribed altitudes, but has two standard notes that are relevant.

One Says: "All routes are recommended routes which pilots may expect to receive when authorized to operate in the Class B airspace. Unless otherwise indicated, altitudes will be assigned when contacting air traffic control. Helicopter routes and altitude assignments do not relieve pilots from their duty to comply with FAR 91.119 and 135.203b. Pilots are expected to request an alternate clearance if necessary for compliance."

This implies that if the assigned altitude would not allow a landing..."without undue hazard to persons or property on the surface" in the event of a power plant failure, the ATC assigned altitude should not be accepted. This pretty much eliminates single-engine helicopters when lower altitudes are assigned. The acceptable altitude would depend on the information contained in the particular helicopter flight manual – usually in the height/velocity chart."

[9] The CAC requests the FAA review acknowledge and consider the FAA's current rulemaking to implement operational procedures for helicopter air ambulances and commercial helicopter operations:

Document ID: FAA-2010-0982-0001 Docket ID: FAA-2010-0982,

SUMMARY: This **proposed rule addresses air ambulance and commercial helicopter operations**, part 91 helicopter operations, and load manifest requirements for all part 135 aircraft. From 2002 to 2008, there has been an increase in fatal helicopter air ambulance accidents. To address these safety concerns, **the FAA is proposing to implement operational procedures and require additional equipment on board helicopter air ambulances.** Many of these proposed requirements currently are found in agency guidance publications and would address National Transportation Safety Board (NTSB) safety recommendations. Some of these safety concerns are not unique to the helicopter air ambulance industry and affect all commercial helicopter operations. Accordingly, **the FAA also is proposing to amend regulations pertaining to all commercial helicopter operations** conducted under part 135 to include equipment requirements, pilot training, and alternate airport weather minima. The changes are intended to provide certificate holders and pilots with additional tools and procedures that will aid in preventing accidents.

II. Background

A. Statement of the Problem

The helicopter air ambulance industry experienced a significant increase in fatal accidents in 2008, making it the deadliest year on record for the industry. **During that year Helicopter accidents, however, have not been limited to the air ambulance industry. The FAA identified 75 commercial helicopter accidents, occurring from 19**

[10] The CAC requests the FAA advise minimum altitude for common hovering media helicopters to be able to acceptably plan to reach safe emergency landing area in congested Downtown Boston in the event of engine failure—"without undue hazard to persons or property on the surface." (For popular Bell 206L-4 Channel 5 Mayday helicopter, with 500-600ft height-velocity avoidance dead-man's curve, what is the power-off glide slope? With more than 1,000ft to the Boston Common, Esplanade, and City Hall Plaza safe emergency landing areas, it seems more than 1,000ft, (quite possibly much more) is required to be without Undue Hazard. It is a straightforward calculation.)

[11] The CAC requests the FAA consider much more relevant case law than previously acknowledged regarding helicopters for enforcement to increase compliance with Minimum Safe Altitudes in Boston, including:

Administrator vs Oeming, NTSB Order EA-3542, April 16, 1992

In Downtown Atlanta, hovering within the helicopter height-velocity dead-man's curve to be avoided was poor judgment. Lack of sufficient and usable open space in the area heightened the risk that a safe autorotational landing could not be made. A top of a building, a mezzanine in front of a building, not empty parking lots, and rooftops possibly not able to support the helicopter were not safe locations for an emergency landing. And, time of day created substantial additional hazards to a safe emergency landing. All were Undue Hazard, not in compliance with MSA. It was affirmed: "Downtown Atlanta during business hours would not appear to be a safe place to perform an emergency landing. Even respondent acknowledges that the area was "congested."!

Administrator vs Michelson, 3 NTSB 3110 1980

Whatever else "undue hazard" may mean, we are satisfied that it embraces a situation in which a pilot's cruising altitude would not likely permit the aircraft to land without striking or passing dangerously close to, people or property on the surface. . . . To prove a violation of section 91.79(a), the Administrator did not have to show that it would have been impossible for respondent to have made a emergency landing without injury or damage . . . in the event his engine had failed . . . The Administrator had to show only that an emergency landing from the altitude respondent passed through presented an unreasonable risk of such harm.

[At a BOSTAC meeting, the FAA responded that the roof of my 120 year old Beacon Hill house could be sufficient for an emergency helicopter landing—without undue hazard—despite my protests otherwise.]

[The FAA Response memo would be more appropriate with F-U, rather than F-T, particularly with the much more relevant case law cited.]

FAA's answers to Darryl Pomicter's questions

"(A1) There are no stated minimums. FAR 91.119(a) &(d) provide the guidance for helicopter operations. Referencing the general language in this question and in the absence of a detailed description of a specific incident, FAA offers the following explanations that are a distillation of similar case law:

The NTSB adopted the following interpretation* of what constitutes an "undue hazard" for purposes of a 91.119(a) violation: "...an unwarranted or excessive danger, risk, or peril; or an inappropriate, unjustifiable, or unpredictable 'something', ie loss of a power unit, causing danger, peril, risk, or difficulty. Stated another way, an "undue hazard" for purposes of 91.119(a) involves conduct that is out of the norm expected of a pilot, which results in unwarranted or excessive danger or risk. Planning on autorotating (an engine-out helicopter landing) to an open area, even one that includes some people, does not always mean the pilot is creating an "undue hazard" to those persons, but it could if the number of persons is large and the time between engine failure and landing is very short, implying that the flight is very low. Neither an overflight at a low altitude nor hovering in and of themselves present an "undue hazard". Only the specific facts of an incident will reveal if an undue hazard was present.

