



# City of Palo Alto

## City Council Staff Report

(ID # 9608)

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**Report Type: Action Items**

**Meeting Date: 5/20/2019**

**Summary Title: Discussion of Airplane Noise and Community Impacts**

**Title: Discussion of Airplane Noise and Community Impacts; Direction to Staff Regarding the Star Pirat two Procedure Announced by the Federal Aviation Administration (FAA) on April 25, 2019**

**From: City Manager**

**Lead Department: City Manager**

### **Recommendation**

1. Discussion of developments relating to airplane noise and community impacts.
2. Discussion and potential direction to staff regarding the STAR PIRAT TWO procedure announced by the FAA on April 25, 2019.

### **Background**

At the Council Meeting of May 7, 2018, Council Member Kou moved, seconded by Council Member DuBois to:

Direct the Mayor to regularly assign one or more Council Members to actively participate on available community roundtables related to aircraft impacts; and direct Staff to:

- A. Request temporary noise monitoring from San Francisco International Airport (SFO);
- B. Provide support to Palo Alto Council Members participating on available community roundtables related to aircraft impacts;
- C. Continue to include the health impacts of aircraft noise and emissions in the City's regional, state and federal legislative priorities and engage with policy makers and associated advocacy groups as appropriate;
- D. Include in the above efforts Palo Alto's support for:
  - i. Improvements to SFO's Fly Quiet Program;
  - ii. Adherence to the agreement to, whenever able, increase the altitude of aircraft over the Peninsula;
  - iii. Maximizing the use of the BDEGA East Arrival route to SFO when possible;
  - iv. Collaboration with other jurisdictions to develop a regional position in support system-wide solutions by the Federal Aviation Administration (FAA);
  - v. Development of a noise-monitoring plan in concert with other jurisdictions;

- vi. Maximizing sequencing under current conditions and prioritizing the application of air traffic control technology to improve sequencing and aircraft management to minimize community impacts;
  - vii. Adoption of improved metrics for airplane noise and related impacts;
  - viii. Greater community engagement by the FAA, SFO and the San Jose International Airport (SJC);
  - E. Bring to Council as fast as possible a plan for a litigation strategy in support of procedural changes affecting Palo Alto and investigate the best approach for filing timely lawsuits within 60 days of an appropriate new event:
    - i. Work on forming a multi-city legal alliance;
    - ii. Define a process to monitor FAA flight path changes;
    - iii. Evaluate retaining technical and legal expertise; and
  - F. Develop a system to evaluate and respond to the FAA Update on Phase Two report, November 2017 and April 2018 and future FAA Reports.
- MOTION AS AMENDED PASSED: 8-0 Scharff absent

[Staff provided an interim update on Airplane Noise Issues as an informational item with the agenda for the August 13, 2018 City Council meeting.](#) This staff report provides Council and the community with a more detailed and up-to-date description of activities and issues.

## **Discussion**

A status update regarding the above direction to staff follows.

A. Temporary Noise Monitoring:

City staff coordinated with the San Francisco International Airport (SFO) staff for SFO to install four temporary noise monitors in the City of Palo Alto during late October 2018 through late December 2018. While the airport typically installs such monitors for one to two weeks, SFO agreed to extend the monitoring period closer to nearly eight weeks for the City of Palo Alto. The resulting data has been made available on the [City's open data portal](#).

SFO contracted with BridgeNet International to provide the monitoring service and an associated analytical report. SFO will provide the report to the City as soon as it is complete.

B. Support to Council Members:

City Manager's Office staff members have routinely discussed issues related to the Santa Clara/Santa Cruz Counties Airport/Community Roundtable with Council Member Kou in her capacity as the City's representative on that body. Staff also is available to support Council Member Kou in keeping the rest of the City Council informed of any community roundtable developments of significance to Palo Alto.

C. Legislative and Administrative Advocacy:

The City of Palo Alto continues to advocate with federal policy makers regarding the significance of the quality of life and health impacts of aircraft noise and emissions on our community.

