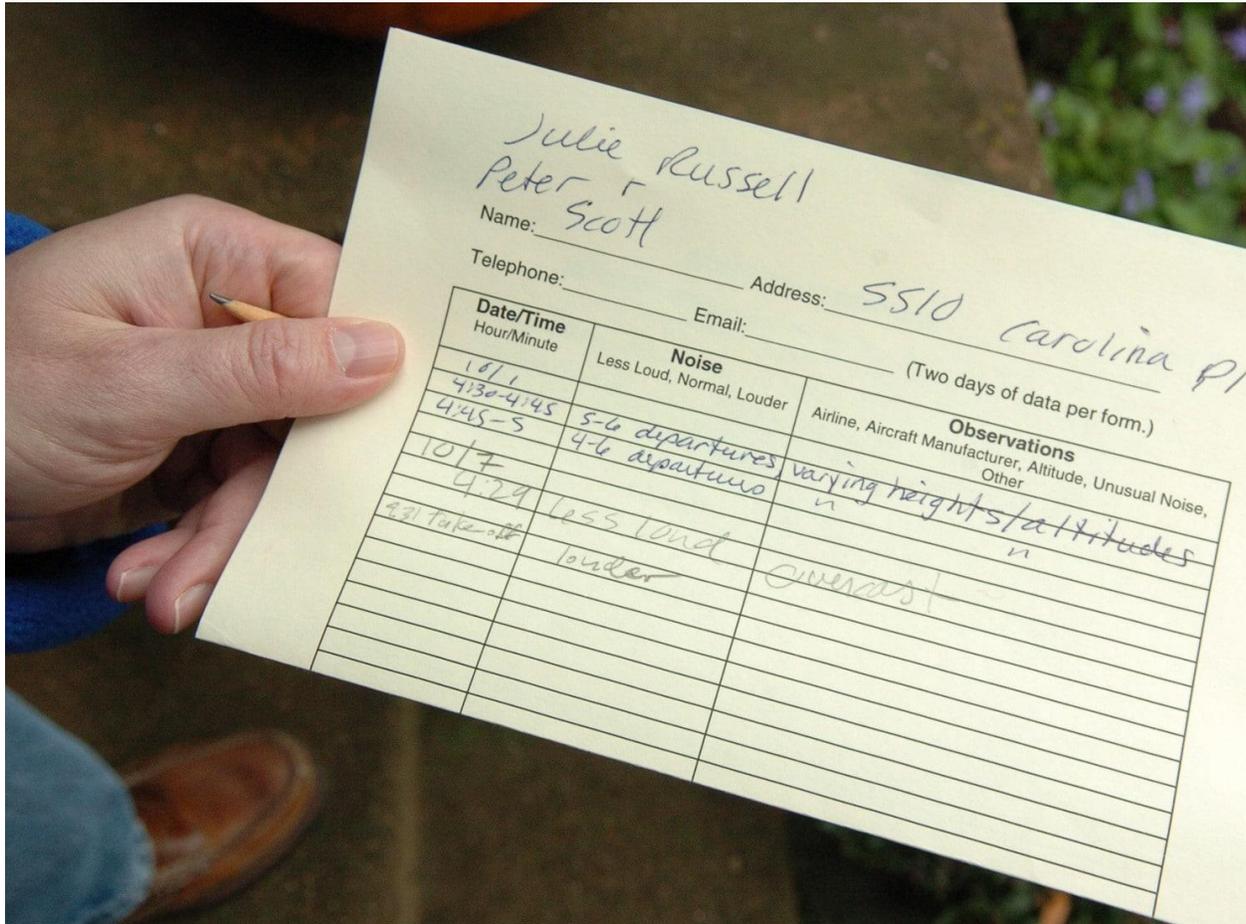


D.C. residents take their battle over airplane noise to federal court

Lori Aratani, Washington Post | JAN 21, 2018



The Palisades Community Association asked residents to rate plane noise over their homes along the Potomac River after the Federal Aviation Administration changed flight paths at Reagan National Airport. (Ricky Carioti/The Washington Post)

The three-year battle between residents in Northwest Washington and the Federal Aviation Administration over noise from flights at Reagan National Airport is now in the hands of a federal appeals court.