On the other hand, what constitutes a "hazard" for purposes of 91.119(d) is different. In one case**, the Board found a hazard when a helicopter flew low enough over a highway to cause vehicles to slow down to take a look, resulting in traffic congestion. In another***, the Board found a hazard created by a helicopter that flew low enough to spook horses. Generally speaking, case law has found that for a "hazard" to exist (violation of 91.119(d)) that the helicopter has to fly so low as to cause objects on the ground to be moved by the rotorwash or for people on the ground to alter their normal activity. By contrast, for an "undue hazard" to exist (violation of 91.119(a)), there needs to be excessive amount of danger or an unwarranted risk of harm presented by the flight. Again, only the specific facts of an incident will reveal if an undue hazard was present.

It is worth noting that two standards are independent and that one does not necessarily flow from the other. For example: It might be possible to fly low over a crowded ball field or beach and not create a hazard, but to be found to have violated 91.119(a) because the risk to the persons on the ground in the event of an unpredictable engine failure was unwarranted or excessive. It might also be possible for a helicopter to fly low enough to create a hazard but that there is no undue risk of harm to persons or property on the surface should the unpredictable engine failure occur if there is room for an autorotation without creating that excessive risk.

* (Administrator vs Jablon, NTSB Order EA-5460, June 24, 2009)

** (Administrator v. Wronke, NTSB Order EA-4703, 1998)

*** (Administrator v. Leaver, NTSB Order EA-4639, 1998)

(Administrator v. Richard, NTSB Order EA-4223, 1994)"

"The public outreach and education component of the measure is also outside the scope of the BLANS and may be considered in concert with the SOP updates on VFR altitude assignments. See refined Measure F-T (version 2) description below."

[12] The CAC advises in strongest terms, this sudden and silent revision to ALSO and MAY from "not" outside the scope of the BLANS and should be considered in concert with the SOP updates on VFR altitude assignments is a reversal of agreement, betrayal, destructive to the entire process—it is NOT ACCEPTABLE.

BLANS MEASURES STATUS SUMMARY MATRIX, UPDATED APRIL 8, 2011

F-U Establish Required Helicopter Routes Over Downtown Area

CAC provided a memo dated 10/27/10 documenting their concurrence to pass F-Uv2 to Level 3, which by de facto indicates concurrence with eliminating F-U. Further details related to the implementation of this measure will be coordinated with CAC during Level 3

F-U (v2) Establish recommended helicopter routes over downtown and outreach to pilots

FAA proposed to implement steps to enhance the monitoring of the use of existing recommended helicopter routes and conduct outreach. Outreach efforts will be discussed further and defined in Level 3

[13] The CAC reaffirms the need for an ongoing program of monitoring, reporting, and enforcement to increase compliance, noise, and safety. This will require some initial

discussions and further agreement between the FAA, Massport, and CAC, and some ongoing review together—for which recent communications have been promising—as part of the intended ongoing efforts together.

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C. In 2010 Level 2 screening, the FAA researched and found no relevant complaints, and only when given copies by the CAC, determined that Massport Noise complaints were never sent to FAA FS—even when specifically requested to be sent. The CAC request for some accounting of overall investigation results has never been answered.

D. In 2011 recently, the FAA Incident Report for the Mayday Distress emergency media helicopter landing on Boston Common fails to note the pilot's failure to identify—caller, location, and condition—which the Controller was forced to deduce through repeated calls, including to other aircraft, required by the Mayday pilot's lack of proper calls and avoidance of complete response.

From: Stephen Smith [mailto:s_smith@ricondo.com]
Sent: Friday, 06 May, 2011 19:15
To: BOS TAC
Cc: BOS CAC; Boston; Alan Reed
Subject: Level 2 Draft Report Transmittal - Approved by FAA (Terry English) - Part 1 of 6 (Task 6.3)

All:

We are happy to provide to you the DRAFT Level 2 Report for your review. We attached to this email the main section of the document which contains the intro and Level 2 process description, summary sheets and next steps ("BLANS_Level_2_Screening_Report_MAIN_050411v2.pdf" – 2.6mb). We also posted a composite document that includes the main section, the FAA Worksheets, and Attachments in one Acrobat reader file ("BLANS_Level_2_Screening_Report_ALLSECTIONS_050411v2.pdf"), and a file version that contains only the FAA Worksheets and all source material attachments (70 mb). ("BLANS_Level_2_Screening_Report_WORKSHTSATTACHMENTS_050411v2.pdf"). You can find both on the file share site by selecting the following link:

Link: <http://forum.bostonoverflight.com/webx?13@@.ef51796>

You will find that the full report is extensive and large (70mb). Please note that about 90 percent of the material in the full report was provided to you over the past year as we proceeded through the Level 2 process. The only new material is what is in the main section: the introduction/description, summary sheets and next steps. The summary sheets contain content straight from the FAA worksheets, FAA determination sheets, and CAC documentation (noise barrier information, CAC responses, etc.). For Massport, we utilized all of the same information provided to you by Massport and summarized their conclusions in the summary sheets. All of the attachments contain documents that were shared with you over the entire term of Level 2.

ATTACHED FAA WORKSHEETS

To assist in expediting your review, we attached FAA worksheets to this email that were adjusted after the originals were provided to you. The next five emails contain the worksheets. They were sent in parts due to email file size management issues. They were also posted on the file sharing site along with the Draft Level 2 Report. Each worksheet attached contain the edits that were made, which will assist in your review efforts. In summary, adjustments were made to the FAA worksheet content for the following measures:

G-J(v2): Use of Site 1 Hold Pad for Delayed Departures due to Traffic Initiatives – based on our discussions at the last BOS/TAC meeting, members agreed that having a 30 minute delay threshold was not necessary. Adjustments to the description of the measure were made accordingly as well as some edits to help further clarify the definition of the measure.