Our legislative advocacy representatives in Washington, D.C., Van Scoyoc Associates, monitored the progress of the recent FAA Reauthorization bill and advocated for favorable noise provisions that were under consideration, including by coordinating with the National League of Cities and other community advocates. Unfortunately, the more favorable amendments were not adopted into the bill as finally approved in October 2018. The City also has formally joined the National Association to Insure a Sound Controlled Environment (N.O.I.S.E.), which advocates at the federal level for reducing the impact of aircraft on local communities.

Congresswoman Eshoo, working together with neighboring Members of Congress, has been pivotal in the formation of the Santa Clara/Santa Cruz Counties Airport/Community Roundtable as a vehicle for local stakeholders to have direct access to the FAA.

The City has repeatedly raised concerns to the FAA through formal, written correspondence, which is posted to the City's website for public access. Links to recent correspondence with the FAA are provided below.

- [9/10/2018 letter regarding the November 2017 Update and April 2018 Further Update on Phase Two of the FAA initiative to Address Noise Concerns of Santa Cruz/Santa Clara/San Mateo/San Francisco Counties](#)
- [11/13/2018 letter regarding the PIRAT ONE STAR](#)
- [12/17/2018 letter regarding the SFO Noise Compatibility Program – 14 CFR Part 150 Update](#)
- [3/29/2019 letter requesting an extension of the comment period on STAR PIRAT TWO and providing comments regarding STAR PIRAT TWO](#)
- [5/6/2019 letter regarding the December 2018 and April 2019 Further Updates on Phase Two of the FAA Initiative to Address Noise Concerns of Santa Cruz/Santa Clara/San Mateo/San Francisco Counties](#)

In addition, on 1/31/2019, the City submitted [comments to SJC regarding the Environmental Impact Report Scope for the Amendment to their Airport Master Plan](#).

D. Palo Alto Policy Positions:

The City Council's eight-part policy guidance continues to direct staff's ongoing work on airplane impacts and enable staff to coordinate timely policy responses to developments as they arise. The letters available via the links provided in item C above provide multiple examples.

iv. Regional Collaboration, and viii. Engagement by/with the FAA and Airports:

With respect to item iv regarding regional collaboration and item viii regarding greater engagement by and with the airports and the FAA, the formation by the Cities Association of a Santa Clara/Santa Cruz Airport/Community Roundtable (also known as the SC/SC Roundtable) provides a venue for Palo Alto to actively pursue these priorities. On August 13, 2018, the Palo Alto City Council voted unanimously to join the Roundtable (see [staff report #9495](#)). The Roundtable membership roster formally includes:

- In Santa Clara County: Cupertino, Los Altos, Los Altos Hills, Monte Sereno, Mountain View, Palo Alto, Santa Clara, Saratoga, Sunnyvale, Santa Clara County
- In Santa Cruz County: Capitola, Santa Cruz, Santa Cruz County
- SFO
- FAA

The SC/SC Roundtable has held three monthly meetings to date. The materials for those meetings can be found by clicking on the links for their respective dates here: [February 27, 2019](#); [March 27, 2019](#); and [April 24, 2019](#).

#### v. Noise Monitoring in Collaboration with Other Jurisdictions:

With respect to item v regarding the development of a noise monitoring plan in concert with other jurisdictions, staff has begun reaching out to neighboring jurisdictions, beginning with the cities of Mountain View and Sunnyvale, to explore the feasibility of collaborative approaches to noise monitoring. Staff contacted these cities in September 2018 and again in January and February of 2019. While the City of Mountain View has not decided to pursue noise monitors, their staff expressed interest in being updated should the City of Palo Alto move forward or obtain more detailed information. Sunnyvale's City Council had directed staff to explore noise monitoring. They are considering issuing a request for proposals for noise monitoring but have not done so to date.

Staff has also researched options for ongoing city sponsored noise monitoring. Continuing the type of monitoring recently sponsored by SFO would cost approximately \$180,000 per year. This model includes a contractor providing their equipment, professional service, and some level of analysis. If the City were to purchase its own monitors, the cost for high-quality, professional monitors ranges from \$1,000 to \$16,000 per unit. The purchase price does not include installation, maintenance, and the analysis of results. However, City staff is not currently aware of a clearly identified need for additional or permanent noise monitoring at this time.

