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AND REFORM

CHAIRMAN, SUBCOMMITTEE ON NATIONAL SECURITY

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The Honorable Sam Graves
Chairman
House Committee on
Transportation & Infrastructure
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
House Committee on
Transportation & Infrastructure
Washington, DC 20515

Dear Chairman Graves and Ranking Member Larsen,

As the Transportation and Infrastructure Committee welcome input on this Member's Day on a variety of topics of the upcoming year, I respectfully submit comment on the Federal Aviation Administration (FAA) Reauthorization, Pipeline Safety (PHSMA) Reauthorization, and Coast Guard Reauthorization.

As the committee reviews the **FAA Reauthorization for 2023**, I would like to emphasize the following priorities for the bill and the aviation sector.

Safety has and always will be the priority when viewing any transportation industry. From our nation being secure against outside threats, passengers travelling safely to and from Boston, constituents being protected from loud planes, and the hard-working staff having the protections needed to feel comfortable in their profession, safety is the focal point when viewing aviation. I know the Secretary of Transportation, the Honorable Pete Buttigieg, shares these views and I hope they are reflected in this upcoming reauthorization bill.

I want to highlight a common theme in my priorities, aircraft noise. As Co-chair of the Quiet Skies Caucus, we know that aircraft noise is a pain that plagues many Americans and is not only a nuisance but as a health risk. Sleepless nights, anxiety, and headaches are all symptoms experienced by excessive noise. Many of these policies will hope to address this – whether it is better studying the current situation or including better reporting systems. The FAA has the responsibility to serve both the aviation industry and the everyday Americans who are harmed by collateral impacts of the aviation industry.

I ask that the following bills and policies be included in the Federal Aviation Administration Reauthorization of 2023. In order of importance:

1. Civil Aviation Security and Safety Act, H.R. 1187

- a. This bill will modify the requirements for the registration of certain aircraft. It will also give the FAA the power to enact and issue fees associated with unregistered aircrafts.
 - b. By creating an Aircraft Registry Taskforce which will examine national security, law enforcement, and public safety issues related to civil aircraft registration, this taskforce will develop solutions to mitigate security and safety risks and increase inter-agency cooperation.
2. Over-The-Water Landings and Departures for Large Commercial Airlines
- a. As a solution for excessive aircraft noise for communities, an alternative would be to prioritize over-the-water landings and departures when safe and available.
 - b. We ask that the FAA implement instructions to prioritize for flying over-the-water to ensure that the noise will be focused away from our populated communities. The positive impacts of decreasing noise would be great as shown by RNAV studies and the safety of the flights is not changed.
3. Airport Improvement Programs (AIP Funding)
- a. The AIP provides funds to public use airports to help improve safety and efficiency. AIP can be used to help airports expand or reconstruct terminals to accommodate security-screening checkpoints and improve passenger flow through the airport. As passenger drop-off and pick-up behavior changes, AIP could help airports make facility improvements to better manage traffic and improve safety along the curb in front of the terminal. There are also dedicated funding buckets for Noise and Air Emission mitigation.
 - b. We support increasing the funding level to a minimum of \$4 billion annually. Additionally, we support authorizing supplemental discretionary AIP funding and allowing airports to use funds for more terminal projects and other PFC-eligible projects.
4. Air Traffic Noise and Pollution Expert Consensus Act, H.R. 2562
- a. This legislation I introduced will require the FAA Administrator to sponsor an Expert Consensus Report from the Health Division of the National Academies of Sciences, Engineering, and Medicine. Under the bill, the National Academies would convene a committee of health and environmental science experts to examine the various health impacts of air traffic noise and pollution within 30 days of enactment. The expert committee would subsequently issue an Expert Consensus Report setting forth current scientific knowledge regarding the various health impacts of air traffic noise and pollution. Upon completion, the National Academies will submit the report to the FAA Administrator, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and relevant Congressional Committees, including the House Committee on Transportation and Infrastructure and the House Committee on Oversight and Government Reform.
 - b. The deadline for the research should be completed 6 to 9 months from the date enacted.
 - c. The airports that are studied should be in or very close to densely populated cities. We understand that all types of cities will be included to have a broad array of data, but this is to ensure that cities with airports near dense population centers are included.