F-I: 3 nautical mile separation for arrivals to Runway 22L – additional language was added to define Runway Occupancy Time and its relationship to final approach separation as requested by CAC.

F-Kv2: Extend Runway 27 departures further south to maximum extent possible with causing significant compromise to FAA's mission and goals – after further review by the FAA, FAA is not prepared to commit to the precise location and definition of RNAV procedure segment that starts after the "Start of Turn" point just south of the WYLYY waypoint until the 18-step RNAV design process and Safety Management System risk assessment is completed. The complexity of the airspace west of Boston, the unknown publication date of the proposed RNAV SIDs, the Boston RNAV STARS, and other current factors will all be examined in the 18-step RNAV design and the SMS processes. FAA cannot determine the results of these processes until both are completed. For Level 3 noise modeling purposes, FAA will work to designate at least a 3 mile wide corridor from the "Start of Turn" point to each of the departure fixes. This information was added to the worksheet, and the exhibits adjusted just to depict the portion of the RNAV departure segment FAA is prepared to commit to, which meets the primary intent of the measure.

F-N: Implement an RNAV departure procedure for Runway 15R for late night hours that keeps departures further north of Hull compared to the Phase 1 RNAV 15R departure procedure – The original worksheet provided to you eliminated the original CAC proposal and proposed another version in the F-N worksheet. To be consistent, the FAA felt that the original F-N elimination should be documented on its own merit; therefore, the F-N sheet describes the original measure as intended and answers to the questions related to why it causes a significant compromise on the FAA's ability to meet their mission and goals. A separate F-Nv2 sheet was created to address the proposed modified version.

F-Nv2: Assign the Phase 1 Runway 15R Conventional departure procedure during late night hours to keep departures further north of Hull – FAA proposed to CAC to look at this version to determine if it may cause a significant compromise to their ability to meet their mission and goals. Based on current direction within the FAA related to NextGen and incorporation of RNAV procedures, FAA determined this measure would cause a significant compromise to their ability to meet their mission and goals. The changes in the sheet document the reasons for their determination.

F-T(v1&v2): establish a mandatory minimum altitude floor to increase fixed wing and helicopter altitudes over the downtown area for local VFR or Visual Flight Rules (described in Federal Aviation Regulation Part 91) traffic under BOS Airport Traffic Control Tower (ATCT) control that are not landing or taking off from BOS or a helipad located within the Class B area – FAA decided to combine the v1 and v2 worksheets into one single document called a "Determination Sheet" due to the evolution of this measure during ongoing discussions and the need to keep information related to v1 and v2 together. Additional details were added as requested by CAC since the last BOS/TAC meeting as well.

F-U(v1&v2): establish fixed-wing Visual Flight Rule (VFR) routes and establish or revise helicopter routes within the downtown airspace for all users, including hospital, business and media - FAA decided to combine the v1 and v2 worksheets into one single document called a "Determination Sheet" due to the evolution of this measure during ongoing discussions and the need to keep information related to v1 and v2 together. Additional details were added as requested by CAC since the last BOS/TAC meeting as well.

F-V: Extends the initial departure course for turboprop aircraft to 2,000 feet before initiating turns over populated areas – FAA added clarification language related to low traffic periods and reasons why it is not feasible to have two different departure procedures based on traffic levels. This was requested by CAC.

F-Vv2: Conduct an initial Runway 22L/R departure track heading of 260 degrees for turboprop and propeller aircraft heading northwest or west to 2,000 feet or 4.5 DME (whichever occurs first), before initiating turns over populated areas – FAA added a note related to Minimum Safe Altitudes stated in FAR 91.119 and the exemption to this rule for takeoffs and landings at the airport. This was requested by CAC. In addition, a new exhibit was provided that depicts population and the initial course heading, which was shown to the CAC sub-committee on January 27, 2011.

F-HHv2: establish both a conventional and RNAV departure route from Runway 33L that follows compatible land use to the maximum extent practical (e.g. Mystic River and industrial area toward Wellington Station) up to the BOS VOR 5 DME or at 5,000 feet – Initially, the FAA determined this measure did not cause a significant compromise to FAA's ability to meet their mission and goals. During the CAC sub-committee meeting held January 26, 2011, everyone in attendance learned that F-HHv2 as defined in TARGETS requires a non-standard departure climb rate of 493 feet per nautical mile. The standard is 200 feet per nautical mile. The current climb rate requirement for Runway 33L departures is 213 feet per nautical mile. After the meeting, FAA made every attempt in TARGETS to maintain the route, but reduce the climb rate requirement. Based on their efforts, FAA concluded there was no way to maintain the F-HHv2 route without having a steeper climb rate requirement.

Therefore, FAA changed their determination and concluded this proposed measure causes a significant compromise to their ability to meet FAA mission and goals. The worksheet was updated to reflect what occurred and the reasons why a steeper climb rate causes a significant compromise.

In addition, for the same reasons stated above for F-Kv2, FAA determined they could not commit to a precise RNAV route to a departure fix after the initial turn at the 5 DME turning point. The exhibit was adjusted to depict just the segment FAA was prepared to commit to from Runway 33L to the 5 DME point, which is the primary intent of this measure.

F-HHv3: establish an RNAV standard instrument departure procedure from Runway 33L, turn to the northwest at a location that avoids Admiral's Hill, and follows compatible land use to the maximum extent practical (e.g. Mystic River and industrial area toward Wellington Station) up to the BOS VOR 5 DME or at 5,000 feet – Based on discussions held during the CAC sub-committee meeting on January 26, 2011, CAC indicated an additional intent for this measure: to keep departures just north of Admiral's Hill. The design conducted in TARGETS was done during the CAC sub-committee meeting. This design requires a 280 feet per nautical mile climb gradient, which FAA indicated is not expected to cause a significant compromise. This is the first time CAC was provided the worksheet for F-HHv3.

