

FAA Meeting Minutes

July 24, 2015

3PM to 5PM

Loma Prieta School District Offices Community Room
23800 Summit Road
Los Gatos, CA 95033

MEETING ATTENDEES

FAA

Glen Martin, FAA Western Regional Director, Los Angeles, CA

Steve May, Senior Advisor, FAA Western Regional Director, Los Angeles, CA

Elizabeth "Lynn" Ray, Vice President, Mission Support Services, Air Traffic Organization, Washington DC

Ian McGregor, Public Affairs. Los Angeles, CA

Community/Save Our Skies

Patrick Meyer, Co-Chair

Dave Austin, Bob C., Rossana Bruni, Grant Weseman

Cheryl Poland, Barry Fitzgerald

Elected Representatives

John Leopold, Santa Cruz County Supervisor

Dennis Norton, Mayor, City of Capitola

Dene Bustichi, Mayor, City of Scotts Valley

Gov't Staff

Alec Arago, Office of Rep. Farr

Kristen Petersen, Office of Rep. Farr

Karen Chapman, Office of Rep. Eshoo

Tony Sloss, Office of Supervisor Leopold

Gine Johnson, Office of Supervisor McPherson

Jamie Goldstein, City of Capitola City Manager

John Murray, Senator Diane Feinstein's Office

Supervisor Leopold chaired the meeting. He stated that in his seven years of being a County Supervisor, no other issue has engendered *so many visits to his office or pleas for help*. He said that people who are not normally engaged in politics are making themselves heard.

Gine Johnson, Supervisor Bruce McPherson's aide stated he had never seen more complaints than [with this issue] in 30 years in service. He wants to work with everyone to find some solutions.

Mayor Dennis Norton noted Capitola has the highest density population under the new flight path. In 16 years in office he has never heard a larger outcry. He said the FAA must stop the use of airbrakes and raise the altitude of planes.

Scotts Valley Mayor Dene Bustichi spoke noting the jet noise is affecting property values in the City of Scotts Valley and his constituents are concerned about it. He stated that Scotts Valley has the highest property values in the County.

Glen Martin, Regional Administrator for the Western-Pacific Region spoke. He stated he wants to have a constructive meeting. They hear us. Knows we are working hard to find solutions. Noted public meetings are different than a smaller group and therefore he asked to limit the number of participants.

John Leopold noted our demonstration at Anna Jean Cummings Park, happening concurrently, as a place to express rage. When impacts of the flight path changes were felt, local citizens started working together, thus, Save Our Skies Santa Cruz.

Patrick Meyer introduced the SOSSC presentation and focused on the impact of the flight path on Santa Cruz. Showed video of Pulley family first, then followed it with a brief power point presentation regarding the demographics of Santa Cruz County, our local environment, and statistics reflecting the number of complaints and change in number of planes. He cited examples of how the jet noise has devastated people's dreams. The presentation was followed by a video collage of local residents talking about the impacts of the jet noise on their lives.

Dave Austin showed a power point presentation that made various recommendations for SERFR aircraft speed and altitude constraints with the goal of higher altitudes while transiting the Santa Cruz County and Summit areas and minimizing speed brake usage. His presentation showed ways in which the BIG SURTWO route and altitude constraints were quieter by design for Santa Cruz County than the new SERFR route. A possible SERFR design issue was discovered allowing aircraft to descend below the SFO arrival Class B protected airspace and into potential conflict with general aviation aircraft. The result is a much lower Summit altitude crossing than previously allowed. On this topic an Air Carrier pilot submitted a report to the NASA Aviation Safety Reporting System that documented his experience. The pilot's report was submitted as part of the presentation. Glen Martin and Lyn Ray discussed the suggestions from their Administrators' positions.

Bob presented a power point of several facts and charts created from detailed Northern California TRACON data comparing roughly 7,500 SERFRONE aircraft flight tracks from 2015 to 50,000 BIGSURTWO aircraft flight tracks from 2014 that show the aircraft's altitudes, speeds and positions when crossing various waypoints. With hard data Bob validated many points in Dave's presentation while raising additional noise related facts:

- **FAA does not understand the impact of noise on communities in rural environments (annoyance).**

Both the EPA and the FAA urge caution when assessing noise impacts in rural communities. FAA used none in making decisions that shifted noise from one community to another.

