



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

May 17, 2019

Acting Administrator Daniel K. Elwell  
U.S. Department of Transportation  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Acting Administrator Elwell:

We are writing to thank you for the recent “NorCal Update April 2019” regarding the Federal Aviation Administration’s (FAA) efforts to address jet noise concerns in Santa Cruz, Santa Clara, San Mateo, and San Francisco counties. As stated by the FAA, the update was compiled at the requests of Congressmembers Jimmy Panetta, Anna Eshoo, and Jackie Speier, whose offices are copied on this letter.

In the portion of the update referring to the BSR Overlay (SERFR Amendment), the FAA notes that a Full Working Group is scheduled to meet June 4–6, 2019 on the topic of a proposed amendment to SERFR STAR. Ahead of that meeting, we appreciate the opportunity to remind you of two important aspects of the NextGen flight path and procedures issue that has divided Santa Cruz County residents for more than four years: (1) Recommendations from the 2016 Congressional Select Committee on South Bay Arrivals (Committee), and (2) Conditions of the County and City of Santa Cruz participation in the Santa Clara-Santa Cruz Community Roundtable.

First, at the request of our Congressional officials, the City and County appointed members to participate in the Committee process, which spanned June to November of 2016. The process resulted in numerous recommendations, including the narrowest vote allowed under the Committee’s rules to recommend that the FAA move the southern approach to SFO back to the historic BSR ground path instead of continuing with the SERFR path implemented by the FAA in 2015 as part of its NextGen procedures.

Acting Administrator Daniel K. Elwell

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Although the Committee was split on that vote 8–4, it later unanimously supported nine conditions that the FAA must meet before returning to BSR, three of which the FAA later determined could not be achieved and the rest of which would be taken into consideration. After the FAA made that determination, then-Los Altos Mayor Gary Waldeck, who cast the deciding vote to move the path, stated in a letter to the FAA that he would not have supported such a move had the FAA not assured him that the criteria were feasible.

Since the Committee completed its work, tensions have continued between residents under BSR and SERFR, which span two Congressional districts and three Santa Cruz County Supervisorial districts. In an effort to address those tensions, our Congressional representatives encouraged local jurisdictions in June of 2018 to join a newly formed Santa Clara-Santa Cruz Community Roundtable (Roundtable) designed to communicate with the FAA on a variety of issues. The Roundtable is managed by the Santa Clara County Cities Association.

The County and City of Santa Cruz agreed by a vote of their governing bodies in September of 2018 and November of 2018, respectively, to join the Roundtable for one year and to evaluate its effectiveness thereafter. Due to the divisive nature of the issue within the County of Santa Cruz, the Board of Supervisors placed conditions on the County's participation, including:

- The County's representative will be the County Administrative Officer (CAO) or his designee from the CAO's Office.
- The Chair of the Board of Supervisors will request that the FAA and Congressional representatives "attend all Roundtable meetings as they represent the federal entities who hold the authority to implement recommendations generated by the Roundtable."
- The County's representative on the Roundtable will work "to relieve the immediate impacts of jet noise for those currently experiencing the impact without moving the noise over another part of the County."

As expressed during the September 18, 2018 Board of Supervisors meeting, during which the vote to join the Roundtable took place, Board members in support of the conditions expressed their belief that sending a neutral third-party representative (CAO) to the Roundtable rather than a Supervisor would better serve our divided County.

Furthermore, supporters of the motion expressed a desire to mitigate impacts for all residents affected by the jet noise rather than to advocate for arbitrarily moving noise from one part of the County to another. It was further acknowledged that the work of the Committee is completed, and that the Roundtable should not be considered by any potential appointee to be a venue for reopening the Committee's recommendations.


With this important history in mind, we thank you for your efforts to reduce impacts of jet noise over our region, and we ask that your work continue to reflect the sense of fairness sought by the participation of the City and County of Santa Cruz in both the Committee and Roundtable processes.

Acting Administrator Daniel K. Elwell

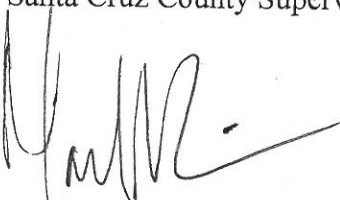
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Sincerely,



Ryan Coonerty  
Santa Cruz County Supervisor, 3<sup>rd</sup> District



Martine Watkins  
Mayor, City of Santa Cruz

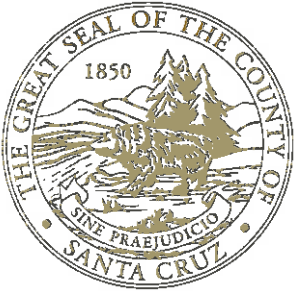


Bruce McPherson  
Santa Cruz County Supervisor, 5<sup>th</sup> District



Cynthia Mathews  
Councilmember, City of Santa Cruz

cc: The Honorable Jimmy Panetta  
The Honorable Anna Eshoo  
The Honorable Jackie Speier  
Western Regional Director Raquel Girvin



# County of Santa Cruz

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FIFTH DISTRICT

November 8, 2018

Mr. Glen Martin  
Vice President, Air Traffic Services  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Mr. Martin,

We were delighted last year to learn of your appointment to Vice President of Air Traffic Services within the Federal Aviation Administration, and we trust you are enjoying your relatively new role and adjusting well to life in the nation's capital.