- d. The bill has currently 23 cosponsors.
5. Aircraft Ownership Transparency Act, H.R. 2563
- a. This bill requires that the beneficial ownership of an aircraft is identified prior to approval of a certificate of aircraft registration by the FAA. In the case of an aircraft owned or controlled by more than one entity, the legislation requires identification of the relationship between entities. In addition, in the case of a trust or association, the legislation calls for the chain of control including the owner, trustee, and beneficiary.
 - b. The legislation defines a beneficial owner as “each natural person, who directly or indirectly, exercises control over the covered entity through ownership interests, voting rights, agreements, or otherwise; or has an interest in or receives substantial economic benefits from the assets of the covered entity.
6. Faster Responses to flight issues at Logan
- a. After several troubling incidents at Logan Airport, I requested an urgent review of flight operations with FAA officials and an update on investigations into recent events. In early March, the right wing of a United Airlines plane struck the tail of another United Airlines plane, as both were scheduled for departure. One week prior to that incident, a JetBlue plane narrowly escaped a collision with a Learjet aircraft as it was preparing to land. In addition, a man attempted to attack a flight attendant and open an emergency exit door on a United Airlines flight from Los Angeles to Boston Logan Airport.
 - b. The FAA is responsible for flight operations, and I have already requested a briefing with their officials to get an update on their investigations into how these events occurred and proposed solutions to ensure they do not continue.
 - c. We must be vigilant and address these issues now to prevent more accidents from happening with potentially far worse outcomes.
7. Noise Data Collection Act, H.R. 2564
- a. This bill requires the FAA to expand, on an annual basis, the current reporting of Population Exposure at DNL 65 dB and report Population Exposure at DNL 46 dB and DNL 55 dB.
 - b. Data provided by FAA OEE personal correspondence to the US Department of Transportation Statistics indicates a 39% increase over the last 10 pre-Covid years in the number of people in the US who are exposed to aviation DNL 65 dB or greater. This is despite the quieter engines and despite the FAA’s change to satellite navigation and its narrowed flight paths that, theoretically, should expose fewer individuals.
 - c. Currently, the FAA and the DOT use DNL 65 dB exposure counts from 1975 to present in TABLE 4-57 Number of People Residing in Areas of Significant Noise Exposure Around U.S. Airports, and on numbered page 301, pdf page 326, of DOT Bureau of Transportation Statistics’ National Transportation Statistics 2021.
8. Polyfluoroalkyl Substances (PFAS)
- a. Airports are waiting for new firefighting foam alternatives from EPA and DOD to be approved; airports do not want to jeopardize safety until a viable alternative is in place.
 - b. Provide federal funds for an acquisition program for the new foam, a disposal program for the old foam, and PFAS remediation at airports.

c. Additionally, the FAA must acknowledge the longstanding federal requirement on airports to use this firefighting foam by providing liability protection to airports.

9. Drones

- a. Under current federal law and regulations, neither Massport nor state/local law enforcement partners have the appropriate authority or approved technologies to take proactive actions against reckless, unlawful, or threatening UAS activity.
- b. Countering UAS is fundamentally a federal issue. We ask that the FAA does its part to provide financial support and resources to address ongoing identification and mitigation support to handle this national problem.

10. Impacted Communities Advisory Committee Act, H.R. 2565

- a. This bill requires that, not later than 60 days after the date of the enactment of this Act, the Administrator shall establish in the Federal Aviation Administration an Impacted-Communities Advisory Committee (ICAC) of members who are directly and substantially affected by noise or pollution from Commercial Aviation, General Aviation, and currently or potentially impacted communities affected by noise or pollution from Advanced Mobility.
- b. Communities are currently mostly excluded and not engaged by the Federal Aviation Administration (FAA) unlike other “key external stakeholders” for FAA policy, procedure design, and advisory committees. To add another level of community engagement allows the constituents to best be heard when they are impacted by excessive airport noise.

