

Aviation Noise Working Group

MEETING SUMMARY

FEBRUARY 13, 2023; 5:00 PM – 6:45 PM

VIA ZOOM VIDEOCONFERENCE

Meeting Objectives:

Updates on the Aviation Near-term Noise Action Agenda and draft rolling takeoff language. Overview of single engine taxiing. Primer on aviation easements. Review of the ongoing noise insulation work.

Meeting Summary:

- I. Facilitator welcome, introduction, and meeting agenda, Brian Scott, BDS Planning & Urban Design
 - Jenn Kestner, City of SeaTac Planning Manager introduced Zack Shields, City of SeaTac Senior Planner to the Aviation Noise Working Group. Zach started in December at the City and will represent the City of SeaTac at the Aviation Noise Working Group.
- II. Aviation Near-term Noise Action Agenda: 4th Quarter Results, Tom Fagerstrom, Noise Programs Coordinator, Port of Seattle (POS)
 - Late Night Noise Limitation Program:
 - Tracks noise levels from Midnight to 5 am.
 - FedEx Express still has the most exceedances, followed by Amazon/ATI and China Airlines Cargo.
 - Delta and Alaska had a higher number of exceedances during the last quarter that might have been due to bad weather in December and January.
 - In the 4th quarter there were 2,728 late night operations; 23% of those were cargo carriers. 221 exceeded late night thresholds - 87% of those were cargo. 8% of all late night operations exceeded noise thresholds in the 4th quarter.
 - Amazon/ATI has maintained their current operation levels for an extended period.
 - In January, averaging 26 operations per late night (20 passenger/6 cargo).
 - There has been a decrease in late night passenger operations in January while cargo operations remained steady.
 - There has been an increase in refueling operations from China Cargo Airlines, using Boeing 777 aircraft, which we typically see until early March.
 - POS continually reaches out to these carriers about their exceedances.
 - Anything above a 91 dB SEL is considered an exceedance.
 - In determining that 91 dB SEL as the threshold, Vince Mestre and Tom Fagerstrom worked on finding what is a typical noise level for takeoffs and what level POS could set the noise level to to highlight the loudest operations.
 - Informal Runway Use Plan

- This voluntary agreement has overall been a great success in reducing use of the third runway during late nights.
 - In 2023, SEA is averaging less than one third runway landing per late night. To date, there has been 31 late nights with no operations on the third runway.
 - Noise Comments/Complaints Monthly Update
 - The numbers are posted on the Port of Seattle website.
 - In total, 8,285 complaints were received. Vashon Island had the most, and Seattle the second most complaints. We normally see more from Seattle during south flow operations.
 - POS received 210,146 complaints in 2022, which is down significantly from 2021.
 - The reasons for the decrease are unclear.
- III. Draft Rolling Takeoff Language Update, Marco Milanese, Community Engagement Manager, POS
- POS did not have anything to share during the working group meeting but was hoping to have language ready for review soon. This language is voluntary and will serve as general guidance. When it's ready POS will just share with working group members by email to receive feedback instead of waiting until our next in-person meeting.
- IV. Single Engine Taxiing, Steve Osterdahl, Air Traffic/Airspace Operations Director & Brian Eyre, Fleet Captain - Alaska Airlines
- This presentation has been cancelled due to pilot rescheduling and will occur at a later working group meeting.
- V. Avigation Easement Primer, Steve Kennard, Aviation Property Manager, POS
- A real property easement is a property right obtained by a third party for purposes such as placement of utility infrastructure, restrictions limiting use (e.g., conservation), or access to cross over land not owned by the third party. Avigation easements are one type of easement.
 - Examples of an avigation easement includes an airport purchasing/owning the right to transit airspace above another party's land. This sort of avigation easement may include the right for the holder (grantee) of the easement to remove (or have removed) any obstacle that interferes with that transit right. Another provision may be the homeowner (grantor) may give up their right to seek damages from the grantee because of overflights. Often avigation easements obtained by airports are permanent and are "attached" to the property title when sold.
 - The Port is required to obtain avigation easements in return for noise insulation payments as a matter governed by state law. When the FAA provides funding for noise insulation, and the airport uses it to fund upgrades to private property owner's homes, state law requires the public agency to be compensated for the outlay of public funds. This compensation comes in the form of a real property right, in this case an avigation easement.
 - The Causby Vs. American Airlines Supreme Court case, filed by a chicken rancher in the 1960s dealt with the question on whether property rights are from the center of the earth to the heavens, or some place in between. The case established a lower elevation

