

Congress of the United States
Washington, DC 20515

September 16, 2013

Michael P. Huerta
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Dear Administrator Huerta:

We write with concern about the Federal Aviation Administration's proposed Order 1050.1F, which would establish two new categorical exclusions to avoid an environmental review under the National Environmental Policy Act.

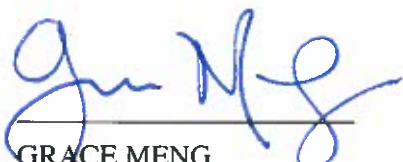
The two new categorical exclusions appear to be written overly broadly and, consequently, categorically excluded procedural changes could additionally increase the noise burden over our constituents' homes. Together, the proposed exclusions further solidify our constituents' view that the FAA is unconcerned with the effect of airplane noise on their wellbeing. For example, many feel that the FAA set a bad precedent by not conducting an environmental study of the TNNIS IV climb, a procedure permanently implemented at the beginning of this year. The FAA should be focused on ensuring changes made to existing procedures and routes do not negatively affect the people who live around these airports, not making it easier to avoid studying their potentially negative impacts.


The legislative language to justify these changes, Section 213(c) of the FAA Modernization and Reform Act of 2012, cites the ability of the Administrator to determine the existence of extraordinary circumstances with respect to the proposed categorical exclusions. If the Administrator determines extraordinary circumstances exist, the exclusion could not be applied. We believe that you should determine that extraordinary circumstances exist, and therefore the order and categorical exclusions contained within do not apply, at both JFK and LGA because: 1) New York City has the most congested airspace in the country; 2) the complexity of NextGen implementation combined with Air Space Redesign introduces unique environmental and community noise considerations; 3) the large population affected in New York City and Long Island; 4) the proximity of three major airports; and 5) the ongoing demands of our community for a full environmental review of previous changes. We believe that these are exactly the type of extraordinary circumstances Congress had in mind when it passed the FAA Modernization and Reform Act.

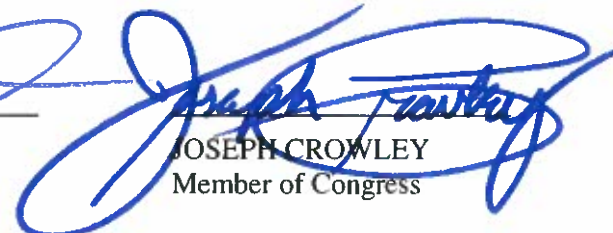
The concentration of noise over our constituents' homes demands a closer look at the proposed rule. We understand the desire to quickly implement NextGen technology, but it need not occur at the expense of our constituents' quality of life. According to the FAA, categorical exclusions "represent actions that the FAA has found based on past experience with similar actions, do not normally require an EA or EIS because they do not individually or cumulatively have a significant effect on the human environment..." We believe that the indiscriminate application of 1050.1F precludes consideration of exceptions that are similar to past actions that have unquestionably created notable effects on our constituents. To continue implementing these policies without a conscientious review of their effects constitutes turning a blind eye to the many points we and our constituents have raised in the past.

We have submitted a copy of this letter as official comment during the rulemaking process. We look forward to your timely response and ask you to seriously consider our requests.

Sincerely,


GRACE MENG
Member of Congress


STEVE ISRAEL
Member of Congress


JOSEPH CROWLEY
Member of Congress