In addition, for the same reasons stated above for F-Kv2, FAA determined they could not commit to a precise RNAV route to a departure fix after the initial turn at the 5 DME turning point. The exhibit was adjusted to depict just the segment FAA is prepared to commit to from Runway 33L to the 5 DME point, which meets the primary intent of this measure.

REVIEW TIMELINE

Release of the Level 2 report is a major milestone for this project. It provides a significant update to the public where we are at and allows us now to focus on noise modeling those that were passed to Level 3. It also triggers a letter update campaign to elected representatives. Because 90 percent of the material was provided to you in the past and worksheets that were changed since the last time they were provided to you are attached with edits shown, we feel that two weeks is ample time for you to review the new material.

We are prepared to accept comments related only to those changes made to the FAA worksheets, the introduction and description of Level 2, the summary sheets and the Next Steps section of the report. As stated above, all other attachments were developed and shared with CAC during the entire Level 2 process, and is not new material; therefore, is considered final and not open for comment.

We understand this is a tall request on our part, but we hope you understand the need to finalize and close Level 2 so we can focus our energy on Level 3 during the last 7 months of Phase 2.

We request that all comments be sent to Sandra Kunz (CAC President), unless advised by her otherwise, and be consolidated so that we can efficiently address the comments and finalize the report.

Thank you

STEPHEN SMITH | Director

RICONDO & ASSOCIATES, INC.

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Attachment B

2. CAC-Wig Zamore (W. Zamore) (email dated 5/9/11) follows:



Steve - Disregard My Last Email RE Wig 's Comment. Found it.

Terry English

to: Alan Reed

06/01/2011 11:20 AM

AJV-E2, Eastern Operations Support Group

Cc: 'Stephen Smith'

----- Forwarded by Terry English/ANE/FAA on 06/01/2011 11:19 AM -----

From: Sandra Kunz <skunz@verizon.net>
To: Terry English/ANE/FAA@FAA, leo flavio <fleo@massport.com>, woodward jon <jwoodward@landrum-brown.com>, Stephen Smith <s_smith@ricondo.com>
Date: 05/09/2011 07:38 AM
Subject: Level 2 Draft

Terry, et al:

Wig's comments are pasted below:

Good Evening,

F-HH has changed considerably as well. The route should not be described as "Mystic River and ..." as it does not go over the Mystic at all. More significantly the second leg and waypoint have been dropped altogether, with no notice to CAC, with a "three mile wide swath" replacing the second leg, and there is a plan for both an RNAV and a non-RNAV route with only the RNAV following our agreed upon route and then only for a portion of the planned / agreed upon route.

Yikes, Wig

Attachment B

3. CAC-Jerry Falbo (J. Falbo) (email dated 5/12/11) follows:



**Fw: Level II
Terry English**
AJV-E2, Eastern Operations Support Group
Cc: Gail Lattrell

to: Alan Reed

05/20/2011 02:01 PM

Hi Alan,

Here is another email to log for the BLANS record. Thanks.

----- Forwarded by Terry English/ANE/FAA on 05/20/2011 02:00 PM -----

From: "Jerry" <lawfsg@verizon.net>
To: "Stephen Smith" <s_smith@ricondo.com>
Cc: Terry English/ANE/FAA@FAA, "Jon Woodward" <jwoodward@landrum-brown.com>, "sandra kunz" <skunz@verizon.net>, "Lally, Patrick" <Patrick.Lally@mail.house.gov>
Date: 05/12/2011 01:10 PM
Subject: Level II

Dear Steve:

Ten minutes ago I finally concluded my reading of the very disheartening Level II Documents. In approximately 75% of the Measures there does not appear to be any noise relief. The document suggests that we have wasted some eight years in attempting to obtain noise relief. We have spent hundreds of hours expended by volunteers, to what end?

There are many changes throughout the document with what we had discussed and what we had anticipated, examples:

F-HH has changed regarding RNAV Route; there appears to be no relief to Darryl's Measures, I believe F-U & F-T.

There are other Measures that have issues but I am not prepared to waste anymore time.

My question is to what extent has the FAA attempted earnestly and sincerely follow through on Measures; for example under F-U there is a statement that establishing mandatory VFR Routes requires General Making Procedures at the Headquarters Level. Has there been any attempt from the Regional FAA to make contact to see and determine whether or not it could be done? What would be involved for FAA Headquarters to put in place the F-U Measure under the code of Federal Regulations Title 14 PRT 11, General Making Procedures? It does not appear that it would be a massive operation since there would not be a required NEPA Public Hearing.

You have given us two weeks to come up with our comments regarding Level II Draft. Two weeks is hardly enough and I as one member of CAC will not be prepared to respond adequately and thoroughly until there is a face to face meeting on these issues.

I assume that the reason that there was no mention of the Ground Rules Measures is that Massport will forward that as part of Level II Draft.

Regards,

Jerry

Attachment B

4. Independent Consultant (IC)-Jon Woodward (memo dated May 19, 2011) follows:



To: SANDRA KUNZ, PRESIDENT, LOGAN COMMUNITY ADVISORY COMMITTEE

From: Jon M. Woodward for the Independent Consultant

Cc:

Date: May 19, 2011

RE: **Independent Consultant's Level 2 Screening Report Comments**

Generally, the IC concurs with the findings presented in the Level 2 Screening Analysis, dated May 2011, with exceptions noted below. We have not attempted to correct simple typographical errors, but rather have focused on what we found to be meaningfully modified from previous understandings of the results. We reserve the right to make additional comments subsequent to discussions at BOSTAC, PMT, or CAC meetings.