The two sides presented their case to a three-judge panel of the U.S. Court of Appeals for the District of Columbia last week. A ruling, which could take several months, will be closely watched by communities across the country grappling with similar issues tied to the FAA's efforts to modernize the nation's air traffic system.

In August, a three-judge panel of the same court [ruled 2-1 in favor](#) of residents and city officials in Phoenix who argued that the agency failed to consult them when changes were made to flight paths at Sky Harbor International Airport. As part of an agreement, the FAA said it would make temporary alterations to some — but not all — flight paths.

Despite the FAA's position that the Phoenix case would not set a precedent, a ruling in favor of the D.C. residents could boost other efforts to combat airplane noise.

Oral arguments before the D.C. panel focused on two areas — whether residents met the deadline for filing their protest and whether the FAA’s outreach efforts were adequate. The two sides differ on whether the changes to flight routes were fully implemented.

In court filings and his oral argument, attorney Matthew G. Adams said the FAA failed to inform — and may have even misled residents and their elected representatives — about the changes.

“This is a challenge to the FAA order that made a flight path called LAZIR the default departure route for northbound aircraft from Washington National Airport, but at the bottom, this really is a case about the FAA hiding the ball,” Adams said.

Lane N. McFadden, arguing for the FAA, said the agency followed all rules for notifying the public about the coming changes. In fact, he noted, the FAA may have even gone beyond what was required by law.

But that drew skepticism from the panel of judges, who said they were puzzled that while hundreds of notices were sent to institutions, including libraries and representatives in West Virginia and Pennsylvania, none was sent to libraries or elected representatives in D.C., other than Del. Eleanor Holmes Norton (D).

“Here we have a situation where you would be in a much better position if all the agency had done was publication and some minor outreach,” Judge David S. Tatel said. “But the outreach is so distorted . . . it does leave an odd impression about what the agency was trying to do here.”

McFadden said the lack of mailings in D.C. was “unfortunate” and was later found to be an “oversight” by a contractor. Even so, he said, notices were placed in newspapers, as required by law. The FAA also noted in court papers that it had informed an employee in the District’s Department of Transportation.

Adams also faced scrutiny from the panel over his contention that residents had met the filing requirement. He maintained that even though the flight paths were published in 2013, they were not regularly flown until two years later, which would make the residents’ 2015 filing well within the deadline.

Residents across the Washington region have complained about airport noise, but the suit was filed by those living in Northwest D.C. neighborhoods including Georgetown, Palisades and Hillandale. They say they began to notice changes in 2013, but the issue came to a head in 2015 after planes began regularly flying new routes at National. The FAA said another reason the changes were made was to reduce noise by shifting more of the flights over the Potomac River.

A recent report released by the Metropolitan Washington Airports Authority, which manages National and Dulles airports, showed that the number of complaints has not only continued to grow, but has come from a broader geographical region.

In all, airport officials logged 42,683 complaints about flights at National and Dulles in 2016, compared with just under 10,000 in 2015. The bulk of the complaints were about flights at National, and officials noted that more than half were filed by just two people.

The shift at National is part of a multibillion-dollar program, dubbed NextGen, designed to move away from the World War II-era radar system to satellite technology. FAA officials say the change will save fuel and reduce emissions because planes fly more direct routes. In Atlanta, at

the nation's busiest airport, the system has helped speed up departures by 48 percent, FAA officials say.¹

But more direct routes also mean noise is more concentrated over certain neighborhoods.

The case is also being closely watched by residents in Maryland, where a shift in flight patterns at Baltimore-Washington International Marshall Airport has also led to a sharp rise in complaints. In October, Maryland Gov. Larry Hogan (R) directed Attorney General Brian Frosh (D) to sue the FAA.

“This isn't just ignorance of the order,” Adams said. “Our elected representative inquired; there is this disparate treatment in this notice process. We are not in a situation where we're just saying we didn't happen to get your letter in time.”

