



Agenda Bill

City Council Special & Regular Meetings - 07 Jan 2019

Department

City Manager

Staff Contact

Brian Wilson, City Manager (206) 248-5503

Agenda Bill Title

Discussion and Potential Action to Adopt Proposed Resolution No. 407, Addressing Noise Pollution Generated by Sea-Tac Airport.

Summary

The Burien Airport Committee drafted the attached Resolution No. 407 which addresses noise pollution generated by Sea-Tac Airport. The Burien City Council is requested to discuss and take potential action to adopt the resolution.

Options

1. Adopt Resolution No. 407 addressing noise pollution generated by Sea-Tac Airport.
 2. Do not adopt Resolution No. 407 addressing noise pollution generated by Sea-Tac Airport.
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Advisory Board Recommendation

The Burien Airport Committee recommends adoption of proposed Resolution No. 407.

Administrative Recommendation

Suggested Motion

Motion to Adopt Resolution No. 407, Addressing Noise Pollution Generated by Sea-Tac Airport.

Fiscal Impact

FUND: N/A

COST OF PROPOSAL: N/A

AMOUNT BUDGETED: N/A

ADDITIONAL REQUIRED: N/A

Attachments

[Resolution No. 407 Addressing Noise Pollution Generated by SeaTac Airport](#)

DRAFT
CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 407

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, TO
ADDRESS NOISE POLLUTION GENERATED BY SEA-TAC
AIRPORT**

WHEREAS, the City of Burien (“City”) is located adjacent to Sea-Tac Airport (“Airport”) and experiences considerable and disproportionate negative health, environmental, and economic impacts, in many cases due to aircraft noise; and

WHEREAS, the City has a responsibility to protect the safety of members of the community, as well as a role in promoting the health and economic well-being of all residents, including vulnerable populations; and

WHEREAS, between 2014 and 2016, the Airport rose from the 14th busiest in the country to the 9th busiest and Airport operations exceeded 2013-2018 projections by greater than 30% and are expected to continue rapid growth, and

WHEREAS, none of the Sustainable Airport Master Plan (SAMP) projects currently under development by the Airport give any consideration to off-site noise impacts; and

WHEREAS, other Puget Sound local and regional airports are similarly experiencing growth in airport operations, and

WHEREAS, the World Health Organization (WHO) recently released a comprehensive report on noise and health, recommending a 45 decibel (dB) daytime maximum level and 40 dB night-time maximum noise level as the thresholds above which serious health impacts occur; and

WHEREAS, current noise impacts at the Airport are assessed using noise metrics adopted by the Federal Aviation Administration (FAA) using a daytime 65 dB Day-Night Average Sound Level (DNL) and nighttime 55 dB DNL and these decibel levels are well above the highest levels recommended by the WHO; and

WHEREAS, the Airport’s current 2013-2018 Part 150 Study was completed prior to requirements adopted by the FAA in May 2015 to apply Aviation Environmental Design Tools (AEDT) to the Noise Compatibility Program (NCP)¹ and prior to the recent rapid growth in Airport operations, and

¹ Guidelines contained in CFR 14 Part 150

WHEREAS, the 2013-2018 Part 150 Study is neither current or accurate, due to significant recent growth exceeding projections in Airport operations, due to lack of use of AEDT, due to missing information on airports in close proximity and limited regional airspace capacity, due to missing information on noise generated from NextGen flights, and due to lack of consideration for vulnerable populations experiencing environmental justice concerns, and

WHEREAS, there are several noise restraints in State law² that mandate the Port Commission investigate and monitor aircraft noise to determine the nature and extent of impacts from aircraft noise, but there is no evidence that this has been done; furthermore, the Airport, as the primary advocate of this state provision, limited mitigation to a geographic area significantly less than where impacts are occurring; and

WHEREAS, the Airport's earliest noise insulation program for homeowners that began circa 1985 was inadequate and would not meet contemporary FAA standards, and required homeowners under state law³ to sign an "avigation" easement that never expires even after mitigation measures, warranties, and windows fail; and

WHEREAS, the FAA offers Airport Improvement Program (AIP) grants that can be used for noise mitigation, but the Airport appears to have delayed requesting funding for four years and used AIP grants for other priorities; and

WHEREAS, the FAA is studying the feasibility of offering⁴ a new program to replace sound insulation products that were previously installed and have failed or require replacement due to changed construction codes, but a current state law⁵ advocated by the Airport prohibits homeowners from receiving any updated acoustical products⁶;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE THAT:

Section 1. The Washington State Legislature repeal RCW 53.54.020 and add language requiring the Airport to initiate a new Part 150 Study *immediately*; furthermore, whenever future projections of Airport operations used for planning are exceeded by 10% that a new Part 150 Study be initiated, including accurate monitoring of noise and emissions to lead to effective and aggressive mitigation.

² Chapter 53.54.020 RCW enacted in 1984

³ Chapter 53.54.030 (3) RCW enacted in 1985

⁴ There are no federal grant funds currently identified to support this offering.

⁵ Chapter 53.54.030 (5) RCW enacted in 1993

⁶ Based upon this new development at FAA, SFO (San Francisco Airport) is now offering a "Replacement and Second Chance Noise Insulation" initiative.

Section 2. Members of Washington State’s Congressional Delegation add language in federal statutes (14 CFR Part 150 as amended) to substitute DNL metrics consistent with WHO standards; furthermore, that the AEDT components be amended to consider additional decibels that result when noise is propagated over bodies of water.

Section 3. The WA State Legislature repeal Chapter 53.54.030 (5) RCW that limits homeowners to “one-time only” participation for mitigation and add language that authorizes a Sound Insulation Replacement Program operated by the Airport and styled after the SFO program; and further amend Chapter 53.54.030(3) RCW that limits avigation easements to the duration, or “shelf-life,” projected for new and replacement acoustical products.

Section 4. The Washington State Legislature repeal Chapter 53.54.030 (3) RCW that requires homeowners to waive all damages and convey an easement into perpetuity, yet still accept all “noise and noise associated conditions therewith.”

Section 5. The Airport aggressively seek noise mitigation funding to mitigate impacts from increased Airport operations and their impacts on qualified⁷ residences in the City.

Section 6. The City’s State Legislators provide a report immediately following the close of the 2019 legislative session on progress made on the actions in this resolution and that the Airport notify the City of efforts to secure additional funding.

Section 7. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF _____, 2019.

CITY OF BURIEN

Jimmy Matta, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

⁷When the Airport conducted previous mitigation prior to third runway mitigation, ALL homes were qualified; however, the FAA changed regulations in 2016 and now homes must be noise tested to determine whether or not the interior noise level is above 45 dB DNL. If the dB is greater than 45 dB DNL, then the home is qualified.

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 407

Copies to be distributed to:

- The Honorable ...