



LOS ANGELES INTERNATIONAL AIRPORT/COMMUNITY NOISE ROUNDTABLE

Samuel Greenberg Board Room
Clifton A. Moore Administration Building
1 World Way, Los Angeles, CA 90045

November 21, 2017

Mr. Michael P Huerta, Administrator
Federal Aviation Administration
800 Independence Ave., SW
Washington, D.C. 20591

Dear Mr. Huerta,

In letters dated September 7 and November 2, 2017, the FAA transmitted to the LAX Community Noise Roundtable (LAX RT) a refusal to share information or answer questions about proposed new/revised Instrument Flight Procedures (IFPs) that were open for legally required "public comment" until September 25 and 26, 2017.

At the November 8, 2017, meeting of the LAX RT, the members voted unanimously to respond with a strong protest.

The FAA's refusal to share information necessary to make informed public comments on proposed IFPs in a legally mandated "public comment" phase is antithetical to the FAA's request that the LAX RT serve as the LAX region's intermediary with the FAA in discussions about the SoCal Metroplex.

The LAX RT is attempting to work with the FAA. But the FAA is refusing to work with us.

The procedural problem goes far beyond making the LAX RT capable of doing what the FAA asks us to do. Indeed, the procedural problem runs afoul of the FAA's own rules for the review and approval of new rules and procedures that require public comment periods, and it also runs afoul of Federal law. We have already pointed this out in our packet of letters dated September 23, 2017.

Furthermore, the grounds on which the FAA has attempted to justify its refusal to share information about the proposed new/revised IFPs are clearly erroneous.

The FAA asserts that it cannot answer questions about these IFPs because that would reveal confidential information from the FAA's court ordered mediation process with Culver City or other parties that have sued over the Metroplex Environmental Assessment completed in 2016. Here is another direct rebuttal:

1. In July 2017, a member of the LAX RT inquired with FAA Regional Administrator Dennis Roberts about proposed new/revised IFPs listed as "under development" on the FAA's publicly accessible IFP Information Gateway. After multiple requests for information about the scope of the changes under consideration went unanswered, the LAX RT member included newly discovered information about the FAA's April 27-30, 2017, interactive briefings to industry that discussed details of the lawsuit settlement negotiations. Subsequently, Ms Thuy Cooper responded in August, telling the LAX RT member that neither the proposed new procedures nor the briefing to industry could be discussed because of confidentiality in court ordered mediation.
2. On August 28, 2017, the IFP Information Gateway updated the status of the proposed new/revised IFPs to "At Flight Check" and listed public comment periods running until September 25 and, in one case of interest to us, September 26. The charts, maps, and data sheets uploaded onto the IFP Gateway now provided the basic information about the scope of the proposed changes that the FAA had claimed was confidential due to court ordered mediation. Either the claim of confidentiality had always been wrong or the FAA was violating confidentiality by posting the charts on the Gateway.
3. In early September the FAA was requested to brief the LAX RT on 5 new/revised IFPs at the upcoming September 13 meeting of the RT. On September 7, Dennis Roberts sent his letter

asserting that he could not provide a briefing or answer any questions because that would lead to breaching court-ordered confidentiality.

4. In his letter of September 7, 2017, Dennis Roberts offered the following description of 3 of the 5 proposed new/revised IFPs that the LAX RT wanted to discuss:

We understand the Roundtable agenda item relates to possible adjustments to the LAX IRNMN, HUULL and RYDRR arrival routes. The FAA is considering these minor adjustments as part of the post-implementation phase of the SoCal Metroplex Project, which entails reviewing the new procedures to determine whether they perform as expected and meet the project's safety and efficiency goals. Adjustments would be developed and implemented as new procedures, subject to their own independent environmental review and administrative process to the extent required by law.

5. The publicly accessible charts and data sheets posted on the IFP Gateway showed that this characterization of the proposed new/revised IFPs as "minor adjustments" to make procedures "perform as expected and meet the project's safety and efficiency goals" ignored the only significant change in those 3 proposed procedures that would have any impact on the LAX RT region: namely the assignment of a Mandatory Minimum Altitude to terminal waypoints.
6. The data sheets posted on the IFP Gateway expressly stated that Mandatory Minimum Altitudes were being proposed for terminal fixes because it is "REQUIRED PER FAAO 8260.3C PARA 2-2-1f(6)(b)."
7. A quick bit of research showed us that FAAO 8260.3C went into effect on March 14, 2016, more than one year before the SoCal Metroplex IFPs were approved and published on April 27, 2017. Thus the FAA's IFPs in operation had been out of compliance with FAA rules since the design of the IFPs.
8. In IFPs HUULL 2, IRNMN 2, and RYDRR 2, the terminal fix is waypoint GADDO, which is two waypoints to the East of the easternmost border of Culver City, the plaintiff in the principal lawsuit to which Thuy Cooper, Dennis Roberts, and Jodi McCarthy referred in their respective communications. Aircraft fly eastward on this route. Thus any change in required altitude at GADDO alone would have no bearing or relation to the Culver City lawsuit, nor to any other lawsuit pending that concerns the SoCal Metroplex.

We want to fix substantive and procedural problems:

- Substantively:
 - The FAA should promptly establish a 6,000 foot Minimum Altitude at GADDO, as proposed in the new/revised IFPs HUULL 2, IRNMN 2, and RYDRR 2.
 - The FAA must actually observe its own rules for Minimum Altitude at DAHJR (and at GADDO), as we have communicated repeatedly.
 - The FAA should commence an IFP development process to modestly increase the Minimum Altitude at DAHJR by 500-1,000 feet, which is possible while maintaining a 3 degree glideslope.
 - The FAA should commence an IFP development process to create new nighttime flight procedures with enhanced altitude restrictions on the HUULL, IRNMN, and RYDDR flight paths from Santa Monica Bay (BAYST) through Los Angeles (GADDO) to better protect residents from noise during the most sensitive hours of 10PM to 7AM.
- Procedurally:
 - The FAA's refusal to share and discuss public information with us is unacceptable in relation to FAA rules and Federal law.

- The FAA's refusal makes the Roundtable's job impossible. The Roundtable cannot serve as an intermediary with the FAA if the FAA does not offer even minimal cooperation. We need the FAA to choose improvement as its goal.
- Similarly, the Roundtable cannot be an intermediary for LAWA, the City of Los Angeles, and other municipalities in the region if the FAA does not cooperate.
- We need the FAA to respond to the questions we asked about all 5 of the proposed IFP's we addressed in our letters dated September 23: SADDE 8 and BAYST 1, as well as HUULL 2, IRNMN 2, and RYDRR 2.
- We need a strong and positive commitment from the FAA that demonstrates it will cooperate and work with the LAX RT to try to resolve problems in the LAX area related to the SoCal Metroplex. Without a demonstrable commitment to improvement, we cannot in good conscience tell citizens, community groups, and local governments that the LAX RT offers them a viable process for working with the FAA.

We await a positive and productive response from the FAA on these issues so that we can move forward, working together.

Sincerely,



Denny Schneider, Chair

CC:

Senator Diane Feinstein

Senator Kamala Harris

Congresswoman Karen Bass

Congressman Jimmy Gomez

Congressman Ted Lieu

Congresswoman Maxine Waters

Council Prest Herb Wesson, City of LA

Ms. Deborah Flint, Exec. Dir., Los Angeles World Airports

Mr. Dennis Roberts, Regional Administrator, FAA Western-Pacific Region

Councilman Marqueece Harris-Dawson, City of Los Angeles

Councilman Mike Bonin, City of Los Angeles