Cover - If the CAC is an equal partner to this process, why is their name and logo not on the cover?

Section 1.3 – If three pages can be given to the FAA's goals and objectives for screening noise abatement measures, surely the document can detail the goals and objectives used by the CAC in its review of the community acceptability of the various measures. One vague paragraph is provided in Section 1.3.

Section III, paragraph 2, line 5 – change "Id" to "ID" or "identification code"

Review of individual measures –

G-Iv2 Run-up Location – This measure was recommended by Massport (not CAC) as an enhancement of the CAC measure to seek out a location for a hush house and move run-ups from the north end of the airfield to a location more remote from the neighboring communities.

G-N Single Engine Taxi Away from Communities – The findings matrix indicates that that measure G-B was eliminated in Level 1 Screening as being

memo

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unsafe. The CAC has disputed that finding because the recommended actions was misinterpreted by the FAA in its review as being a mandatory measure. The CAC indicated that it would accept a measure in which Massport periodically communicates with the user airlines to voluntarily use single engine taxi power prior to departure and on landing. The measure has been subsequently reviewed as Measure G-N several times under Level 2 screening. The CAC does not consider Massport's one-time or two-time letters to the airlines encouraging the use of single engine taxi when conditions permit and at the pilot's option to fulfill the spirit of the measure, and consequently does not consider it to be implemented.

F-A Continuous Descent Approach – IC reserves the right to comment on the Level 2 findings for this measure until IC receives adequate information on the STARS procedures, including digital TARGETS files defining the routes under evaluation.

F-K(v2) Extend Runway 27 WYYLY departure route to the south – IC concurs in the measure as described, but advises that information previously provided by the FAA regarding traffic routing after passing the WYYLYA fix will be of utmost interest to the CAC membership and may result in its reconsideration of interest in seeing the measure implemented. The transitions to fixes beyond the WYYLYA fix appeared to be helpful to noise abatement, and the CAC was encouraged by the FAA's willingness to consider community input to tweak the locations of these transition routes. The CAC will expect to be involved in the determination of the locations of these routes during the next phase of the project.

F-S Noise Abatement Departure Procedures – The IC has reviewed in detail the PC's evaluation of the standard "close-in" and "distant" departure procedures and compared the resulting noise levels to the procedures now in use at BOS. IC concurs that the measures evaluated under F-S would in fact result in an increase of the population exposed to aircraft noise of substantial levels and agrees that continuation of existing departure climb procedures is the most appropriate response. These findings have only recently been accepted by the CAC, and have not been included in the *Level 2 Screening Analysis*.

F-HH(v3) Extend Runway 33L departure route to 5 DME – This measure has been modified by a subcommittee of CAC representatives with direct interest in the areas northwest of the airport working directly with FAA staff. The IC accepts the delay of the initial turn to a point north of Admiral's Hill residential area and a subsequent departure route over the industrial corridor north of the Mystic River. However, we caution that the shift of the route to the north from the current pattern **may** result in an increase of population within the noise levels of concern to the CAC. As is the case with

memo

the Runway 27 departure measure, the IC advises that proposed RNAV routings previously provided by the FAA regarding traffic routing after passing the WP2816 fix will be of utmost interest to the CAC membership and may result in its reconsideration of interest in seeing the measure implemented. The transitions to fixes beyond the WP2816 fix appeared to be helpful to noise abatement, and the CAC was encouraged by the FAA's willingness to consider community input to tweak the locations of these transition routes. The CAC will expect to be involved in the determination of the locations of these routes during the next phase of the project.

F-T and FT(v2) Educate and encourage pilots to comply with FAR Part 91-119 (Minimum Safe Altitudes) over downtown Boston –

The previous finding by the FAA on Measure F-T¹ indicated that *"The public outreach and education component of the measure is not outside the scope of the BLANS and should be considered in concert with the SOP updates on VFR altitude assignments. See refined Measure F-T (version 2) description below."* This statement is the basis for CAC's recommendations proposed for the implementation of Measure F-T(v2) to monitor, investigate, report, and where appropriate enforce the FAR as written. In this version of the document, the text in Attachment 10A has been modified to state *"The public outreach and education component of the measure is **also** outside the scope of the BLANS and **may** be considered in concert with the SOP updates on VFR altitude assignments. See refined Measure F-T (version 2) description below."* These subtle changes appear to indicate a change in priority and reduction of willingness by the FAA to proceed with the implementation of the measures to which they indicate they have already "completed". This issue needs to be resolved before we can concur in the document as presented.

F-U and F-U(v2) conduct pilot outreach and encourage pilots to use the existing voluntary helicopter routes over low population areas in Class B airspace –

Although the IC concurs with the finding for F-U(v2), this measure also ignores the CAC's implementation actions to monitor and report on the use of the routes by helicopters.

F-V(v2) Initial Runway 22L/R departure track heading of 260 degrees for turboprop and propeller aircraft heading northwest or west to an altitude of 2,000 feet MSL or reaching 4.5 DME (whichever occurs first) before initiating turns over populated areas. IC concurs in the Level 2 finding.

memo

Section IV. Next Steps

IC believes a flow chart and anticipated schedule would be appropriate to this section. IC will not be in a position to recommend to the CAC those measures that would be appropriate for inclusion in a cumulative alternative until the results of noise modeling evaluations of each remaining measure have been provided for comparison with future baseline and current baseline conditions. Based on past history, the comparison to existing noise levels will be as critical a component of this assessment as the comparison to future baseline levels.