Copied 1/20/2018 from: https://www.washingtonpost.com/local/trafficandcommuting/dc-residents-take-their-battle-over-airplane-noise-to-federal-court/2018/01/21/97d3d8ba-f55e-11e7-beb6-c8d48830c54d_story.html?utm_term=.2df360166f67
(Highlights, footnotes and minor edits may have been added, but only for context, analysis & clarification)

All Comments (79 as of 1/23/2018 at 7PM EST)

miz wells

16 hours ago

NextGen changes in the San Francisco Bay Area have ruined my quality of life since 2015. All day long, all night long, under 4000 feet right on top of my house. I hate it.

dmeador

18 hours ago

I lived in Alexandria for years. National Airport was there long before I moved in and is there now that I'm gone. I moved in knowing the airport was there. I knew that the capital region was and is a major transportation center. If a person moves into an area close to an airport they should be prepared for noise. Residents also should be aware that flight paths change. Planes now are quieter than they've ever been. I'd rather have an A320 fly over than an old 727 roaring and belching black smoke. There are very few that were there before the airports were. Anyone who moved into an active airport zone should have thought in advance. By the way, I'd move back for the right house. The airport was not my reason for moving.

johnblaze420

1 day ago

noise.

not to mention residents are basically being sprayed with kerosene every time a plane flies directly over a house.

¹ aiR Footnote: Sadly, the reporter did no diligence and is here casually passing on a BS promo clip by FAA/industry. Yes, NextGen is a multi-billion dollar debacle; but, as for the alleged value of it, NextGen does NOT significantly upgrade a system that already uses RNAV routes and RNP and satellite technologies (and has for decades); the system has already been relying mostly on direct routes for many decades, so those alleged savings are actually small to nonexistent (in fact, the bulk of NextGen direct routings are causing huge impacts, because is using NextGen to discard noise abatement procedures); and lastly, at Atlanta, if FAA officials actually said that NextGen "...has helped speed up departures by 48 percent...", they need to show us the numbers (in fact, the only substantial efficiency gains at the busiest airport in the world happened when the fifth parallel runway was opened, in 2006).

Good solution would to be restrict flights to destinations west of the Mississippi, just as it WAS before McCain changed it so he could fly direct to Phoenix from dca. because he was too lazy to drive to dulles

green square

1 day ago

FAA's NextGen effort has spurred noise complaints in many communities.

<https://skift.com/2017/10/23/faa-nextgen-can-be-a-big-headache-for-communities-around-new-flight-paths/>

Los Altos: <https://www.losaltosonline.com/news/sections/news/201-traffic-development/56890->

Malibu: http://www.malibutimes.com/news/article_0b558654-daba-11e7-a665-17fa2f0e6637.html

Brooklyn: <https://www.newsday.com/long-island/faa-noise-flight-paths-1.15309652>

Scottsdale: <https://www.scottsdaleindependent.com/news/scottsdale-residents-seek-resolution-to-increased-flight-noise-following-faa-suit/>

San Diego: http://www.sdnews.com/view/full_story/27533091/article-New-study-to-evaluate-airplane-flight-paths-and-noise-in-coastal-neighborhoods?instance=most_popular1

Newport Beach: <https://www.newportbeachindy.com/city-and-faa-reach-tentative-agreement-on-jwa-flight-paths/>

Burbank: <http://www.latimes.com/socal/burbank-leader/news/tn-blr-me-faa-letter-20170113-story.html>

jojopuppyfish

1 day ago

Let's keep the focus on the FAA.....one of the most arrogant federal government agencies.

anthonywright1

1 day ago

(Edited)

I live three miles south. I live 1/4 mile off of the north-flow approach corridor (medium power); south flow departure corridor (high power, but higher). Traffic seems to start at 6:30, 7:00 on weekends (less sure about that). I can see the airplanes - so no muffling from trees or neighbors. In fact, I'm forty feet up on the third floor.

If the TV is on, I don't hear the airplanes.

Approach corridors are, a bit, determined by physics. The planes do have to align to runway headings. And the harder you make that, the fewer the number of pilots that can do it well (and not have to go around, which adds to the noise). And yes, the planes are quieter (pounds of thrust per pounds of thrust) and climb much faster than days of old.

Having an airport this close in to DC is A M A Z I N G. Having options for airports keeps them working to control costs at any one airport. Taking the kids to Gravelly Point (on bike!) to watch the good and bad pilots try to hack that turn to final on the south-flow days is fun.

Complaining about an airport that was there when you bought your house is failing to take responsibility for your own actions. Having two people making half of the total complaints...is no surprise. And should be considered when placing the complaints in proper context.

dogbath

1 day ago

(Edited)

I don't complain if they pass over my house on a go-around (assessed via WebTrack). But if they pass over my house and it's not a go-around, I make a complaint - over my house is not where they're supposed to be.