- **FAA did not follow its own internal guidance and policy in the design of SERFR1 and misled the public in the EA.**

When the EA was released to the public for comment, the SERFRONE design was not complete and the public was not informed of SERFRONE design. The study report recommendation specifically identified ANJEE fix as the point to route traffic through Santa Cruz to Menlo. Study Teams used as a guiding principle in their recommendations to: **“overlay the historical radar tracks with PBN routes or procedures to minimize the risk of significant noise impact.”** Further, the Memorandum of Understanding (MOU) between FAA and the NATCA, states that **“recommendations contained in the (study) report will be adopted, in their entirety, or returned to the Study Team.”** The public believes that the MOU forms part of the EA process. All final designs were certified as complying with the terms of the MOU. The final design of SERFRONE did not route thru ANJEE fix and resulted in the shift of aircraft noise from one community to another. This shift is the root cause the current noise issue in Santa Cruz County and there is no justification provided for it.

- **FAA Design of SERFR is Seriously Flawed**

Numerous excursions from Class B airspace were documented from NorCal flight data. These excursions create the potential for a mid-air collision even when “flying the procedure as designed” as stated in the NASA ASRS safety report. This data validates that the issue is not a one-off occurrence, but a fundamental flaw in the design.

- **Flights on SERFRONE are lower and faster than on BIGSURTWO.**

Analysis of NorCal data show that flights are significantly lower and faster on SERFRONE. This disparity and resulting impact is the highest as one approaches the summit. These changes result in at least a 200-400% increase in flights likely to be disturbing/annoying. This also results in excessive use of air brakes and higher fuel consumption. There are likely many aircraft that are exceeding standard 250KIAS/10,000 feet constraint to mitigate bird strike damage. This is a failure of the Optimized Profile Descent (OPD) design as promised in the EA to be both higher and quieter and more fuel-efficient.

- **FAA has not Guarded Public Trust in Noise Impacted Communities**

By indiscriminately shifting noise impacts without strong justification or preparation of an EIS, the FAA improperly ignores/trivializes noise impacts except within about 6 miles of an airport. This is done even when the “changes are likely to create a division in the community” or to “be inconsistent with goals adopted by the community” as defined in FAA Order 1050.1E.

- **FAA has created a legal obligation or potential liability for property owners**
California law requires the disclosure of “neighborhood noise problems” when selling real estate. Numerous public meetings, noise complaints, and the meeting with the FAA clearly demonstrate that the FAA has created a “neighborhood noise problem”. This likely qualifies as a “nuisance.”

John Leopold thanked SOSSC for the presentation, noting the group’s hard work. Stated that elected officials really care about the issue. Supervisor Leopold referred to the letter dated July 24, 2015 written by himself, Supervisor McPherson, Mayor Dennis Norton and Mayor Dene Bustichi regarding their asks of the FAA:

1. Immediately return SERFR ONE route to BIG SUR TWO, reinstating the constraints that worked for over 40 years.
2. If it is not possible to return to BIG SUR TWO, implement the constraints that BIG SUR TWO used on SERFR ONE. Consider raising the altitudes of the flight paths, reducing air braking and/or fanning the paths over a wider range. Also address and enforce the Class B airspace regulations.
3. Work to mitigate noise impingements from BRIXX, SSTIK and CNDLE.
4. Commit to engaging in a continuing dialogue and hold a public meeting within the next 60 days.

Supervisor Leopold noted that these requests are MODEST. He stated that the FAA should note that it was the outcry of the people of Santa Cruz County that spread across the state and prevented additional offshore oil drilling along the California coast: we are a powerful group. Glen Martin stated that he appreciates the history and heritage of Santa Cruz. He is not going to set us aside. The FAA will work with us. He accepts our request for a public meeting. He will commit to a date within the next month. He is meeting with Congresswoman Speier in August and would like to coordinate his efforts with the three congressional districts: Farr, Eschoo, and Speier before scheduling the public meeting. He asked that we “reframe” our ask. The FAA wants to move forward with us to help solve/mitigate the problems we are having, but “moving the route back” as it was before is reversing the Norcal Metroplex action that is closed and will not be considered. He is not ruling out, however, the possibility of alternating the routes or other measures to spread out the impact.

Lynn Ray said that the FAA has technology that would allow arriving flights to be dispersed over a larger area (fan out) to reduce the concentration that results from RNAV procedures. Bob responded that based on NorCal data, flight track concentrations were similar between BIGSURTWO and SERFRONE. Lynn continued to clarify that No Significant Impact is a legal term for the FAA. The Metroplex report that found no significant impact for the new route is accurate. It is based on the existing science of noise measurement. She understands that the talk of significance means something different to community members; nonetheless, the FAA is using it accurately. She also stated that she knows that DNL as a measurement of noise impacts is a problem, different measurements are being studied, however, it is what the science is today.

Lynn stated that they will not go back and reopen the Norcal Environmental Assessment. That is done and it's history. Changing noise measurements is not a short-term proposition.