While some time has past since you served in California as the top FAA representative to the Congressional Select Committee on South Bay Arrivals in your previous role as Regional Administrator for the Western-Pacific Region, please be assured we appreciated the collaborative approach you brought to that assignment.

We are writing to update you on the ongoing issue of ground path and flight procedures affecting Santa Cruz County and actions taken by various jurisdictions related to the establishment of a new organization that would hear community concerns about FAA operations.

As you are likely aware, Congresswoman Anna Eshoo and Congressman Jimmy Panetta, who represent parts of Santa Cruz County in the U.S. House of Representatives, initiated a process in 2017 with the Santa Clara County Cities Association to investigate forming a Santa Clara/Santa Cruz Roundtable fashioned after the 35-year-old San Francisco International (SFO) Roundtable. As you recall, formation of an ongoing discussion venue for those adversely affected by southern arrivals to SFO was a recommendation of the Select Committee.

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November 8, 2018

In June 2018, both counties and all 19 cities contained within were invited to join the Roundtable. To date, 12 have joined (*Capitola, Cupertino, Los Altos Hills, Monte Sereno, Mountain View, Palo Alto, Santa Clara, Saratoga, Sunnyvale, Santa Clara County and Santa Cruz County*); 6 have declined (*Campbell, Gilroy, Los Gatos, Morgan Hill, Watsonville, Scotts Valley*) and 3 are awaiting action (*Milpitas, San Jose and Santa Cruz.*)

The Santa Cruz County Board of Supervisors voted on September 18 to join the new Roundtable with the provision that the Board would appoint its County Administrative Officer (CAO) or his designee to attend meetings. The intention behind appointing high-level staff to the County's seat on the Roundtable was to provide a neutral representative amid what is still a very divided community regarding the location of the primary procedure and ground path for southern arrivals flying over Santa Cruz County into SFO.

As you recall there was a split vote of the Congressional Select Committee to recommend the NextGen SERFR procedure back to the historic BSR ground path. While the vote to move was divisive, the Committee nonetheless voted unanimously on recommending nine conditions be met as part of any possible future change in path from SERFR to BSR.

Because no supervisor on our Board could reasonably be seen by the majority of Santa Cruz County residents as neutral party due to this divisiveness, it is our hope that the appointment of our CAO will lead to fair representation for all our citizens, especially to the extent the Roundtable makes any recommendations to the FAA regarding future flight procedures. Similarly, the County of Santa Clara recently approved a plan to join the Roundtable with the provision that its Board be allowed to appoint a senior staff person as their representative.

While it may prove valuable to have a local venue for communicating with the FAA, it is not our expectation — nor do we believe it should be an expectation of any other Roundtable participant — that any potential recommendations from the Roundtable will necessarily be implemented by the FAA or change how the FAA proceeds regarding any given Select Committee recommendation. Your agency has a tremendous responsibility not only to keep commercial airline passengers and crews safe from liftoff to touch down, but also to be a good partner with local communities affected by jet noise across the United States. It is our hope that whatever actions the FAA takes to adjust existing procedures or deploy new ones, the communities underneath will suffer the lowest feasible impacts.

In closing, we appreciate your efforts to achieve those many aims, as well as the agency's efforts to provide efficient flight paths that reduce fuel use and meet other key goals and objectives of the NextGen program. Thank you for the

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opportunity to update you on the Roundtable developments, and please be in contact with our offices if we can be of any assistance to you in the future.

Sincerely,



BRUCE MCPHERSON, Supervisor  
Fifth District



RYAN COONERTY, Supervisor  
Third District

BAM/RC:jfr

cc:

Office of Congressman Jimmy Panetta  
Office of Congresswoman Anna Eshoo  
Jim Arrighi, The Metroplex Program, Federal Aviation Administration  
Lois Yoshida, Office of the Chief Counsel, Federal Aviation Administration  
Brian Langdon, Office of Government and Industry Affairs, Federal  
Aviation Administration



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July 17, 2018

Congress Member Jimmy Panetta  
100 West Alisal Street  
Salinas, CA 93901

Congress Member Anna Eshoo  
698 Emerson Street  
Palo Alto, CA 94301

**RE: FAA Initiative to Address Noise Concerns of Santa Cruz/Santa Clara/  
San Mateo/San Francisco Counties**

Dear Congress Members Panetta and Eshoo:

First, we want to express our thanks to Congress Member Panetta for meeting with us on July 5 along with Council Member Mathews from the City of Santa Cruz. The discussion was productive regarding ongoing community concerns relative to current and future jet noise impacts to Santa Cruz residents.