And I agree, having a major airport so close is a huge benefit.

dcn8v67

1 day ago

I love being near the airport. I've lived in zip code 20007 for 19 years. They changed the flight paths on us. With basically no notice. Oh, part of my childhood I lived near the right of way for the mid county highway. Given ample notice for that. Totally different with the airport.

johnblaze420

1 day ago

Amazing for whom? people with money who fly every week

why should we suffer so private companies can make a profit by disturbing our lives as well as polluting our air and ground?

I'm not making money off the flights going over my house. But they are. Why do I have suffer so they can make a profit?

Furthermore, you didn't read the article that the flight paths were changed a few years ago. When I bought my house 20 years ago, it was fine.

gfisher

1 day ago

I feel sorry for those poor people that bought houses and then the government placed a airport near them. So sad!

jerryva460

1 day ago

Poor NIMBYs. The airport has been there for over 70 years. Suck it up and quit whining. I live right next to Davidson Army Air Field at Ft. Belvoir and Blackhawk helicopters go overhead at 10-11 PM quite often. Its the sound of Freedom.

byxnet

1 day ago

"officials noted that more than half were filed by just two people"

This is the case everywhere. There are always one or two unstable people who file huge numbers of complaints.

I fly helicopters out of DCA and can say we make a conscious effort to avoid constantly overflying the same spots repeatedly.

dogbath

1 day ago

The NextGen tight flight paths apparently don't give airplane pilots a choice.

kellyanne whiptash

1 day ago

National Airport is a holdover from the prop plane era. It's not the best location to serve a major metro area — Dulles and BWI are far better situated.

That aside, I can't wait until Reagan's name is removed from it (and other Federal buildings).

ebunker

1 day ago

To me it will always be National or DCA. Now I hear that is action in Congress to change the name of Gravelly Point to Nancy Reagan Memorial Park.

xtopher_nba

1 day ago

Are you insane? DCA is best, most convenient airport in the world. Almost no connecting traffic. Easy to get to and from. Agree with you about the name. It's always going to be National airport to me.

dcn8v67

1 day ago

Ha! good luck with the name removal. Could you imagine the cost? That's one of the reasons I was mad when they changed DCAs name in the first place. Road signs, maps, metro....Signs had to be changed everywhere.

dcguy00

1 day ago

Buy a house under the flight path. Complain incessantly. Burden the rest of the region with an issue that hadn't existed.

Profit.

schnauzer21

1 day ago

It wasn't under a flight path when they bought the houses. The FAA changed the path a couple of years ago.

king0909

1 day ago

I really don't understand what people aren't getting about this point. No one is complaining about National being where it is. What they are complaining about, is that the FAA realigned the approaches and departures with no regard to the impact on the ground.

This would be like converting your street into an eight lane highway. If that were to happen, would it be OK to tell you: "What are you complaining about? You knew the street was there when you bought the house!"

The whole NEXTGEN concept is being funded by taxpayers so the airlines can cut costs and increase profits.

I've driven down MacArthur Boulevard when these planes are landing and it is ridiculous.

Don't think this kind of change can't happen to you whenever a government agency wants it. This is why it is important to fight this now.

chrisw1958

1 day ago

I guess none of these people have an issue if they are on that plane, right?

thefactsplease

1 day ago

(Edited)

Zero sympathy. Hope they lose. It's the equivalent to moving near railroad tracks, complaining about the noise and then trying to limit railroad service.

I am old enough to remember when planes were much louder. Get over it or move.

mjjwinchester

1 day ago

Actually it's the equivalent to them moving the railroad tracks near your house.

dccontrariran

7 hours ago

Did you read the article? They changed the flight path two years go.

SeaTigr

1 day ago

Unless you've live in your home since before National was built...construction started in 1940...then I have no sympathy. You move near an airport, you should expect noise. Just because the traffic patterns aren't overhead of your house today doesn't mean they won't be tomorrow - traffic patterns are the creations of humans, not immutable laws of physics.