11. Support Sustainable Aviation Fuels (SAF)

- a. SAF made from renewable resources that have the potential to deliver the same performance of petroleum-based jet fuel while also cutting an airplane’s carbon footprint.
- b. I encourage this reauthorization to support funds for infrastructure planning with a focus on ensuring geographic diversity in SAF production – at this time SAF production is focused on the west coast. Logan Airport’s infrastructure is in place to accept this new type of aviation fuel.

12. Peer-Reviewed Report on Metrics and Thresholds Act, H.R. 2561

- a. This bill directs the FAA, not later than 90 days after the date of enactment of this Act, to fund a National Academies Division of Medicine-led consensus report, with a subcontract to the National Academies Division of Engineering, to recommend a system of measuring noise, in accordance with the Aviation Safety and Noise Abatement Act (ANSA), that, with a highly reliable relationship, categorizes noise levels to determine compatibility for residential use and high annoyance areas based on appropriate metrics. As required by ANSA, the system for measuring and categorizing noise must use surveyed reactions of people, i.e., the Neighborhood Environmental Survey (NES).

13. Health and Wellness Fund

- a. Establish a health and wellness fund from the disruptive passenger fines collected by the FAA that Flight Attendants who have been assaulted can access to offset the costs of their medical bills, seek counseling/therapy, paid time off to testify in court, etc.
- b. Reports of these incidents last year are more than 20 times the amount in a typical year. But these are just the incidents reported. Flight Attendants are bearing the

brunt of this every day at work, including serious injury. It's dangerous, unacceptable, and it's got to stop. The FAA has levied approximately \$2 million in fines to disruptive passengers since January 1, 2022.

c. The fines collected by the FAA from disruptive passenger incidents for interfering with flight crews should be utilized to create and sustain a health and wellness fund that flight crews can access to offset the cost of their medical bills, additional time off if needed, counseling, time spent testifying in court against their assailant, etc.

14. Recycling and green infrastructure airport programs

- a. Programs set to reduce environmental impacts can help maintain high, stable levels of economic growth. These plans will help achieve "social progress", a broad set of actions that ensure organizational goals are achieved in a way that's consistent with the needs and values of the local community.
- b. Examples include noise abatement programs and Low Emission programs which are able to be used by all airports.
- c. Existing FAA grants to reduce emissions and improve air quality at airports across the country. i.e. fund zero-emission airport vehicles, including their electric charging infrastructure and electrify the ramp equipment used to service planes at the gate.

15. Update Emergency Aircraft Evacuation Standards

- a. As part of implementing Sections 337 and 577 of the FAA Reauthorization Act of 2018, the FAA conducted a study in late 2019 through early 2020 to determine the effects of different seat dimensions and spacing on facilitating emergency evacuations. However, the FAA used simulated laboratory conditions, and not a real airplane, to conduct its evaluation. Further, the study sample did not include any children, adults over 60, or people with disabilities as participants.
- b. Since children, older adults, and people with disabilities are the least likely to be able to evacuate an airplane in a safe and timely manner, the FAA's study did not demonstrate or accurately depict if all passengers can safely evacuate an airplane in under 90 seconds (the standard amount of time for an emergency evacuation). Indeed, the FAA itself conceded that, because they did not include these groups in their study, the study's results were "not necessarily" definitive.

As the committee reviews **PHSMA Reauthorization of 2023**, I would like to emphasize the concern around the approval process for compressor stations.

