

**Minority Report Response to the Rhode Island Airport Corporation (RIAC)'s  
Response to the  
Quality of Life Subcommittee January 24 Initial Report  
March 5, 2002**

The following is a formal response to the Study Resource Committee (SRC) concerning RIAC's Executive Director's response to the Quality of Life Subcommittee January 24 Initial Report:

**Our Context: A community already stretched by development**

**"...Regarding safety, FAA's principal purpose is to ensure the highest degree of safety, a tenet that is reflected in all of its guidelines and directives". - Michael Cheston, RIAC Executive Director**

We have been previously told by both RIAC and the Federal Aviation Administration (FAA) representatives that FAA's primary purpose is to facilitate air travel based on market demand. This is more consistent with the findings highlighted through the tragic events of September 11: that FAA has been more concerned with the appearance of security and safety than actual security and safety. Congress is currently reviewing these concerns. FAA sets minimal safety standards and has demonstrated that they are willing to bend the rules to place the promotion of airports over actual safety. The recent 5 year grand-fathering of runway 16/34, which hasn't met FAA safety standards since 1990, rather than requiring the shortening of the non-compliant runway is a perfect example of FAA's demonstrated lack of placing "the highest degree of safety" as its "principal purpose".

**Air Quality Issues: Information Needed**

**"While air quality issues are difficult to quantify and isolate by source, the EIS will quantify all airport related emissions under existing conditions and those that would occur under various future scenarios..." - Michael Cheston**

We will hold RIAC to this statement by their Executive Director. Included in requested air testing will be a quantification of particulate matter at the school sites where flyovers occur and at neighborhoods such as Field View Drive. Testing of the nature of that required by OSHA for police on duty at construction sites will be requested along with other as yet unidentified testing procedures to ensure acceptable exposures to not only "fumes", but "dust" and "particles for their effect on citizens, property and pets.

### Noise: More than a nuisance

"There appears to be a misunderstanding regarding the availability of data: no 60 DNL contour has been prepared to illustrate noise exposure surrounding T.F. Green. All noise complaint data is being compiled and will be accurately reflected in the EIS." - Michael Cheston

Misunderstanding, indeed. We were told by RIAC's former principle planner that there was indeed data at 60 DNL. We have requested such data (even if currently unprepared). In fact we have asked for 55 DNL contours, but have been told it would be too controversial. We do not accept RIAC's or the FAA's attempt to limit their concern to those levels of distress for which they have funding. We want evidence of the knowable sound disturbance produced by T.F. Green as compared to those sound levels for which city ordinances are typically put into effect for the welfare of a community. This is important to understand the actual effect of T.F. Green on the quality of life of the community. We do not wish to restrict or limit our study to "financially subsidized" concerns only. Additionally, the noise complaint recording process used by RIAC and the FAA has been repeatedly declared insufficient, unwieldy and unreliable due to the documented frustration associated with its use.

"Finally, in terms of developing contours for different seasonal conditions, this is not an accepted procedure for measuring noise exposure and as such, FAA policy does not support preparation of such a contour. However, as part of the EIS, a grid-point analysis will be performed to define noise exposure levels beyond the 65 DNL contour." - Michael Cheston

Whether or not FAA policy supports or doesn't support a particular contour is not the issue in considering quality of life concerns. Contrary to apparent RIAC beliefs, FAA is not God. RIAC has expanded an existing airport to the extent that it negatively impacts on the quality of life of existing residents. RIAC is using our airspace to the detriment of inhabitants. RIAC is disturbing our peace. RIAC should be doing everything possible to ensure that its actions are not socially harmful. FAA's policies are guidelines only. Limited guidelines at that. RIAC ought to display social responsibilities beyond FAA policy.

