

Mr. Dan Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20091
Sent via email to 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.

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/. 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:9-AMC-Aerochart@faa.gov)

Ms. Teri Bristol, Chief Operating Officer, Air Traffic Organization
Ms. Jodi McCarthy, Vice President, Mission Support Services
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
Staff, FAA Air Traffic Organization
Jacob Powers, Air Traffic Organization Western Service Area FOIA office
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
Edward Shikada, Palo Alto City Manager
Molly Stump, Palo Alto City Attorney
Peter J. Kirsch, Kaplan Kirsch Rockwell