ⁱ See FAA's Operational Screening/Evaluation Criteria Worksheet BLANS MEASURE: ____F-T____DATE OF SCREENING: 3/18/10, 4/14/10 ,

memo

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Attachment B

5. CAC - John Stewart (J. Stewart) through Sandra (email dated 5/23) follows:



Re: John Stewart's Request for Meeting re F -V2 Discussion

Terry English

to: Sandra Kunz

05/24/2011 10:29 AM

AJV-E2, Eastern Operations Support Group

Cc: leo flavio, 'Stephen Smith', gail.lattrell, "Jon Woodward", "Jerry Falbo", Alan Reed

Hi Sandra,

To clarify, the purpose of the June 6th meeting is for Massport to further discuss their response to CAC on the ground noise measures. FAA will participate for technical support, and address any FAA related aspects of the measures.

We don't have a meeting scheduled yet to discuss CAC's/IC's comments on the FAA's updated criteria worksheets as presented in the Level 2 Report. You and I discussed having one sometime in June. We can certainly address John Stewart's comments at this meeting/web conference with all other CAC comments. If his comments are the same as the ones we have already addressed, however, we will refer to our previous response (see attached).

When you get a chance, we should discuss some potential dates for this Level 2 Report wrap-up meeting/web conference. Let me know if you have any other concerns or comments.

Regards,
Terry



EmailResponseSandra_JScommentsF-V_110225.pdf

Ms. Terry English
Program Manager, Boston Logan Airport Noise Study
FAA, Air Traffic Organization
Eastern Service Center, Operations Support

T (603) 881-1388
Fax (603) 881-1391
email: Terry.English@faa.gov

Sandra Kunz

Terry, I received a request from John Stewart to...

05/23/2011 07:48:27 AM

From: Sandra Kunz <skunz@verizon.net>
To: Terry English/ANE/FAA@FAA, leo flavio <leo@massport.com>
Date: 05/23/2011 07:48 AM
Subject: John Stewart's Request for Meeting re F-V2 Discussion

Terry,

I received a request from John Stewart to set up a meeting mimicking that which we have set up for Jerry/Darryl. He claims that Measure F-V2 has not been fully discussed.

How do you want to handle this?

Regards,

Sandra

1. Measure Definition Refinement for Modeling

- Center/Backbone Location
- Dispersion Width
- Average Annual Day Utilization

2. Individual Measure Noise Modeling

- Calculate DNL and Supplemental Metrics
- Compare Individual Measure Against Future Year Baseline
- CAC Review of Results
- CAC Selection of Measures to Define Alternative

3. Alternative Noise Modeling

- Calculate DNL and Supplemental Metrics
- Compare Alternative Against Future Year Baseline
- CAC Review of Results
- CAC Recommendation to Massport to Implement Alternative



**FAA's ~~Operational Screening/Evaluation Criteria~~
Worksheet ~~Determination~~**
**For Boston Logan Airport Noise Study (BLANS) Level 2 Noise
Abatement Measures**

BLANS MEASURE: ~~F-T~~ **DATE OF SCREENING/ASSESSMENT:** 3/18/10, 4/14/10, 2/22/11, 6/27/11

Description: This measure proposes to establish a mandatory minimum altitude floor to increase fixed wing and helicopter altitudes over the downtown area for local VFR or Visual Flight Rules (described in Federal Aviation Regulation Part 91) traffic under BOS Airport Traffic Control Tower (ATCT) control that are not ~~landing or taking off from~~ ~~on final approach or initial climb to/from~~ BOS or a helipad located within the Class B area.

Specifically, the CAC August 13, 2009 addendum in the Level 1 Screening report recommended that FAA reasonably maximize minimum altitudes over residential and commercial areas. Recommended altitudes included fixed wing at 1,600 feet for downtown and 1,900 feet for Back Bay Boston and helicopters generally at 500 to 1,000 feet. ~~The addendum noted that the exemption for helicopters to fly lower than minimums should only be available “if the operation is conducted without hazard to persons or property on the surface” not what the current regulations state, “an altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.”~~ The addendum notes that the exemption for helicopters to fly lower than minimums should only be available “if the operation is conducted without hazard to persons or property on the surface. This is more stringent than the normal: ‘An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.’” In addition, the CAC addendum recommended that the security Notice to Airmen (NOTAM) prohibiting aircraft from within 3 miles and 3,000 feet of a stadium having a seating capacity of 30,000 from before until after major sporting events be applied to music events in the same stadium and to any open-air assembly of the same size.

Measure F-T also includes a compliance component to decrease non-compliant operations and ease enforcement by developing materials and programs to monitor and improve compliance.

FAA Decision

The FAA decision on F-T is not related to efficiency or capacity issues, therefore, the worksheet criteria does not apply. As a result, the FAA decision will be addressed in the ~~following is section narrative, and the worksheet criteria will be used for refined Measure F-T (Version 2) as described further below.~~

The establishment of mandatory minimum or maximum altitudes requires general rulemaking, at the FAA Headquarters level, which is a separate public process with an uncertain outcome. The general procedures are outlined in Code of Federal Regulations

Title 14 Part 11, *General Rulemaking Procedures*. This part applies to the issuance, amendment, and repeal of any regulation for which FAA follows public rulemaking procedures under the Administrative Procedure Act (“APA”) (5 U.S.C. 553). This is beyond the scope of the BLANS, therefore, the FAA will not be establishing mandatory altitudes as described in measure F-T as part of the BLANS.

The CAC’s recommendation of this measure, however, has caused Boston Tower to reevaluate their VFR altitude assignments to pilots transitioning into the Class B airspace. The facility has determined that some altitude assignments by air traffic controllers were not ideal to encourage pilots to comply (as already required) with Part 91.119.