#### E. "Fast Track" Process:

The City Manager's Office and the City Attorney's Office have partnered to develop a plan for monitoring procedural changes that could potentially affect aircraft impacts on Palo Alto and develop responses including contacting the proper authorities with our concerns and, if appropriate, preparing to file a lawsuit within the appropriate statute of

limitations period (typically 60 days from the issuance of an FAA order).

- i. The nature of any multi-city legal alliance is likely to vary, depending on the issue in question and which jurisdictions might be affected by a particular matter.
- ii. With input from community stakeholders, staff has developed a “Fast Track” process for identifying and acting on potential changes to aircraft impacts on Palo Alto. See Attachment A for a description of the process. Staff plans to use technical experts to track and evaluate the sources for these types of changes, as discussed below in item E.iii.
- iii. Staff has researched the estimated costs associated with this level of tracking and evaluation as feasible through the City’s three existing contracts for support on issues related to aircraft impacts with Freytag & Associates, LLC; Richards Aviation Consultants; and Kaplan, Kirsch & Rockwell, LLP. Those costs are incorporated into the Resource Impact section of this memo.

F. Responses to FAA Updates are reported under item C above.

#### POTENTIAL DIRECTION TO STAFF REGARDING THE STAR PIRAT TWO PROCEDURE

On April 25, 2019, the FAA published the STAR PIRAT TWO procedure regarding arrivals on the Oceanic route. The City of Palo Alto is on record as expressing concerns to the FAA regarding the potential impacts of this procedure in our letters to the FAA dated [11/13/2018](#) and [3/29/2019](#) (Attachments B and C).

It is important to note that this procedure represented a positive improvement for Peninsula communities by formalizing the practice of requiring planes to fly at a minimum of approximately 8,000 feet in the Woodside area. The City of Palo Alto is on record as supporting proposals to fly higher over the Peninsula and similar positions that were formally adopted by the Select Committee on South Bay Aircraft Noise, and we join with our neighboring communities in applauding Congresswoman Eshoo for her work to reduce the impacts of aircraft overflights – including her leadership in advocating on behalf of the mid-Peninsula to raise the height of flights whenever and wherever possible.

Unfortunately, the STAR PIRAT TWO also presents concerns for the quality of life in Palo Alto and neighboring communities. Simply put, it opens up a procedure that was previously limited to specific airlines and now makes the procedure available to all airlines, thereby introducing a likely increase in the volume of aircraft traffic on the route. Furthermore, it opens a procedure previously used only for SFO approaches to also be used for OAK approaches – again, introducing the likelihood of an increase in volume of aircraft traffic on the route. Oceanic arrivals approach from the west; this is the route that accommodates the flights arriving from across the Pacific Ocean at extremely early hours of the morning. Increases in volume on the route, particularly during night time and early morning hours, may have negative impacts on the communities affected by the route.

The specifics of the STAR PIRAT TWO procedure end at the ARGGG waypoint to the west of Palo Alto. Aircraft are then directed generally across the skies of Palo Alto and our neighboring communities on their way toward the final approach to SFO. The procedure is silent on this portion of the route's impacts and does not mitigate the impacts of flights from this route on our communities. Please see the City's letters regarding PIRAT for more information about the City's concerns regarding the impacts of PIRAT and the process by which the FAA has produced it.

In keeping with the spirit of the "Fast Track" process developed by staff as described in item E above, staff is using this opportunity to bring to the City Council's attention in a timely fashion the final publication of the STAR PIRAT TWO procedure on April 25, 2019. Should the Council wish to pursue further action regarding this matter, Council may consider directing staff to research or pursue additional actions and/or approach neighboring communities to explore whether they have similar concerns or interests.