The basis for this concern stems from the continued operation of the Weymouth Compressor Station in my district. Since its initial approval by FERC in January of 2017, this 7,700-horsepower facility has been the source of serious concerns for local residents, community safety groups, non-profit organizations, and local, state, and federal elected officials—all of whom continue to underscore the health, environmental, and security risks associated with the operation of volatile pipeline infrastructure that is located in an environmental justice community, adjacent to the Fore River Bridge, within a half-mile of 1,000 households in the densely populated neighborhood of North Weymouth, and in close proximity to several schools, parks, and other high-traffic areas in the City of Quincy, the Town of Braintree, and the Town of Abington. Considering that the Weymouth Compressor Station has already experienced multiple blowdown

events and is associated with high levels of toxic air pollution and the escalating prevalence of lung disease, pediatric asthma, and other illnesses among the Fore River Basin population, it is not surprising that FERC Chairman Richard Glick recently stated, in part: “I believe that the Commission likely erred in siting the Weymouth Compressor Station where it did.”

I have repeatedly requested that FERC and PHMSA take immediate action to mitigate the actualized and potential risks stemming from the continued operation of the Weymouth facility. Regrettably, both regulatory agencies have indicated that they lack the jurisdiction or authority to further address our community concerns. While FERC Chairman Glick has acknowledged the likely improper siting of the Weymouth Compressor Station, the Commission continues to assert that its regulatory role regarding the facility is “largely over” and that PHMSA “has continuing jurisdiction over the public health and safety aspects of the compressor station’s operations.” In turn, PHMSA has indicated that despite the siting concerns expressed by Chairman Glick and the longstanding dangers identified by community stakeholders, the agency “is not aware” of any condition that would warrant PHMSA or the U.S. Department of Transportation to determine that the facility is “hazardous to life, property, or the environment” under current pipeline safety regulations and statutes.

I am concerned that PHMSA does not have adequate resources to conduct all of their oversight work and would need more inspectors in the field and staff at their headquarters who write rule makings to ensure such an incident won’t happen again.

As the committee reviews **Coast Guard Reauthorization of 2023**, I would like to emphasize the following priorities.

1. Full Support Port Infrastructure Development Grants
 - a. Our nation’s ports need increased funding and the Port Infrastructure Development Program (PIDP) has been an excellent way to ensure that the critical passageway of goods and services is being updated and financially supported.
 - b. Our ports are the backbone to our economy. Any way to grow our shipping capacity and ensure our supply chain is strong is a smart and important investment in our economy.
2. Supporting “Cargo Preference” Policy
 - a. Cargo preference is the maritime industry’s version of “Buy American,” creating jobs for our maritime workers and supporting the maritime industrial base. Cargo preference is vital to national security and our economic interests. Not only does this collection of laws, regulations, and policies incentivize U.S.-flag vessels in the international shipping arena to remain under U.S. registry, but these laws also help maintain a U.S. Merchant Marine to serve in times of war or national emergency and to carry a substantial portion of U.S. domestic and foreign waterborne commerce.
 - b. Despite these critical functions, a myriad of events has weakened cargo preference laws over time, contributing to a loss of approximately 115 commercial vessels (over 50 percent) in the U.S. international fleet over a span of 30 years. The Maritime Administration (MARAD) oversees compliance with cargo preference laws, but for several years has been derelict in enforcing cargo

preference requirements partly due to resistance from and disagreement with collaborating agencies.

3. Protecting of the North Atlantic Right Whales

- a. This year, I signed an appropriation letter asking for \$10 million in additional funding over FY23 levels for North Atlantic right whale conservation.
- b. Further, we asked that the following increase within the Marine Mammals, Sea Turtles, and Other Species line item continuing the essential funding of this committee last year in protecting North Atlantic right whales including no less than \$6,000,000 for the development, administration, and acquisition of shore-based, aerial, and on-the-water enforcement capabilities for the United States Coast Guard and National Marine fisheries Service; and the support of the voluntary acquisition of automatic identifications systems by vessel owners affected by the enforcement of current and forthcoming vessel speed restrictions.

Thank you for your hard work and dedication for the future of aviation and the FAA. If you have any
ct my staff, William Seabrook, at 202-225-8273.



Stephen F. Lynch
Member of Congress