



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Associate Administrator
for Airports

800 Independence Ave., SW.
Washington, DC 20591

MAY 13 2015

The Honorable Ted W. Lieu
House of Representatives
Washington, DC 20515

Dear Congressman Lieu:

Administrator Michael Huerta has asked me to respond to your April 24 letter. Your letter asked the Federal Aviation Administration (FAA) to grant another extension to the city of El Segundo to complete noise mitigation of specific groups of homes under the city's Residential Sound Insulation Program (RSIP).

The FAA shares your concern for the welfare of people who live near airports. The FAA has provided more than \$370 million for sound insulation and other types of noise mitigation projects in communities surrounding Los Angeles International Airport (LAX). In addition, FAA provides financial support for airport sustainability planning. That can help airports become better neighbors in all aspects of environmental and economic compatibility.

There are two approaching deadlines. All airport noise mitigation programs nationwide are working towards a September 30, 2015, deadline to complete any remaining sound insulation that does not meet the interior noise level requirements. The city of El Segundo also has a December 31, 2015, deadline to complete any remaining noise mitigation. This deadline is specific to El Segundo and relates to the noise maps, which are now nearly 30 years old. Each of these requirements has specific testing and eligibility criteria.

With regard to the December deadline, nearly half a decade ago, the city of El Segundo and Los Angeles World Airports (LAWA) requested additional time to complete the mitigation of homes identified in its RSIP in El Segundo.

After careful consideration of that 2010 request, FAA reluctantly agreed to allow more than an extra 5 years to complete that work, despite the fact that nearly 25 years had already passed since the last update of the LAX's part 150 Noise Compatibility Program. We agreed to that extension based on several unique circumstances. Those factors included a conclusion that the 2009 noise contours were still generally consistent with the contours reflected in the FAA's 2005 Environmental Impact Statement.

Enclosed is a copy of our December 3, 2010, letter to LAWA, in which we stated that both the funding and noise mitigation of the RSIP must be completed by December 31, 2015.

Subsequent to the FAA's 2010 approval of that 5-year extension, the U.S. Government Accountability Office (GAO) conducted a detailed review of the FAA's airport noise program. Among other things, GAO concluded that noise mitigation based on outdated noise contours poses a risk to the legitimate use of Federal funds.

On October 14, 2014, we responded to another congressional inquiry about the city's RSIP. Enclosed is our response reaffirming our previous decision to allow continued funding of the RSIP until December 31, 2015. In that letter, FAA reiterated the nationwide deadline for all mitigated homes to meet the 45 decibel interior noise level requirement and did not grant the city an extension of time for that deadline.

It is unfortunate that these high bids have resulted in another delay to the city's RSIP. It is also unfortunate that the overall program has proceeded so slowly. The FAA's staff cautioned the city of El Segundo that their bid documents contained unduly restrictive provisions that could reduce contractor interest and increase costs. The FAA has already gone significantly beyond well-established policies and requirements in order to provide an additional 5 years to get this work completed.

In light of the extraordinary current situation, we will permit the city of El Segundo to rebid this work even if the actual work cannot be completed by September 30, 2015. It is crucial that all parties recognize the extraordinary circumstances involved here and that this cannot be viewed as setting a precedent for any other sound insulation work. The only reason we are able to reach this conclusion is that the city did actually bid this work previously and that FAA agreed that the bids were too high.

It is crucial that the city give full and timely consideration to the FAA's cautions about how to rebid the work in order to reduce the risk of bids coming in high again. To ensure that the revised bid documents encourage full and open competition, we have asked our FAA Headquarters' expert in specifications to review the documents and provide comments to the city, which we expect the city to incorporate into the documents.

The FAA's rules regarding noise mitigation funding reflect statutory language. The statute requires FAA to establish and work within a consistent national set of standards. The statute also limits Federal funds (such as Airport Improvement Program grants) and local revenues (such as passenger facility charges and airport revenues) to be used for projects that are both eligible and justified. Airports, airlines, the traveling public, and neighboring communities all share an interest in ensuring that limited financial resources are used in accordance with Federal requirements.

If you or your staff need further assistance, please contact Molly Harris, Acting Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,



fol
Benito De Leon
Deputy Associate Administrator
for Airports

Enclosures



U.S. Department
of Transportation
Federal Aviation
Administration

Office of Airport Planning and Programming

800 Independence Ave., SW.
Washington, DC 20591

DEC 03 2010

Gina Marie Lindsey
Executive Director
Los Angeles World Airports
One World Way
Los Angeles, CA 90045

Received

DEC 13 2010

Office of the
Executive Director

**Subject: Los Angeles World Airports (LAWA) request for FAA determination
on funding ongoing noise mitigation in El Segundo, California**

Dear Ms. Lindsey:

The purpose of this letter is to follow up on the September 20, 2010 conference call that representatives of the FAA had with your office, the City of El Segundo and Congresswoman Jane Harman's staff on the appropriate use of Airport Improvement Program, passenger facility charge, and airport revenue to continue to sound insulate eligible residences in the City of El Segundo.