### **Resource Impact**

For the Fiscal Year 2020 Budget, the City Manager is proposing up to \$100,000 in funds to be budgeted for airplane noise. This is a departure from previous years, in which no City funds have been budgeted for projects or programs related to aircraft impacts. As no City department is delegated with responsibility for this topic, all workload demands are anticipated to continue to directly impact the senior staff of the City Manager's Office and the City Attorney's Office. In addition, a considerable portion of the City's ongoing investment in federal lobbying is dedicated to issues related to aircraft impacts.

Some of the annual cost estimates associated with addressing airplane noise include:

- Membership in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable at \$33,466
- Technical and Legal Consulting at \$65,000 or more
- Membership in the National Association to Insure a Sound Controlled Environment (N.O.I.S.E.) at \$1,155

These estimates reflect ongoing efforts as described above. They do not include legal and expert costs that would be incurred should the City decide to initiate formal legal action. Current department budgets do not include sufficient resources for projects of this nature and scope; additional budget action would be needed. Legal counsel will evaluate potential costs with Council in conjunction with advising on possible initiation of formal legal action.

### **Attachments:**

- Attachment A - Fast Track Process
- Attachment B - Comment Letter PIRAT STAR 11-13-18
- Attachment C - Comment Letter PIRAT STAR TWO 3-29-19

## Attachment A: FAST-TRACK PROCESS AIRPLANE NOISE

The “Fast Track Process” documents the steps City staff will take to identify information of potential concern to the city (such as new flight procedures or proposed changes to airspace) and prepare an appropriate response in a timely and transparent manner. Responses might range from preparation of a letter to the FAA from the Mayor, to preparation of a recommendation to City Council regarding possible legal action. Timely action is important, particularly when public comment periods have tight deadlines or some legal actions may be limited by a 60-day window of opportunity. Transparency is equally important given the level of community interest in these issues in Palo Alto. Sharing of information with the community will be done through postings on the City’s Airplane Noise webpage, to which community members may subscribe in order to receive timely email notifications. This Fast Track Process supports a balanced commitment to transparency and timeliness by setting targets for the amount of time allotted to various potential steps that may apply to any given circumstance.

This document is intended to guide and inform staff work and engagement with the community on airplane noise issues. Staff will follow the steps below to the extent applicable and feasible, and may make adjustments if appropriate depending on particular facts and circumstances. It is not intended to create rights or obligations enforceable in a legal proceeding against the City.

Steps 0 – 4:  
30 days or less\*

0. Information becomes publicly available through a posting, announcement, etc.
1. Information is detected through ongoing monitoring of FAA postings, public information from key airports, etc.
  - a. Monthly reports prepared and interim flagging as needed
2. Item of concern is flagged (e.g., by consultants or community)
  - a. If consultants flag item, inform community of item of possible concern under review
3. Assessment of significance of #2 is prepared by consultants for city staff
  - a. Depending on nature of #2, #3 may range from oral discussion to recommended bullet points to map/diagram illustration, etc.
  - b. Staff may conduct iterative process with consultants to revise/strengthen #3
  - c. Staff may provide information to City Council at this time as appropriate
4. Engage with community
  - a. Share information generated through #3 process
  - b. Welcome input from community stakeholders about strategy/messaging regarding next steps

Steps 5 – 7:  
20 days or less\*

5. Staff consults with legal counsel on next steps
6. Staff consults with other jurisdictions/roundtable(s) as appropriate
7. Staff prepares City response to #2
  - a. Council is consulted/informed as appropriate (including scheduling of closed session if necessary)
  - b. #7 (non-confidential) is shared with community

\* Time frames may be extended if legal counsel advises more time is available.



**City of Palo Alto**  
*Office of the Mayor and City Council*

November 13, 2018

Mr. Dan Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Ave., SW  
Washington, DC 20024

Sent via email to [Dan.Elwell@faa.gov](mailto:Dan.Elwell@faa.gov)

Dear Administrator Elwell:

The City of Palo Alto is writing to comment on the recently proposed PIRAT ONE ARRIVAL Standard Terminal Arrival Route (STAR). These comments are submitted in response to the solicitation of comments set forth on the FAA's IFP Gateway which indicates that comments are being accepted until November 13, 2018. (See [https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/procedures/application/?event=procedure.results&tab=coordination&nasId=SFO#searchResultsTop](https://www.faa.gov/air_traffic/flight_info/aeronav/procedures/application/?event=procedure.results&tab=coordination&nasId=SFO#searchResultsTop) )

We note at the outset that we understand the request for comments on the IFP Gateway is directed primarily at solicitation of technical comments from air traffic professionals or aeronautical users. The agency has not, however, provided any other mechanism for the public to comment on this proposed procedure. We are, therefore, availing ourselves of this opportunity to ensure that the FAA receives and considers our comments before taking a final agency action pursuant to 49 U.S.C. 46110.