### Noise Remediation: Households in Limbo

"RIAC is limited by the Federal Noise Remediation Program, which makes available limited funding on an annual basis. That said, when possible, RIAC has supplemented federal allocations in an attempt to speed up the sound insulation and acquisition process. We have invested millions of dollars toward this effort to date, more than \$10 million (RIAC, not federal) for land acquisition in the last two years alone." - Michael Cheston

This is outrageous. If a business knows in advance that it will cause injury to people, there is no acceptable excuse for allowing it to move forward if it hasn't the means or methods to first completely and effectively address these issues and prevent distress. RIAC's fiscal inability and evident lack of social concern are legitimate grounds for the "quasi-governmental" agency to be replaced as the airport's administrator. If RIAC does not have the funds to protect the people, RIAC should not be in business, period. There is no humanly acceptable grounds for knowingly placing people at risk and exposure and then effectively ignoring them for up to 10 years. The \$10 million figure is also a shame and a sham. How can a corporation be allowed to abuse and neglect innocent people, spend only \$10 million on property acquisition on the one hand, and then attempt to float \$160 million in bonds to immediately produce a highly questionable people-mover / parking garage complex that would only increase market pressure on the other? The people that need to be moved live around the airport and are suffering from airport produced activity. We would also like to see an accounting of that \$10 million to ensure that RIAC is referring exclusively to residential purchases.

#### The Rights of the Public and Broad Easements

"Federal guidelines for sound insulation have recently been updated to include broader aviation easements for participants. These guidelines apply to all participants in the program using federal funds nationwide." - Michael Cheston

Please be more specific:

- When were the broader aviation easements for participants of the FAA sound insulation program "updated"?
- What specific language was required by FAA?
- Does the FAA really require an easement for "dust"; "fumes" and "particles" in addition to "noise", even though effective protection is not afforded for these hazards through standard insulation methods?
- Do these new guidelines require the removal of a ceiling on future noise levels?

#### Real Estate Values: Potentially Significant Impact

"For some time now, attempts have been made to link lagging home values to nearby land uses or transportation centers such as airports. Results have generally been mixed or inconclusive, largely because of the difficulty to isolate any impact contributed by the land use in question. T.F. Green is among many factors that may or may not have some effect on property values. We know of no way to establish any connection, let alone measure and evaluate it. - Michael Cheston

Maybe the citizens can help RIAC with an example: Let's say there are two identical houses on the same street. Let's call them "House A" and "House B". They could be next to each other, or directly across the street from each other. By "identical" we mean they are of the same design, lay-out, square footage and appointment. The lots are indistinguishable. The only land use difference is that one house, let's call it "House A", is encumbered with a restrictive deed easement in effect, placed upon it by the local airport corporation, that runs with the land. The easement protects the airport from liability for the negative effects of "noise", "dust", "fumes" and "particles", now and into the future, including any negative effects on property and even pets. The easement remains in effect even if the airport doubles or triples its air traffic over the houses. As already mentioned, the easement runs with the land. It may affect the home's eligibility for HUD financing. It may affect Title Insurance by clouding the title. It may cause the voiding of warranties for customarily warranted items like vinyl siding, asphalt roofing, even windshield wiper blades. It must be disclosed by the Realtor in a sales transaction. Would anyone pay the same price for "House A" as for "House B"? If they would, we know of a bridge in Brooklyn that might be for sale.

With only a little effort, we believe a clear link to some of the effects of the operation of T.F. Green Airport on local market values could be reasonably determined. The Quality of Life Sub-committee was able to identify houses around the airport with repetitive declines in value over time. The sub-committee was also able to identify a loss in appreciation value for Warwick in relation to other cities over the same period of time as the recent airport expansion. We are not professional appraisers, however, and believe this study is best suited to an agency such as the U.S. Department of Housing and Urban Development (HUD), which RIAC has refused to date to bring into the SRC process despite urging from the citizens.

