

**Aviation Division**

Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909
TEL (617) 561-1618 FAX (617) 561-1609
www.massport.com

January 29, 2008

Mr. Mark Ward
Group Manager, System Support
Eastern Service Center
Federal Aviation Administration
1701 Columbia Avenue
College Park, GA 30337

Re: Response to November 20, 2007 Letter - Boston Logan Airport Noise Study ("BLANS") Phase 2

Dear Mr. Ward:

I appreciate very much your acknowledgment of Massport and CAC support during Phase 1 of the BLANS and have passed on this acknowledgment to all of our staff who have directly participated in this endeavor. Massport is equally appreciative of FAA's leadership of BLANS and the effort and substantive results reflected in FAA's October 16, 2007 Record of Decision ("ROD").

I share your expectations concerning the issues that will be addressed in Phase 2 and can assure you that Massport will continue as an active participant to provide FAA and others with the benefit of our expertise and perspective as airport proprietor.

Your November 20, 2007, letter cites certain expectations regarding "formal recommendations to the FAA" with respect to any alternatives that should be carried forward for further study in Phase 3, and requests confirmation from Massport with respect to these expectations. Before responding directly to your request, it is appropriate to identify certain contextual understandings on our part concerning the goals and purposes of both Phase 2 and Phase 3. It is our understanding that the central purpose of Phase 2 is to identify and provide operational and other feasibility assessment of actions that could potentially provide noise mitigation benefits in connection with Logan aircraft operations. This effort will involve extensive technical analysis and opportunities for review and comment that will provide context to and support for the ultimate decisions expected from the Phase 2 activity – i.e., specification of those actions that have potential for substantial noise mitigation benefits and that have been determined to be feasible from operational (including safety), legal, financial, and other relevant perspectives.

It is our further understanding that Phase 2 would conclude with a determination as to which action items that have passed through the feasibility analysis outlined above should proceed to Phase 3 analysis. Phase 3 work will include any formal environmental review under federal, and, if applicable, Massachusetts law that would be required to provide context to and support for the final decision as to which, if any, actions under review should be implemented. Thus, any determinations or recommendations contemplated or made at the end of Phase 2 relate only to defining the actions that would undergo National Environmental Protection Act ("NEPA") and/or, if applicable, Massachusetts Environmental Policy Act ("MEPA") review and would not involve an implementation recommendation.

Operating

Boston Logan International Airport - Port of Boston general cargo and passenger terminals - Tobin Memorial Bridge - Hanscom Field - Boston Fish Pier - Commonwealth Pier (site of the World Trade Center Boston) - Worcester Regional Airport

RECYCLED PAPER

Page Two

As I indicated earlier, Massport will participate throughout Phase 2 (and Phase 3) and provide FAA and others with thorough and responsible input from the airport proprietor's perspective. In reviewing and considering our specific recommendations as to which actions should proceed further for Phase 3 environmental analysis, we will be guided not only by the analytic results of Phase 2 activity, but also by the scope of proprietary responsibilities as outlined in the November 18, 1976, Aviation Noise Abatement Policy ("ANAP") and related guidance, by the requirements of Massachusetts law, and by our own policy directives and deliberations.

I can assure you that we are well aware of the role played by and responsibilities of an airport proprietor as outlined in ANAP and related FAA guidance and judicial precedent. You should be aware that we are also obligated to comply with Massachusetts law, including MEPA. I point this out to emphasize that Massport actions in the form of the adoption of certain actions or recommendations to FAA to implement certain actions may trigger MEPA review or other pertinent statutory requirements. Consequently, to fulfill any expectation that Massport provide a specific recommendation to FAA, we should be certain that Phase 2 and Phase 3 activity complies with all relevant legal requirements associated with such action.

Furthermore, I think that it is also important to distinguish between those areas that fall within the airport proprietor's area of responsibility and those that fall within federal or FAA responsibility. A concise statement of the federal spheres of responsibility appears in the July 14, 2000 draft Aviation Noise Abatement Policy 2000:

"The Federal Government has the authority and responsibility to control aircraft noise by the regulation of source emissions, by flight operational procedures, and by management of the air traffic control system and navigable airspace in ways that minimize noise impacts on residential areas, consistent with the highest standards of safety..."
Federal Register, Vol. 65, No. 136 at p. 43818 (July 14, 2000).

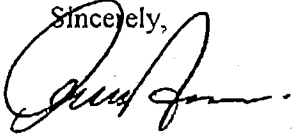
I emphasize this point because Phase 2 may result in the identification of airspace management actions that have potential for providing noise abatement benefits. We have long understood such actions to be within the pre-emptive legal authority of FAA and, consistent with federal law, have refrained from any direct role in this area. A pertinent example of this occurred during the Phase 1 process that resulted in the FAA October 16, 2007 ROD to which you refer in your letter. FAA's decision-making and implementation responsibility for the various actions that were covered by this ROD were grounded on FAA-pre-empted airspace management authority and did not require or involve any Massport action or recommendation. In addition, as I have noted above, Massport's ability to take action in the form of a formal recommendation or otherwise may implicate certain obligations under MEPA, which, if triggered, could implicate a state environmental review process that could be inconsistent with federal environmental review requirements or that could result in an attempt to impose conditions or requirements inconsistent with federal authority with respect to airspace management or other pre-empted FAA prerogatives. I assume that the FAA continues to concur with this position and, consequently, assume that your November 20, 2007, letter does not request or contemplate Massport actions that would trigger state review of FAA pre-empted areas of responsibility.

In addition, unlike the more traditional Part 150 noise study that would be conducted by the airport proprietor, BLANS is being conducted entirely by the FAA as a requirement of its own ROD. Any measures that are recommended or compelled by the results of that study, are derived from FAA's own data and analysis and ought not require a recommendation or request from the airport proprietor for the FAA to implement those measures.

Page Three

On behalf of Massport, Logan users, and residents of areas affected by Logan aircraft operations, it is my hope that we can continue to meet the challenges and realize the benefits contemplated under the BLANS. Please feel free to contact me with any further thoughts or questions.

Sincerely,



Edward C. Freni
Director of Aviation

G:\Legal\Misc\WALLACH\1432\FAA Phase 2 letter 1-11-08.DOC