We are troubled by the lack of community engagement by the FAA during the planning and execution of such proposed changes to routes or procedures. The manner in which the PIRAT STAR has been proposed and the process for solicitation of comments does not comply with the FAA's own Community Involvement Policy as set forth in Appendix 10 to FAA Order JO 7400.2L. Neither has the process complied with current FAA practice to engage the community in any air traffic change which is likely to be controversial on environmental grounds. See FAA Order 1050.1F § 5-2; see also RTCA, PBN Blueprint Community Outreach (2016) (available at [https://www.rtca.org/sites/default/files/2016\\_pbn\\_blueprint\\_community\\_outreach.pdf](https://www.rtca.org/sites/default/files/2016_pbn_blueprint_community_outreach.pdf)) which was approved by the FAA's NextGen Advisory Committee in June 2016. As far as we know, the agency has not solicited non-technical comments, has not widely distributed the proposed draft CatEx document, and has not provided the environmental documentation that was prepared in connection with what appears to be a documented CatEx. See Order 1050.1F § 5-3. (The City, through its attorney, has submitted a FOIA request for this documentation but the agency has thus far not responded to the request. We reserve the right to supplement these comments upon the timely receipt of the requested information. We reiterate here, as we did in the FOIA request, that the environmental documentation is essential for the City to determine whether the agency has properly documented the Cat Ex.)

The City of Palo Alto has also written several letters to the FAA in the past to which the FAA has been completely unresponsive. We have been left with no viable process for engaging with the FAA regarding the many questions and concerns we have about flight operations in the airspace over our city; this

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communication vacuum is unacceptable. In the present context, in particular, the agency has failed to explain how the proposed PIRAT route addresses our previous complaints and concerns regarding OCEANIC arrivals into San Francisco International Airport (SFO).

With that background, we offer the following comments and raise several questions specifically on the proposed PIRAT STAR.

Because it has neither provided the environmental documentation to support the CatEx nor responded to the City's FOIA request, the FAA has not communicated whether or how the impacts of the proposed PIRAT route have been studied. We request that the FAA disclose single event noise levels, number of events over grid points on-the-ground and other relevant per-flight-operation noise data on the proposed PIRAT route using the FAA standard AEDT model. See FAA Order 7400.2L § 32-2-1. We also request that the proposed PIRAT route be presented for community involvement per Appendix 10 to FAA Order 7400.2L. We specifically request that preparation of an Air Traffic Initial Environmental Review pursuant to Order 7400.2L § 32-2-1(b).

We have several concerns about the potential impacts of the PIRAT route and ask the FAA to clarify the following issues related to routing paths and altitudes; air traffic volume; and noise and other environmental impacts, particularly given that one of NextGen's goals was to "take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents."

While we appreciate the intent to limit flights to 8,000 MSL or higher near the neighborhoods in the Woodside area, we remain concerned about noise and other environmental impacts anticipated from the PIRAT STAR. In particular, we are concerned about the predictable increase in the volume of overflights resulting from the transition of the Pacific 2 Tailored Approach (TA) to a public-use area navigation (RNAV) STAR, and the increased impacts associated with adding Oakland International Airport (OAK) traffic to SFO traffic on this route. We are also troubled by the ambiguity and absence of information about where and how aircraft will be vectored by Air Traffic Control (ATC) between the ARGGG waypoint and final approach at SFO or OAK.

The following questions illustrate the current dearth of information available to the public about the impacts of the proposed PIRAT STAR and the necessity for a more transparent public process prior to any implementation decision.

