



**Federal Aviation
Administration**

August 14, 2020

Brian E. Frosh
Maryland Attorney General
200 St. Paul Place
Baltimore, MD 21202
(410) 576-6300

Dear Mr. Frosh:

On July 2, 2020, the Federal Aviation Administration (“FAA”) sent you its final response to the administrative petition that Maryland submitted to the FAA in June 2018. In our view, that letter conclusively addressed Maryland’s three requests for relief made in the Administrative Petition. However, the State has since requested additional clarification with respect only to the third request made by the Administrative Petition, which asked the FAA to “[c]ontinue, accelerate, and expand efforts to adjust RNAV routes at [Baltimore-Washington International Thurgood Marshall Airport] to improve compatibility with neighborhoods, including arrival routes to Runways 33L and 10.” Pet. p. 1. As we intended to make clear in our July 2, 2020 letter, the FAA has granted that request.

Since Maryland first made this request in 2018, the D.C. Metroplex BWI Community Roundtable reached a consensus on notional designs for air-traffic procedures that would address the concerns laid out in Maryland’s Administrative Petition. In November 2019, the Roundtable (including representatives from multiple communities and county governments as well as Maryland) provided those designs to the FAA for further review. The Roundtable’s involvement is crucial because, for obvious reasons, the FAA very likely would not grant an administrative request made by a single community to shift aircraft noise to a different location.

Since that November 2019 meeting, the FAA’s efforts to review and move forward with the proposed air-traffic procedures have been delayed. A preliminary meeting between the FAA, the Maryland Aviation Administration, and other stakeholders had originally been scheduled for late April 2020, but was postponed. We are prepared to reschedule that meeting for the near future, and to arrange for appropriate FAA personnel to attend. After that meeting is held, the FAA will commit to establishing a Full Performance-Based Navigation Working Group, as further defined and explained in FAA Order 7100.41A (Apr. 3, 2014), entitled *Performance-Based Navigation Implementation Process*. Since Maryland owns and operates BWI Airport, it would be represented in that working group and would be involved in the design of these procedures. Order 7100.41A establishes a clear sequence of events for procedure development and implementation, so that Maryland can readily anticipate what will come next throughout the process.

This letter is not a reopening or reconsideration of the July 2, 2020 letter, which remains our final response to the claims and requests made in the June 2018 Administrative Petition. But we recognize that the July 2, 2020 letter did not explicitly acknowledge that the FAA granted Maryland's third request for relief. We wanted to clarify that single issue, and are prepared to take the concrete steps described above as a result. Our decision to grant Maryland's third request for relief is limited to considering the Roundtable's request to amend applicable instrument procedures and, as needed, design new RNAV procedures to replace legacy conventional procedures as a result of FAA's ongoing airspace-modernization effort to replace VOR MON equipment. The FAA is not reopening final decisions made in the past (including approval of air-traffic procedures currently in use). Any new procedures will be subject to FAA's safety and environmental reviews, and we therefore cannot guarantee in advance that this decision to pursue further efforts will ultimately lead to the adoption of any specific air-traffic procedures, including the notional procedures put forward by the BWI Roundtable.

We look forward to working with the State and other stakeholders as we move forward with this process to consider the changes requested by the Roundtable.

Sincerely,



Patrick J. Wells
Acting Assistant Chief Counsel
Airports & Environmental Law
Federal Aviation Administration