
March 9, 2022

The Honorable Dolores G. Kelley
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401

Re: *Letter of Opposition – Senate Bill 658 – Transportation – Maryland Aviation Infrastructure Impacts Commission*

Dear Chair Kelley and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 658 as it is duplicative of current federal and State laws, regulations, and policies.

Senate Bill 658 would create the Maryland Aviation Infrastructure Impacts Commission (the Commission) to study the public health, medical, and environmental impacts of commercial aviation in communities surrounding airports, with a primary focus on the Baltimore/Washington International Thurgood Marshall (BWI Marshall) Airport; this Commission would then provide policy recommendations to the General Assembly.

The Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) undertakes an environmental review process, under the National Environmental Protection Act (NEPA), whenever a federal action is required, such as changing the Airport Layout Plan, or following regulations and orders published by the White House Council on Environmental Quality (CEQ), the U.S. Department of Transportation, and the Federal Aviation Administration (FAA). The NEPA process provides a consistent criterion and publicly identifies and discloses potential environmental impacts; all project reviews are coordinated with State and local agencies and officials, as well as other interested stakeholders. It is unclear what additional environmental analysis would be provided by the proposed commission that is not already accounted for in the federal NEPA process.

In addition, the proposed Commission would be tasked with offering recommendations on public policy implications of its studies, the content of aviation infrastructure plans and local land-use plans, and the competing needs of aviation infrastructure and the quality of life in communities near airports. These efforts duplicate the work of the Maryland Aviation Commission, which provides direction to the MDOT MAA in developing and implementing airport management policy for all State-owned airports, as well as approval of major capital projects at State-owned airports. The MDOT MAA is also required to coordinate with local jurisdictions, including local zoning boards, on airport projects that might impact their land use plans or requirements.

The proposed Commission is permitted to contract with a vendor to maintain a system of virtual noise monitors; however, the MDOT MAA already employs a robust noise monitoring program for the communities surrounding BWI Marshall which is federally funded and exists as part of a comprehensive FAA-authorized aircraft noise mitigation plan. In September 2019, the MDOT MAA completed the implementation, construction, and deployment of a replacement BWI Marshall Noise and Operations Monitoring System (NOMS), consisting of 24 permanent noise monitors, three portable noise monitors, and advanced analysis software that integrates noise and aircraft operations. The NOMS analyzes and correlates aircraft noise, aircraft flight tracks, and aircraft noise complaint data and provides support to the MDOT MAA's Noise Abatement Program. Information derived from these monitors is readily available to the public online or upon request.

The proposed Commission would be directed to study hard infrastructure, such as construction projects, as well as and soft infrastructure, such as flight procedures. The FAA has exclusive jurisdiction of airspace and is the sole organization in the United States responsible for the development, review, and implementation of flight procedures. An airport owner may identify and advocate for flight procedures that would reduce noise or may challenge the FAA's environmental review, as the State has done previously, but cannot prohibit or require their implementation. No finding or recommendation by the proposed Commission or State policy resulting from the Commission would interfere with the FAA's implementation of new or revised flight procedures.

Lastly, the proposed Commission is required to consult with the DC Metroplex BWI Community Roundtable (Roundtable). The Roundtable was formed by the MDOT MAA at the request of the FAA following a significant increase in community noise complaints about FAA's implementation of revised flight procedures into and out of BWI Marshall. The MDOT MAA, serving as a technical advisor, has invested considerable technical and financial resources in excess of \$1 million in support of the Roundtable. A series of revised procedures were submitted to the FAA by the MDOT MAA on behalf of the Roundtable in December of 2019 and the FAA is actively considering these changes. Senate Bill 658 would require an ongoing role for the Roundtable in the evaluation of nominees for the proposed Commission, which would obligate the State to continue providing resources and advice beyond the intended scope of the Roundtable.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 658 an unfavorable report.

Respectfully Submitted,

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