threshold (600 feet) where anything below that is deemed an impact on the property owner when aircraft are directly overhead. Essentially everything above that is public access. So, the easement is there. It does provide some protection to airlines and the FAA, so people don't sue them. This is an oversimplification of a complex case but gives an idea of the issues involved. Noise Consultant Vince Mestre summarized the court case at a very high level.

- Avigation easements provided by homeowners in return for accepting noise program improvements remain in full effect except when program-qualifying noise levels are exceeded by more than 1.5 dB DNL.
- Avigation easements are recorded in King County property records and attached to the property title.

VI. Noise Insulation Status Report, Tom Fagerstrom, Noise Programs Manager, POS

- Single Family Residences: approximately 70 homes are potentially eligible. Completed one home in 2023 and have four more homes in process with construction scheduled for May/June. POS continues to reach out to get more applicants.
- Condominiums: Three complexes are potentially eligible. One signed up in Des Moines. 28 total units have been completed, two units are now under construction, and one unit has deferred until the Spring.
- Apartments: 18 complexes are potentially eligible. POS received 14 applications. Five complexes are in 90% design stage, and POS anticipate construction to start later this year which is a big milestone.
- Places of Worship: POS received five applications that are eligible to move forward. The initial design visits were completed in January.

VII. Next Steps

- Bring a subject matter expert or attorney to a future meeting to learn more about avigation easements and the overlaps between federal access and property rights.

MEMBER	INTEREST REPRESENTED	PRESENT
ADOLFO BAILON	BURIEN - CITY	-
AMY ARRINGTON	NORMANDY PARK - CITY	✓
BILL VADINO	FEDERAL WAY - CITY	✓
BOB LEONARD	DES MOINES - COMMUNITY REPRESENTATIVE	-
BRYAN TOMICH	NORMANDY PARK - COMMUNITY	✓
GARMON NEWSOM II	BURIEN - CITY	-
CARL COLE	SEATAC - CITY	-
DAVE BERGER	FEDERAL WAY - COMMUNITY REPRESENTATIVE	-
DENISE LATHROP	DES MOINES - CITY	-
JENN KESTER	SEATAC - CITY	✓
JEFF HARBAUGH	BURIEN - COMMUNITY REPRESENTATIVE	✓
LANCE LYTTLE	PORT OF SEATTLE	✓
LYNAE CRAIG	ALASKA AIRLINES	✓

MICHAEL MATTHIAS	DES MOINES - CITY	✓
PETER PHILLIPS	DES MOINES - COMMUNITY REPRESENTATIVE	✓
ROBERT AKHTAR	SEATAC - COMMUNITY REPRESENTATIVE	✓
SCOTT INGHAM	DELTA AIR LINES	✓
SCOTT KENNEDY	ALASKA AIRLINES	-
STEVE OSTERDAHL	ALASKA AIRLINES	✓
ZACH SCHIELDS	SEATAC - CITY	✓
PRESENTER		
STEVE KENNARD	PORT OF SEATTLE	✓
RESOURCES	TITLE	
MARCO MILANESE	PORT OF SEATTLE	✓
SARAH COX	PORT OF SEATTLE	✓
STEVE VITNER	PORT OF SEATTLE	✓
TOM FAGERSTROM	PORT OF SEATTLE	✓
CONSULTANT		
BRIAN SCOTT	BDS PLANNING & URBAN DESIGN	✓
DORI KRUPANICS	BDS PLANNING & URBAN DESIGN	✓
VINCE MESTRE	CONSULTANT	✓

NEXT MEETING: APRIL 10, 2023- 5:00 PM - 7:00 PM
 LOCATION: ZOOM VIDEOCONFERENCE