#### Education: Interruption and Test Scores

**"Aircraft noise interference with classroom activities and learning has been the subject of much recent research. The results between studies on this subject have had conflicting results, as such no definitive link between aircraft noise and student performance levels can be made. Student performance levels will not be assessed in this EIS." - Michael Cheston**

This is unfortunate considering the unique situation of 26 schools existing within a 2-mile radius of the airport. At least RIAC has promised to perform air quality studies (above) which we must insist include testing for particulate matter at all school sites within a two mile radius. However, we understood the EIS was to consider any potential negative effects of airport expansion on the community including schools, churches, hospitals, etc. Why not student performance levels? Why would FAA require an EIS

study of noise levels at schools if they were not concerned with the negative effects of noise on student performance levels?

"Regarding the referenced Robertson School letter, we have obtained FAA approval to insulate the school, design is complete and if bids are favorable construction should be accomplished this summer." - Michael Cheston

What is the status of John Brown Francis school, which has experienced increased air traffic this year including direct fly-overs, and was being considered ?

Other Issues: Economic Impact, Transportation, Culture, Community, Preservation & Other Issues

"The economic impact of the airport will be assessed and discussed in the Induced Socioeconomic section fo the Environmental Consequences chapter of the EIS. Induced socioeconomic effects occurring from the airport-related impacts on surrounding communities include the economic impact of the airport, aircraft delay reduction benefits, and population movement and growth. RIAC will soon initiate an update to the 1998 Rhode Island Airport Economic Impact Study."  
- Michael Cheston

Once again, RIAC's vision appears myopic. Negative externalities must be factored into any socioeconomic effects equation to be considered valid by the neighborhoods. There is no evidence of any consideration of quality of life concerns including property depreciation, sleep deprivation, tax-base erosion, increased stress or any other predictable negative consequences of operating an airport of the current or projected size of T.F. Green in the existing residential environment. If we are to only receive more of the same limited analysis, the finished product will only be viewed as insufficient and essentially meaningless. It will certainly not meet FAA's requirement of being: "objective, complete, and accurate in order for it to serve as the basis for the preparation of the FAA's environmental documents."

RIAC's continued refusal to broaden the scope of the SRC process, and the local FAA office's apparent acceptance of this resistant stance by the airport administrator, is in apparent direct conflict with FAA's own Airport Environmental Handbook, Order 5050.4A, October 8, 1985 which states in Chapter 2:

"Airport sponsors and the FAA shall carefully consider and weigh environmental amenities and values in a timely manner in evaluating proposed Federal actions relating to airport planning and development, utilizing a systematic interdisciplinary approach and involving local and state officials and individuals having expertise. The environmental assessment and consultation process is to provide officials and decision-makers, as well as members of the public, with an

understanding of the potential environmental impacts of the proposed action. The final decision is to be made on the basis of a number of factors. Environmental considerations are to be weighed as fully and as fairly as non-environmental considerations."

In our opinion, based in our significant investment in the SRC process to date, RIAC has consistently failed to indicate a willingness or ability to utilize "a systematic interdisciplinary approach" or to involve appropriate additional "individuals having expertise". They have refused to bring in HUD at the early planning stage, even though RIAC and their high paid consultants lack urban planning expertise. They have omitted the inclusion of the Narragansetts, even though they are a stake-holder in the wetlands around the airport. They have failed to include the Historical society, the school department, the Realtors and many other predictable stake-holders in their early planning despite their obvious vested interest in the community affected by airport operations. Essentially, RIAC has continued to self-limit their own field of study. A study of "the economic impact of the airport, aircraft delay reduction benefits, and population movement and growth" is no substitute for a study that carefully considers and weighs "environmental amenities and values in a timely manner" as required by FAA. We have had to listen to RIAC shamelessly declare on a number of occasions that they were incapable of performing such a study. Based on this willfully limited performance by RIAC, we have legitimate concerns that the SRC process is unsafe as designed. In our opinion, the FAA needs to step in and restructure the process to ensure equal protection for the citizens under these circumstances. In light of the stress they have created with their management style to date, we question RIAC's ability to continue as airport administrator. It may be time for our leaders to end the "quasi-governmental" experiment. Expediency may have run its course. It is worth a look, before we produce a 20 year plan that creates more problems than solutions by having failed to begin with all possible due diligence.