#### **Ambiguity of Vectoring's Routes, Altitudes, and Impacts**

How will Air Traffic Control manage the paths for vectoring from the stated 060 heading from the ARGGG waypoint? Where are aircraft most likely to fly between the ARGGG waypoint and final approach into each airport? When vectoring aircraft from ARGGG, will Air Traffic Control maintain aircraft at or above 6,000 MSL over Palo Alto? What altitudes will be maintained over other neighboring sensitive areas? What are the impacts on the Air Traffic Control workload when all flights must be vectored by ATC after the ARGGG waypoint?

#### **Impacts of Increased Volume**

How many total operators and flights are anticipated to use this public-use STAR compared to the volume limitations of the current TA? Does the FAA anticipate increases in flights on this route because

of the increased growth projected at all three international airports in the San Francisco Bay Area? What are the anticipated levels of use by OAK arrivals vs. SFO arrivals on this route? What are the anticipated levels of use, if any, by SJC? What are the implications of the proximity of current and future SJC traffic to the anticipated PIRAT traffic vectored from ARRRG en route to SFO? How has the FAA studied the safety implications of PIRAT in increasingly congested airspace? What are the impacts on efficiency of increased volume?

### **Environmental Impacts**

What studies has the FAA completed on the noise and emission impacts of the PIRAT STAR procedure, including especially the on-the-ground noise impacts because of increased volume on PIRAT? Some flights currently using the Pacific 2 TA overfly our community during nighttime and early morning hours. What is the anticipated volume and frequency of flights on the newly proposed public route during these disruptive times?

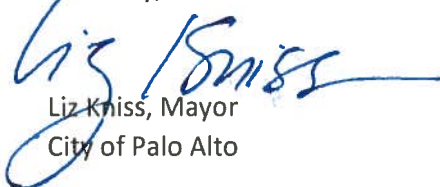
The proposed route, and the associated areas most likely to be used in vectoring flights from ARGGG to final approach, would likely direct aircraft over noise-sensitive areas, several wildlife refuges and water storage areas, historic areas, and minority and low-income populations. We draw your attention to the specific obligations of the FAA to consider impacts over such areas even if the agency believes that it has adequate legal justification to use a CatEx. See FAA Order 1050.1F § 5-3 in particular. What has the FAA done to study the environmental impacts of PIRAT flights, including the increased volume of these flights and their required vectoring, over these sensitive areas?

Finally, we urge the FAA to creatively partner with airports in the San Francisco Bay Area Metroplex to leverage new technologies to develop improved procedures as part of its Next-Gen journey. Leveraging SFO's Ground-Based Augmentation System (GBAS) is a key starting point. As you know, SFO is linking two satellite-based approach technologies – Required Navigation Performance (RNP) and a Global Navigation Satellite System (GNSS) Landing System (GLS) to improve from the approach tools invented 85 years ago, but improvements can only be gained by this technology if the FAA is willing to consider procedures that take advantage of it. Did the FAA team approach the SFO GBAS team to discuss how the new procedure could take advantage of GBAS to reduce aircraft impacts on nearby areas? How has the FAA considered SFO's upcoming deployment of new landing options when designing the PIRAT procedure?

Let me be clear that we do not believe that the FAA has adequately disclosed impacts of the PIRAT STAR under its existing orders and policy statements. And, in particular, the manner in which PIRAT STAR has been publicly disclosed violates standard agency practice for enhanced community involvement that has been adopted in the wake of the *Phoenix v. Huerta* decision.

Thank you for your attention to our concerns. We look forward to your response.