Suck. It. Up.

rogueshoten

1 day ago

Also worth pointing out is that, even with the new routing (which isn't that different from the old routing, by the way), the planes are FAR quieter than before. I remember 20 years ago, when you'd sometimes have to pause conversation when outside because of how loud the planes were. Since then, planes have been built to new standards (and existing planes retrofitted with 'hush kits') that are much easier on the ears. I don't even notice the sound of planes when I'm on the Mall, or in Georgetown. And if someone lives in Georgetown...are the planes REALLY the loudest thing they're hearing?

soarlimmigrant

1 day ago

I work in Georgetown and am outside every day around noon. I see the planes but rarely hear them - at least, the "noise" isn't enough to register with me or be a bother. Traffic on Rock Creek is louder (and the endless horns at Rock Creek and Virginia...). The real noise comes from all the helicopters that seems to be flying over non-stop.

burleith

1 day ago

(Edited)

Georgetown professors say they have to occasionally pause in class while planes go overhead. I would say that's pretty loud.

dcn8v67

1 day ago

It's not as loud in downtown Georgetown as it is by the University.

maxx bramell

1 day ago

First world problems....

burleith

1 day ago

Please let us know what kinds of things First Worlders are allowed to complain about and work to change.

chrisw1958

1 day ago

(Edited)

I live a half mile from National, Crystal City, flights start at 0530 now.

I lived on the flight path at Dulles Approach.

I lived a deck below flight operations on a carrier.

Rich people, get a life or MOVE!

Tired of rich and privileged people who don't live in their half a million dollar residences more than a week at a time who cant, seem, unlike real people, to get used to noise.

So what do you think about the people below when YOU fly?

burleith

1 day ago

What's your basis for this statement: "Tired of rich and privileged people who don't live in their half a million dollar residences more than a week at a time ..."

dcn8v67

1 day ago

He apparently doesn't know you can't get anything for \$500k in Burleith! burleith person, they're making this out like a rich/poor thing. Umm, no, it's not. If I lived in a \$20,000 trailer and they did this to me, I'd still be annoyed, right?

dogbath

1 day ago

When a plane goes directly over my house at low altitude, as they occasionally do, I check if it's a go-around and if not I file a complaint using the WebTrack tool for DCA. Anyone getting airplane noise regularly now compared to three years ago should do the same.

chrisw1958

1 day ago

What would you tell a person who complained about a flight you were taking?

Really would like an answer.

dogbath

1 day ago

Sorry.

carol_r

1 day ago

National Airport was there first and all of the people suing knew that when they purchased their homes. I don't have much sympathy for them.

dccontrariran

7 hours ago

Read the article. They moved the flight paths.

potomacgirl

1 day ago

Don't buy a home near a cathedral and then complain about the bells.

dccontrariran

7 hours ago

Did you read the article? They moved the flight paths.

dc_wolverine

1 day ago

Residents across the Washington region have complained about airport noise, but the suit was filed by those living in Northwest D.C. neighborhoods including Georgetown, Palisades and Hillandale. The bottom line is that rich people should not have to hear aircraft anywhere near their homes. Just like we don't run highways through rich neighborhoods, we run them through poor neighborhoods to cut them off from the rest of the city. When will people learn that the rich are not to be bothered by the same things as the rest of us.

anuska299

1 day ago

That's just highlighting the DC neighborhoods, there are many other complaints from Virginia and Maryland.

toomanypeople

1 day ago

And not a peep from the residents of Crystal City? What gives?

spinsandjumps

1 day ago

The planes don't fly over Crystal city.

chrisw1958

1 day ago

Bull

anuska299

1 day ago

Only the military helicopters and fighter jets.

Used to work in Crystal City, the airport runways are far enough away at the river and parallel to the river. They then follow the river until a designated distance.

ebunker

1 day ago

I live in Crystal City, and the wave-offs go right over my building at low altitude. The airport was here when I moved in 30 years ago, so I expect to hear airplanes.

chrisw1958

1 day ago

Hey, Crystal City here. I got used to it.

anuska299

1 day ago

Believe it or not the airplane noise isn't as bad in Crystal City as in parts near Rosslyn/Arlington (just north of) and in DC and Maryland , they don't fly directly overhead in Crystal City.

michael mudd

1 day ago

(Edited)

More direct...and also more *consistent* routes....mean noise is more concentrated over certain neighborhoods.

stevenc5

1 day ago

A lot of those old homes in Palisades have old windows that are not very sound resistant. New windows are more so. Also running a fan or white noise machine can reduce the annoyance of the sound.