As representatives of the FAA explained, in the case of El Segundo, the FAA's ability to award AIP grants and approve PFC funds would require that the residential land uses in question be classified as non-compatible with, or (in the case of schools) adversely affected by, airport noise. Noncompatibility and adverse effects are defined as either being (a) within the CNEL 65 dB or higher noise contour as shown on a current FAA-accepted Noise Exposure Map or (b) as reflected in a final National Environmental Policy Act (NEPA) document. LAWA may use a lower local noise standard (i.e. CNEL 60 dB) for mitigation if the standard is formally adopted by the City of El Segundo for land use compatibility.

The use of airport revenue generally follows the AIP and PFC criteria. However, 49 U.S.C. §47107(b)(3), 49 USC §47133, and the Policy and Procedures Concerning the Use of Airport Revenue, 64 Fed. Reg. 7,696 (Feb. 16, 1999) permit use of airport revenues for a reasonable period of time to complete projects in an approved noise mitigation program in the "buffer zone" between the CNEL 65 and 60 dB contours under certain circumstances.

This is reasonable where, as in El Segundo, the projects were part of a settlement agreement and the affected municipality clearly relied in good faith on the parameters of the noise mitigation represented in the now-outdated maps as a means to achieve equity. As a matter of policy, we have determined that in a location such as this, where changes in airport operations have led to a significant reduction in noise (as defined under 14 C.F.R. Part 150), LAWA may continue to provide airport revenue for a reasonable period of time to fund completion of soundproofing projects previously approved under the latest Part 150 study. However, these soundproofing projects must still be within the CNEL 60 dB contour of a map that is current and valid for purposes of Part 150.

Our analysis of the specific case of El Segundo shows that the LAX 1Q 2009 noise contours in

this area remain generally consistent with the 2015 Alternative D noise contour in the 2005 Los Angeles International Airport Proposed Master Plan Improvements Final Environmental Impact Statement. As a final step, we will be contacting you to discuss the information needed to confirm that the areas proposed for remaining noise mitigation meet the criteria outlined above.

In the particular case of El Segundo, based on the number of years that have already passed since the last Part 150 update (in 1985), the FAA has determined that LAWA may provide funding from airport revenue in support of noise mitigation in El Segundo for only five (5) more years. Both the funding and the associated noise mitigation must be completed no later than December 31, 2015.

If you have further questions on this matter, please feel free to call me at (202) 267-8775.

Sincerely,



Elliott Black
Acting Director
Office of Airport Planning and Programming

cc: Mark McClardy, Regional Manager, Airports Division, Western Pacific Region



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Washington, DC 20591

OCT 14 2014

RECEIVED

OCT-20 2014

Henry A. Waxman, M.C.
District Office

The Honorable Henry A. Waxman
Member, United States House
of Representatives
5055 Wilshire Boulevard, Suite 310
Los Angeles, CA 90036

Dear Congressman Waxman:

Thank you for your September 19 letter to Roderick D. Hall on behalf of Mayor Suzanne Fuentes about the city of El Segundo's ongoing residential sound insulation program.

The Federal Aviation Administration's (FAA) December 3, 2010, letter to Los Angeles World Airports was in response to an extraordinary request. The request was that the city be permitted to continue sound insulation, using airport revenue, long after the noise contours (areas affected by significant noise) were known to have become significantly smaller. At the time of the 2010 letter, it had already been 25 years since the last update of the airport's part 150 noise exposure maps (in 1985). However, after careful review (and particularly in light of the settlement agreement), FAA agreed to allow the continued use of airport revenue for an additional 5 years—which ends on December 31, 2015.

The FAA's August 17, 2012, Program Guidance Letter (PGL) 12-09, "Eligibility and Justification Requirements for Noise Insulation Projects," is applicable to residential sound insulation programs throughout the Nation. Its primary focus is not on the contours, but rather on interior noise levels.

PGL 12-09 provided a 3-year transition period for any sound insulation work that does not meet the interior noise level requirement. That transition period ends at the conclusion of Fiscal Year 2015 (September 30, 2015). The FAA cannot waive this national deadline. The FAA requires airports and communities of all sizes throughout the country to comply with this requirement.

To the extent El Segundo still has homes that warrant sound insulation, that work may continue through December 31, 2015 (as we stated nearly 4 years ago), as long as the city meets other eligibility requirements. Those other requirements include meeting the interior noise requirements.

Since 2008, FAA has issued approximately \$30 million in Airport Improvement Program funding to the city for its residential sound insulation program. We are willing to meet with the city to assist them with compliance with FAA requirements.

I trust this information is helpful.

Sincerely,

A handwritten signature in black ink that reads "Benito De Leon". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Benito De Leon
Deputy Associate Administrator
for Airports

Enclosure
Transmitted Correspondence

cc: Washington Office