A few thoughts about potential next steps for the Roundtable or individuals to the extent the PBN Working Group process fails:

Roundtable requests to date. The BWI Roundtable has made three requests of the FAA:

1. March 31, 2017 request to the FAA Administrator following our March 20, 2017 resolution for the FAA to revert to pre-DC Metroplex/NextGen flights and procedures.

    FAA response: The FAA responded in a letter dated May 12, 2017 from Lynn Ray that reversion could not happen immediately because the procedures no longer existed, but the FAA was committed to giving full consideration of our request. At the June 20 meeting the FAA presented its preliminary plan for moving runway 28 and 15 departure flight paths to notional zones, but offered nothing with respect to dispersion, altitude or arrivals.

2. July 25, 2017 request to Robert Owen for the FAA to implement near-term procedures to increase altitude and recreate dispersion which procedures Robert Owen stated at our July 18 meeting were feasible and could be implemented readily upon receipt of FAA authorization (you may recall that Lynn Ray repeatedly stated that these operational procedures were within Robert Owen's area of authority because they did not involve changes in instrument flight procedures).

    FAA response: Despite repeated requests, we never received a written response to our July 25, 2017 letter; however, shortly following the letter, on a conference call with Lynn Ray and Robert Owen, Robert Owen explained his plans to meet with controllers and other relevant persons to raise awareness of altitude and dispersion issues and essentially implement operational procedures on an informal basis. Robert Owen later communicated that such informal steps would require compliance with NEPA. At a planning meeting with MAA for the PBN Working Group meetings, the FAA provided slides that identified the Roundtable's concerns about altitude and dispersion and also set out tentative plans for shifting runway 28 and 15 departures to notional zones.

3. September 8, 2017 letter requesting reversion on flight paths and vectoring to recreate dispersion and requesting procedures be implement so that arriving, departing and crossing aircraft fly, essentially, at the highest safe altitude.

    FAA response: Jodi McCarthy (Lynn Ray's successor) wrote in a November 21 letter on behalf of the FAA (i) stating the FAA is pleased to consider community concerns and proposed solutions, (ii) stating that the FAA cannot go back to the "conventional system", (iii) stating that the PBN Working Group would consider ways to increase dispersion, (iv) making no informative comment on altitude and (v) stating that the FAA was committed to transparency. At the November 5 meeting, the FAA presented tentative plans for shifting runway 28 and 15 departures to notional zones, but offered nothing on altitude or dispersion.

A few thoughts about potential next steps for the Roundtable or individuals to the extent the PBN Working Group process fails (cont.):

(1) Specific requests of the FAA. While the FAA has denied key elements of our general request for reversion and appears to have shown little initiative in developing solutions to solve problems the Roundtable has identified, Jodi McCarthy states in her letter the FAA will consider community requests.

(2) Greater political support; remedial legislation. Seek legislation and other political support at the federal, state and local levels to compel the FAA. The FAA reauthorization bill may be the vehicle for a new federal law.

(3) Maryland action to compel the FAA. Encourage the Maryland governor and attorney general to proceed vigorously with a lawsuit seeking to compel the FAA to correct the harms we are suffering and give our full support however we can.

(4) FAA processes. Complain vigorously to the FAA about the harms we are suffering and participate and comment on any procedures and rulemakings wherever possible.

(5) MAA and airport support. Given that the FAA has not addressed the problems we are facing, consider whether we should petition the MAA and state and local governments to require BWI airport (i) refrain from expanding facilities or operations that could lead to an increase in frequency of aircraft flights or noisier flights, (ii) reduce operations to mitigate the adverse effect of FAA's actions, (iii) alter runway usage so that incremental noise from DC Metroplex/NextGen and related actions is shared equitably among all those living in the vicinity of BWI, (iv) take all actions, such as restricting noisy aircraft or otherwise to reduce noise from departing and arriving aircraft and develop and implement plans to distribute equitably noise to the extent it cannot be reduced.

(6) Airline help. Consider petitioning the airlines to take actions within their control to reduce noise, whether through operational steps, fleet mix or otherwise.

(7) Individual inverse condemnation and nuisance claims? Individuals may wish to investigate feasibility of lawsuits for inverse condemnation, nuisance and intentional tort. Note that there are statutes of limitations that may apply and may be as short as a year in the case of a nuisance claim. Some literature I have seen suggests there is a 6-year limit for inverse condemnation. Unfortunately, it is not clear if there are successful inverse condemnation and nuisance claims for circumstances similar to those faced at BWI.

(8) Lower property tax assessments? Individuals may wish to investigate eligibility for relief on property tax assessments for diminution of home values because of the aircraft flights.

(9) <u>Income tax deductions for losses</u>? Individuals may wish to investigate whether a loss associated with diminution of property value can be deducted for purposes of federal and state taxes.

(10) <u>Lawful public protest</u>? We are facing, essentially, a civil liberties issue. Some may wish to consider organizing some kind of lawful protest or boycott, maybe on a national scale. There is certainly a history of success in other contexts.