michael mudd

1 day ago

How many homeowners on that stretch employ leaf blowers...? And as opposed to how many in 2013? ...2011?

anuska299

1 day ago

Certainly another source of noise pollution, especially when they have 2-3 going at the same time. The aggregate noise violates the laws.

lucifer3

1 day ago

PLEASE!! We do not do manual labor. We contract for our yard work with leaf blowing part of the contract. Cutting grass and blowing up the residuals masks the airplane noise. Schedule your yard maintenance better.

democracy dies in the coral project

1 day ago

42,683 complaints about flights at National and Dulles in 2016, compared with just under 10,000 in 2015. The bulk of the complaints were about flights at National, and officials noted that more than half were filed by just two people.

Two people. Two selfish people with too much time on their hands.

fairfax country

1 day ago

So, they complained every time they heard, saw or remembered a jet? Because, if the two residents together filed at least 22,000 complaints in one year, that's an average of over 30 per day per person.

anuska299

1 day ago

Seems an implausible number unless they used a robo dialer. Wonder if they also place some of the calls I receive?

bong-water

1 day ago

Jesus Christ. You knew the airport was there when you moved to DC. Millenials reinforce their perception of being whiners.

marathoner

1 day ago

What makes you assume these are millennials? The neighborhoods mentioned are established neighborhoods with not inexpensive homes. I would be surprised if it was millennials complaining. And I'm a boomer, not a millennial.

chrisw1958

1 day ago

Yeah but boomers accept inconvenience.

And boomers, moving in can't afford to live there anymore

anuska299

1 day ago

chris,

You seem to have a mistaken idea about the ages of boomers, many are still working and at their peak income earning.

anuska299

1 day ago

bong,

Read some of the long term changes in flights from DCA, expanded hours different routing and more flights. What was a minor annoyance 10-15 years ago has now become a major annoyance. Didn't you note the increases in complaints.

lebele

1 day ago

officials noted that more than half were filed by just two people

dcn8v67

1 day ago

Really aren't many millenials in this area, mr, uh, bong-water. A good chunk of people that live here have been here 20 years or longer. I moved to 20007 in 1999 myself. The issue is that the FAA changed the flight path. It's not like it was a legal right of way that we knew about. I live a block from Foxhall Rd. My section of Foxhall Road is only 2 lanes. HOWEVER, when I bought my house, I was informed the city has a right of way to widen it to 4 lanes.....and, no big deal. That's the difference.

dcn8v67

1 day ago

Millenials? Nah, most of the people that live here have been here 20+ years, I bet. I moved here in 1999. The issue is we did not know that the FAA could change the flight path. I was not informed of a legal right of way when I bought. THAT is the issue. I live 1 block from Foxhall Rd, in this area. It's 2 lanes where I live, however, they have a LEGAL right of way to expand it to 4 lanes. I'm cool with that. GenX here.

allan9

2 days ago

Amazingly enough if you choose to live near an airport you might hear airplane noise...

michael harris 59

1 day ago

You do know that the FAA shifted the traffic patterns and placed the path of the airplanes over areas they used to not fly over, right? The Palisades area is hardly "near the airport."

michael mudd

1 day ago

I think they have always flown over the homes at issue. Perhaps even before many were built.

dceagle11

1 day ago

Nope

dcn8v67

1 day ago

Nope....

dceagle11

1 day ago

Same for parts of Alexandria nowhere near the Potomac. And flights are running late at night on a regular basis.

recordhigh

1 day ago

So the FAA can never change flight patterns?

dccontrariran

7 hours ago

They can, but there is a process they have to go through. Which they skipped. Which is why there is a lawsuit.

ntilzha

1 day ago

Many people lived there before Congress passed legislation allowing more long haul flights from National. Apparently many in Congress are much too busy to go all the way out to Dulles to catch their weekly flights home, or to attend fundraisers somewhere.

michael mudd

1 day ago

The relationship between weight and noise is not well understood by the general public, but it's a significant factor.

commonsenseusa

1 day ago

Nobody wants to go to Dulles. I only fly from DCA if it's at all possible.

dcn8v67

1 day ago

Yup. Haven't use Dulles or BWI in years. I live on the Palisades/Georgetown border. 15 minute cab to DCA.

anuska299

1 day ago

ntilzha,

Agreed, DCA has had many increases both in terms of number of flights and expanded hours of operations.