Sincerely,



Liz Kniss, Mayor  
City of Palo Alto

cc: [9-AMC-Aerochart@faa.gov](mailto:9-AMC-Aerochart@faa.gov)

[https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/procedures/application/?event=email.contact&details=SFO%20\(%20KSFO\)%20SAN%20FRANCISCO%20INTL,%20SAN%20FRANCISCO,%20CA%20-%20STAR%20PIRAT%20\(RNAV\)%20ONE%20SAN%20FRANCISCO%20CA%20KSFO&procedureName=STAR%20PIRAT%20\(RNAV\)%20ONE%20SAN%20FRANCISCO%20CA%20KSFO&airportCode=SFO&airportName=SAN%20FRANCISCO%20INTL&airportState=CA](https://www.faa.gov/air_traffic/flight_info/aeronav/procedures/application/?event=email.contact&details=SFO%20(%20KSFO)%20SAN%20FRANCISCO%20INTL,%20SAN%20FRANCISCO,%20CA%20-%20STAR%20PIRAT%20(RNAV)%20ONE%20SAN%20FRANCISCO%20CA%20KSFO&procedureName=STAR%20PIRAT%20(RNAV)%20ONE%20SAN%20FRANCISCO%20CA%20KSFO&airportCode=SFO&airportName=SAN%20FRANCISCO%20INTL&airportState=CA)

Mr. Dennis Roberts, FAA Western-Pacific Regional Administrator

Ms. Faviola Garcia, Acting Deputy Regional Administrator

Ms. Kimberly Stover, Director, Air Traffic Operations, FAA Western Services Area, AJTW

Mr. Kevin Stewart, Acting FAA Aeronautical Information Services Manager

FAA Western Services Area Air Traffic Organization Manager

Hon. Dianne Feinstein, U.S. Senate

Hon. Kamala D. Harris, U.S. Senate

Hon. Anna G. Eshoo, U.S. House of Representatives

Palo Alto City Council

James Keene, Palo Alto City Manager

Molly Stump, Palo Alto City Attorney

Mr. Dan Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Ave., SW  
Washington, DC 20091  
Sent via email to [Dan.Elwell@faa.gov](mailto:Dan.Elwell@faa.gov)

**Re: Request for Extension of Comment Period on STAR PIRAT TWO and Comments Regarding STAR PIRAT TWO**

Dear Mr. Elwell,

The City of Palo Alto is writing to express our concerns about the STAR PIRAT TWO procedure proposed for implementation in the northern California airspace. See

[https://www.faa.gov/air\\_traffic/flight\\_info/aeronav/procedures/application/?event=procedure.results&tab=coordination&nasId=SFO#searchResultsTop](https://www.faa.gov/air_traffic/flight_info/aeronav/procedures/application/?event=procedure.results&tab=coordination&nasId=SFO#searchResultsTop).

The City recognizes and appreciates that the proposed STAR PIRAT TWO procedure directs aircraft to fly at higher altitudes over a portion of the Peninsula – a practice we have frequently requested and supported. However, the City remains extremely concerned about other potential impacts of this proposed procedure and that the response to our Freedom Of Information Act (FOIA) request regarding procedure has not been completed. Therefore, we write this letter to request an extension of the comment period for the STAR PIRAT TWO procedure and to express our concerns about the procedure.

**Extension of the Comment Period**

The comment period for the proposal is scheduled to close on March 29, 2019. The City has previously submitted comments on the proposal but was not afforded access to the background documentation supporting the proposal including, for example, environmental analysis that would support implementation. As a result, we submitted, through counsel, a FOIA request dated October 29, 2018, for further documentation (FOIA # 2019-001087WP). The agency responded with an unprecedented request that we pay copying and search fees, even though we are a public agency which is directly affected by the proposal and we have committed to making the requested information available to the public. We agreed to pay the additional fees. We were informed that documentation would be made available by March 29, which coincidentally is the deadline for comments on the proposal.

We have just learned, by email from the Western Service Center to our counsel (see email attached) that the response to our October 29 request has been further delayed *to a date beyond the expiration of the comment period on the STAR PIRAT TWO procedure*.

**By this letter, we request an extension of time to submit comments on the proposal for 60 days, or for 30 days after the FAA has supplied information in response to our FOIA request, whichever is later.**

As you are undoubtedly aware, the time for a judicial challenge to a final agency action is short and the agency's failure to provide even the most basic information to the public about the proposal has already seriously impeded the ability of the City to provide meaningful comments on the proposal. We believe

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that, absent an extension of time, the City would be justified in seeking an extension of the jurisdictional period under 49 U.S.C. 46110. By extending the comment period, the agency would reduce the risk that potential legal challenges would be further delayed.