Supervisor Leopold stated that he has constituents that recorded single noise events at 70 dbL at 6:40 am and that this level of noise violates county noise ordinances and would result in a monetary fine. Sound is very real. Other constituents can identify aircraft by reading markings as they fly by, or by the loudness of the rumble that wake people from sleep in the middle of the night (e.g. Air Cargo flights)

Alec Arago said our bosses (Farr and Eshoo) want an EIS. Lynn Ray said that the FAA spends millions of dollars on environmental studies every year. The No Impact finding in our Metroplex was factually correct. She went on to state that the Study Team recommendations are never final. She stated that they do not design for sound; they design for safety and efficiency and is unaware of the reasons why the track was moved. To understand would require some checking and potential analysis that she would look into. She stated the study team's study was more like a business assessment. She stated the research and data were generated elsewhere--not by the study team. Lynn said that study team recommendations were largely irrelevant to the redesign process. "All the hard work is done by the design team." (It is unclear how many different contractors and/or FAA employees participated in the study team/design team process and whether communication between these various parties occurred)

Dene Bustichi asked: can we raise altitude of planes. Lynn Ray said that they would need to go back and look at that. Re-charting procedures takes 6 months to a year. Glen Martin said that this request will require some sort of environmental action and review. John Leopold asked if this question could be "bird-dogged" and a fix arrived at faster. Glen Martin spoke and said that what Lynn Ray is offering is an expedited process; usually, such a request would take up to three years to examine. John Leopold asked about the use of speed breaks. Lynn Ray said she thought that they fixed it on June 8. She will go back and immediately look at why this fix has not held. She also stated that she would look into the violations of the Class B airspace right away. As soon as she gets in the car will put word out.

Tony Sloss asked about the EPICK waypoint. Can the altitude be changed as Dave Austin suggested. Glen Martin said this would require an environmental review. The suggestion was also made to the FAA that the EPICK waypoint be moved three miles further west.

Tony Sloss asked about the SFO departures over the summit. Lynn Ray asked if this is actually a change. Dave Austin confirmed that yes, now there are five new routes including CNDLE, WESLA, STIXX and BRIXX.

Discussion regarding the Class B airspace. Lynn Ray said that it is an important safety issue but does not imply a design flaw of the flight design (SURFR) but possibly a Class B design issue instead. She also related that there is a new (already started or soon to be) effort underway to look at Class B airspace changes. She will investigate. (It should be noted that class B airspace changes made to accommodate the current SERFRONE design would most likely result in VFR aircraft flying closer to the ground and making more noise. This is problematic to us because it increases VFR noise impacts as well as continuing to allow SERFRONE to be loud. It should be

noted that the FAA is required to assess ‘cumulative effects’ of its actions and this was not mentioned at all in the EA.)

Jamie Goldstein asked if EPICK waypoint could be moved three miles further offshore? Glen Martin said they could look at this.

Glen Martin said as he leaves here he will be coordinating with congressional members. He encouraged us to keep talking to our congressional leaders and use them as the conduit for communication. Glen Martin stated he is willing to accept data but not from 1700 residents. They will do a coordinated response back through congressional offices.

John Leopold stated that he sent a letter to Steve May (Special Programs Integrator) at FAA and received no formal response. Would like to get responses. Glen Martin stated that they have been bombarded so a respond may not have happened, apologized, has been working on it; but we asked some very technical questions. Hope that this meeting would be best next step. John Leopold stated that this is cold comfort to a woman in his office with her child crying about the jet noise.

Grant Weseman question: departures from Oak and SFO going over land; why can’t all the departures go out to sea; if one of the routes does, why not all five? Glen Martin said to maintain perspective. We have a massive and complex transportation infrastructure and there are going to be impacts and acknowledged that they could not predict all of the impacts or design an efficient transportation system with lots of restrictions on departures and cannot put all planes over water. The FAA will take into account public input and at the same time the public needs to accept some of the efficiencies that the FAA needs to put into action.

"Mayor Dennis Norton said we are **not going to stop until the jet noise stops.**"

Patrick Meyer asked what do I go back and say to the Pulley family (in the video). Glen Martin said to tell her it’s not personal; the people under the flight path have not been singled out. Lynn Ray said she would institute an education bulletin for some of the international carriers regarding use of speed brakes and “fly friendly” by staying higher in the window.

Glen Martin asked that there be one point of contact with SOSSC. He stated that we are a “unique and remarkable organization.” He thanked Karen Chapman and Alec Arago for the work they did to get the meeting organized.

Meeting adjourned at 5:35.