Accordingly, on May 5, 2010, the tower ~~has taken (date?) took ?~~ is taking an independent action (separate of the BLANS) to update their Standard Operating Procedures (SOP) Order. Specifically, when it is necessary for the facility to issue an altitude to a VFR fixed wing aircraft or an airship that will be transitioning the Class B airspace, the minimum assigned altitude will be 2,000 feet Mean Sea Level (MSL) over the downtown area and 1,500 feet MSL over other land areas, as depicted in Exhibit I-1. Similarly, when it is necessary to issue an altitude to a VFR helicopter that will be transitioning the Class B airspace, the minimum assigned altitude will be 1,000 feet MSL over all land areas (except for the established recommended helicopter routes as depicted on the existing helicopter chart) as depicted in Exhibit I-2.

Although this action is independent of the BLANS and not being proposed for noise abatement purposes, altitude assignments for helicopters and fixed-wing aircraft as described above, may result in a noise benefit.

The recommendation to modify the regulatory language related to minimum safe altitudes for helicopters as it relates to hazards to persons or property on the surface is also outside the scope of the BLANS and was previously addressed by the FAA in an email to Ms. Sandra Kunz, CAC President, dated December 3, 2009. See attached.

The security NOTAM referenced in the measure description applies only to sporting events operated by the specific organizations listed therein. This is based on Public Law 108-7 as amended by Public Law 108-199 which mandates that the agency keep a NOTAM in effect to cover these 4,000+ events. The FAA has interpreted Congress’ intent as precluding the FAA from altering the restrictions imposed by that NOTAM in any way, whether the effect of any alteration is to increase or decrease the number of events covered by the NOTAM.

If the organizers of other similar but uncovered events desire a Temporary Flight Restriction (TFR), they can request one through two other avenues. The first, 14 CFR 91.14537 can be used for concern about safety of flight and protecting persons and property on the surface due to crowding, hazards, etc and is coordinated through the Service Area and/or the overlying Center. The second, 14 CFR 99.7 may be is available to address due to national security concerns and should be requested by a national security or intelligence agency (FBI, TSA, DHS) to the FAA through System Operations Security. It is usually threat based and very few events other than the Super Bowl or

New York City's New Year's Eve celebration have been successful in obtaining this type of TFR. As a result, the recommendation to expand NOTAM for noise abatement purposes is outside the scope of the BLANS.

The public outreach and education component of the measure targets two separate issues. One is compliance with Part 91.119 (MSAs) and one is to remind pilots to fly friendly and adhere to the voluntary helicopter routes when possible, which were designed to minimize noise to underlying communities. FAA efforts to ensure compliance with Part 91.119 are a compliance safety issue, not a noise issue, and therefore beyond FAA's obligations contained in the 2002 Record of Decision and the BLANS scope of work. Ensuring compliance with Part 91.119 is an ongoing effort by FAA, who has agreed to conduct further outreach on MSAs as a result of the CAC's perceived effectiveness of the existing programs. FAA has also agreed to conduct outreach related to flying friendly (e.g. avoid noise sensitive areas and fly at higher than required altitudes) and adherence to the voluntary helicopter routes. This is a noise related issue that the BLANS SOW covers, but which can be accomplished at the same outreach sessions regarding MSA compliance. ~~is not outside the scope of the BLANS and should be considered in concert with the SOP updates on VFR altitude assignments.~~ See refined Measure F-T (version 2) description below.

BLANS MEASURE: F-T (Version 2) DATE OF SCREENINGASSESSMENT: 3/18/10, 4/14/10, 4/22/10, 8/31/10, 2/22/11

F-T (Version 2) is not related to efficiency or capacity issues, therefore, the worksheet criteria does not apply. As a result, the FAA decision will be addressed in the following narrative.

The public outreach, education and monitoring efforts described below are considered advisory in nature under FAA Order 1050.1E, paragraph 301 and are not subject to the National Environmental Policy Act (NEPA).

In addition, since these voluntary efforts aren't subject to a NEPA review or noise modeling, are considered safe and efficient, and will not adversely affect other communities, they can be implemented prior to the completion of the noise abatement study consistent with the 2002 Record of Decision (Section VIII Mitigation Measures, Number 6).¹ As stated below, this measure is already in the process of implementation.

The FAA will conduct initial pilot outreach to remind pilots of their responsibility to adhere to the Part 91.119 minimum safe altitude requirements in Boston Class B Airspace and to fly neighborly with the intention of reducing community noise impacts as follows:

- Boston Airport Traffic Control Tower (ATCT) ~~will~~ prepared and distributed a Letter to Airmen (LTA) on September 15, 2010, to ~~that will~~ remind pilots

¹ Department of Transportation, Federal Aviation Administration, Record of Decision: Airside Improvements Planning Project. August 2, 2002, p. 28

operating in the Class B airspace of the continuing requirements of regulatory safe altitudes and encourage them to fly as high as possible. (See attached.)

- Flight Standards will conduct awareness training during seminars by the FAA Safety Team (FAAST) Inspectors and volunteer safety counselors to remind pilots operating in the Class B airspace of the continuing requirements of regulatory safe altitudes and encourage them to fly as high as possible. FAAST training expected to begin Summer 2011.~~[to be determined] and continue [to be determined].~~
- Flight Standards to pursue distribution of an existing banner towing operator's (voluntary) Code of Conduct to the local banner towing and blimp operators. This code is which is-well-written and addresses their duty to customers and their obligations to the communities below flight operations. The FSDO received a copy of the Code of Conduct, signed by the two aerial advertisers conducting the majority of the business in the New England area.
- Flight Standards to draft LTA targeting banner towing and sightseeing operators, blimps, and professional helicopter associations reminding them to "fly neighborly" and in compliance of regulations and issued waivers. The letter is expected to be distributed in mid 2011.
- FAA will reconsider the need for further outreach at during the time the LTAs expire, which is two years after the date of issuance.
- In addition, in April 2010, the FAA Flight Standards Division sent a written request to the FAA National Charting Office to graphically depict the minimum safe altitudes within the Class B airspace and a note that states the following: "Pilots operating under Visual Flight Rules in the (Boston) Class B airspace are reminded that acceptance of an ATC clearance or instruction does not relieve them of the duty to adhere to the visibility, cloud clearance or minimum safe altitude requirements of Part 91." The historical position of the charting office, however, has been to avoid clutter and use of valuable charting space to restate facts or rules that pilots are already required to know. As a result, the charting office has verbally declined~~may decline~~ the Flight Standards request.