There is no doubt that the PIRAT procedure has already generated considerable controversy and threatens to create the kind of controversy which led the FAA to announce its intention to prepare an Environmental Assessment for flight track changes in the vicinity of Burbank Hollywood Airport. See [https://www.faa.gov/nextgen/nextgen\\_near\\_you/community\\_involvement/bur/](https://www.faa.gov/nextgen/nextgen_near_you/community_involvement/bur/). The extension of time that we seek is designed to provide the information to the public which will enable decision makers and the public to understand the impacts of the PIRAT procedure and potentially avoid the overwhelming controversy that occurred in Studio City and Sherman Oaks, California.

### **Comments on the PIRAT STAR TWO**

***Ambiguity of Vectoring's Routes, Altitudes, and Impacts*** The STAR PIRAT TWO Procedure ends at the waypoint ARGGG. Based on the limited information provided, once the procedure terminates, aircraft are vectored via Air Traffic Control. The paths, altitudes, and noise impact of vectored aircraft have not been disclosed by the FAA. Based on existing conditions and experience with past procedural changes, we believe the vectoring of aircraft will increase noise impacts in Palo Alto and neighboring peninsula communities. We request the procedure be amended to increase the altitude of planes flying over Palo Alto and neighboring peninsula communities.

***Impacts of Increased Volume*** The STAR PIRAT TWO replaces a tailored approach that was in limited use as only certain airlines were permitted to fly the procedure. By opening the procedure to more airlines and/or by expanding its use beyond SFO arrivals to also include OAK arrivals the volume of air traffic will increase, thereby increasing the noise impacts on Palo Alto and her neighbors. If the noise impacts have been studied, they have not been disclosed. Until the procedure is amended to decrease noise impacts, we request the publication of the procedure be delayed.

***Environmental Impacts*** The proposed route, and the associated areas most likely to be used in vectoring flights from ARGGG to final approach, would likely direct aircraft over noise-sensitive areas, several wildlife refuges and water storage areas, historic areas, and minority and low-income populations. We draw your attention to the specific obligations of the FAA to consider impacts over such areas even if the agency believes that it has adequate legal justification to use a CatEx. See FAA Order 1050.1F § 5-3 in particular. The documentation provided thus far does not address the procedure's environmental impacts. We request the procedure be delayed until these environmental impacts are addressed.

***Inadequate Use of New Technologies*** We urge the FAA to creatively partner with airports in the San Francisco Bay Area Metroplex to leverage new technologies to develop improved procedures as part of its Next-Gen journey. Leveraging SFO's Ground-Based Augmentation System (GBAS) is a key starting point. As you know, SFO is linking two satellite-based approach technologies – Required Navigation Performance (RNP) and a Global Navigation Satellite System (GNSS) Landing System (GLS) – to improve from the approach tools invented 85 years ago, but improvements can only be gained by this technology if the FAA is willing to consider procedures that take advantage of it. The STAR PIRAT TWO is an opportunity to leverage the new technology to create a procedure that decreases noise impacts. We request the FAA to begin working with SFO to integrate the capabilities of the GBAS system with the STAR PIRAT TWO.



### **Inadequate Disclosure of Impacts**

We do not believe the FAA has adequately disclosed impacts of the STAR PIRAT TWO under its existing orders and policy statements. We have been advised that the manner in which STAR PIRAT TWO has been publicly disclosed violates standard agency practice for enhanced community involvement that has been adopted in the wake of the *Phoenix v. Huerta* decision.

Thank you for your attention to this matter.

Sincerely,



Eric Filseth, Mayor  
City of Palo Alto

cc: [Sent via email to 9-AMC-Aerochart@faa.gov](mailto:Sent via email to 9-AMC-Aerochart@faa.gov)

Ms. Teri Bristol, Chief Operating Officer, Air Traffic Organization  
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Hon. Dianne Feinstein, U.S. Senate  
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