Massport will forward potential low-flying aircraft incident data from their noise complaint system directly to Flight Standards on an ongoing basis for FAA to investigate further if warranted. This is in response to issues raised to Flight Standards during the BLANS process.

In response to CAC requests for reports on some or all of the above items, we wish to note that the FAA does not create ~~special reports for private or special interest groups in order to answer specific requests, whether made under the Freedom of Information Act (FOIA) or otherwise.~~ The FAA can only provide information gathered from reports that are already generated in the normal course of conducting agency business, if appropriate. The public may make specific incident/accident report requests. Flight Standards will

consider a response to these requests on a workload permitting basis or the public may request specific information via **the Freedom of Information Act** a FOIA.

~~1. SAFETY: As in Phase 1, all final procedures will be subject to an FAA safety risk analysis prior to implementation in accordance with FAA Order 8040.4 Safety Risk Management. In addition, FAA will consider any unsafe measures as a significant compromise to FAA goals and mission.~~

1a. Describe, if any, the affect the measure has on the safety of the air traffic system regardless of any gain or loss in efficiency.

There is no known effect at this time.

Significant Y ___ N ___ X ___ (If Yes, Explain)

1b. Describe, if at all, whether the measure affects the segregation or increases the complexity of segregating departure and arrival routes.

There is no known effect at this time.

Significant Y ___ N ___ X ___ (If Yes, Explain)

1c. Describe, if at all, whether the measure has an affect on safety buffers (prevent proximity or operational error events identified in FAA Order 7210.56C, Air Traffic Quality Assurance) between aircraft and/or airspace boundaries.

There is no known effect at this time.

Significant Y ___ N ___ X ___ (If Yes, Explain)

1d. Describe, if at all, whether the measure affects safety buffers between aircraft and physical structures on the ground (obstruction clearance standards).

There is no known effect at this time.

Significant Y ___ N ___ X ___ (If Yes, Explain)

1e. Describe, if at all, whether the measure creates new safety hazards and/or increases the severity level or likelihood of occurrence of an existing known hazard that has been mitigated.

There is no known effect at this time.

Significant Y ___ N ___ X ___ (If Yes, Explain)

2. CONTROLLER and/or PILOT WORKLOAD

2a. Describe, if at all, whether the measure would affect controller/pilot workload by requiring more complex procedures to maintain safe separation and/or segregate arrivals and departures.

There is no known effect at this time.

Significant Y ___ N ___ X ___ (If Yes, Explain)

2b. Describe, if at all, whether the measure affects controller/pilot workload by requiring increased radio transmissions associated with turns and clearance instructions.

<p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>2c. Describe, if at all, whether the measure affects controller workload by increasing intra and inter radio transmissions /point outs/coordination as aircraft transition through/to/from a sector.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>2d. Describe, if at all, whether the measure affect airspace and or flow changes within A90.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>2e. Describe, if at all, whether the measure affects airspace and or flow changes between A90 and other abutting ATC facilities.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>2f. Describe, if at all whether the measure increases the number of aircraft entering or exiting a sector or increase the time a controller must monitor flights in a sector.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>3. DELAY, EFFICIENCY AND FLEXIBILITY CHANGES</p>
<p>3a. Describe, if at all, whether the measure affects mileage flown, time, or requires new level-offs during climb from the runway to standard or letter agreement altitudes at the A90/BOS ARTCC transition points/boundaries.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>3b. Describe, if at all, whether the measure affects mileage flown, time, or requires new level-offs during descent from entry into A90 and to the runway.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>3c. Describe, if at all, whether the measure affects airport or airspace delay (expected time of arrival/departure compared to scheduled times and impact to airport capacity compared to scheduled arrival/departure service).</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>

<p>3d. Describe, if at all, whether the measure affects airport departure and arrival queue length on the airfield.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>3e. Describe, if at all, whether the measure affects taxi-in and/or taxi-out times on the airfield.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>4. CAPACITY</p>
<p>4a. Describe, if at all, whether the measure decreases the ability of the airport to accommodate forecast future demand for the design day.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>4b. Describe, if at all, whether the measure decreases arrival or departure capacity at BOS based on the ratio of arrival/departure operations to arrival/departure capacity.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>4c. Describe, if at all, whether the measure decreases the ability of the A90 system to meet forecast airport arrival/departure demand for the Peak Month Average Weekday capacity.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>
<p>5. OTHER</p>
<p>5a. Describe, if at all, whether there are cumulative changes that may affect efficiency, workload and/or capacity.</p> <p>There is no known effect at this time.</p> <p>Significant Y ___ N ___ X ___ (If Yes, Explain)</p>

FAA DECISION: Does this measure significantly compromise FAA goals and stated mission based on either one or several of the above criteria combined?

Yes ___ Summarize reasons below and eliminate from further consideration.

--

~~No.~~ Retain and apply information and conceptual designs for noise screening consideration in Level 2 and/or Level 3 analysis to be weighed against potential noise benefits.

DRAFT