To summarize our discussion, we continue to receive significant public input regarding two core issues that could result in moving jet noise from one part of the community to another after the FAA deploys a newly designed BSR flight procedure:

**Community Consensus Does Not Exist:**

As you know, the main goal of the Congressional Select Committee was to reach regional consensus on its recommendations, which they were able to accomplish with 46 out of the 47 recommendations that the committee approved. The Select Committee was clearly divided when they voted to move the SFO South Bay Arrival path from SERFR back to BSR, a vote that barely crossed the threshold for approval by one vote. The four Santa Cruz representatives on the Select Committee were split 2-2 on that vote, which reflects the strong disagreement that continues today among various community advocacy groups especially in Santa Cruz County.

July 17, 2018

RE: FAA Initiative to Address Noise Concerns

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**Required Criteria Cannot Be Met:**

Subsequent to the split vote to move the path back to BSR, one Select Committee Member has stated that he would have not voted for the move if he had known that the FAA could not “incorporate” all nine criteria to be met as a condition of the move, criteria that was approved unanimously by the Select Committee. That Committee member was the deciding vote on moving the path. In a recent email to your office, we outlined the criteria that cannot be met based on information from the FAA. A copy of that email is attached here.

**Requested Actions:**

Our intent in writing this letter is to ensure a transparent public process that will include gathering field data so that when the FAA adjusts the current SERFR procedure and/or puts a newly designed BSR procedure in place, we can all be confident that the resulting noise levels are the least impactful to the affected residential areas below. Otherwise, the residents underneath the path will galvanize tremendous ongoing opposition, which puts this situation back to where it started three years ago. We therefore respectfully request that our Members of Congress advocate for the following actions to be taken by the FAA:

**(1) Fulfill NEPA Requirements:**

The FAA confirmed in their Phase 2 Update that the agency “...complies with the requirements of the National Environmental Policy Act, (“NEPA”). Although not specifically detailed within the NorCal Initiatives, the FAA’s process and standards for evaluating noise impacts associated with potential amendments to currently published procedures—consistent with FAA Order 1050.1F (effective July 16, 2015) - will be followed before implementing any airspace or procedural changes.” *We respectfully request that you ensure the FAA fulfill this obligation by conducting a full environmental assessment of a newly designed BSR procedure and conduct two public scoping sessions prior to embarking on the assessment work.*

**(2) Work toward achieving the least impactful noise to the affected residential areas:**

While forming the Select Committee, Members of Congress stated their main goals were to reach regional consensus and not move the noise. Although the affected residential areas have not been able to agree regarding the SERFR versus BSR flight procedure, it may be possible to provide data that confirms the least impactful flight path by measuring the noise levels before and after flight procedure adjustments are implemented. *We respectfully request that you advocate for the FAA to field measure the noise impacts of the current SERFR flight procedure after the final Class B adjustments are completed this August, then field measure noise levels after deployment of future revisions and/or a new BSR procedure for comparison to the*



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*baseline measurements. We understand that the FAA typically models noise impacts prior to publishing a procedure and rarely field measures impacts after deployment as it is an additional cost. However, we respectfully request that you ask them to do both. Alternatively, we recently learned that the SFO Aircraft Noise Abatement Office (SFOANAO) does field measurement of noise impacts with the FAA's consent and that office would be willing to conduct measurements as needed in this situation to provide baseline and subsequent noise impact data to the FAA and the public. As you may know, the SFOANAO office conducted field measurements in 2015 after the FAA moved the flight procedure from the historic BSR to SERFR. Subsequent noise measurements by the SFOANAO as the FAA makes adjustments to SERFR and/or deploys new procedures would really help all community stakeholders reach a common understanding of the impacts. We respectfully request that you support noise measurement conducted by either the FAA or the SFOANAO.*

Field measuring jet noise levels may be the only mechanism by which we can demonstrate that the final flight procedure(s) are the least impactful to the those affected below and we believe this may be the closest we come to reaching the two goals intended by Members of Congress.

Thank you again for your time and consideration regarding these requests.



BRUCE MCPHERSON  
Fifth District Supervisor

Sincerely,



RYAN COONERTY  
Third District Supervisor

BAM/RC:jfr

cc: Congress Members Jackie Speier, Ro Khanna, Zoe Lofgren  
City Councils- Santa Cruz, Scotts Valley, Capitola and Watsonville  
Clerk of the Board

Attachment:

July 6, 2018 email to Congress Member Jimmy Panetta regarding unmet criteria.

## Gine Johnson

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**From:** Gine Johnson  
**Sent:** Friday, July 6, 2018 2:49 PM  
**To:** 'Jimmy.Panetta@mail.house.gov'; 'Lee, Kathleen'  
**Cc:** Bruce McPherson; Ryan Coonerty; 'Cynthia Mathews'; Rachel Dann; JM Brown  
**Subject:** 9 Criteria per the Select Committee Recommendations

**Importance:** High

Dear Congressman Panetta and Ms. Lee,

Thanks again for your time yesterday.

To the question regarding which of the criteria cannot be incorporated/included in moving the SERFR arrival route back to the BSR ground track as approved by the Select Committee, I reread my file and found that the FAA's *Preliminary Phase 2 Report* published in July 2017 did not explicitly state some of the criteria could not be met. It was only after carefully reviewing the different sections of the preliminary report and consulting notes regarding the FAA representatives' testimony before the Select Committee that we realized several of the criteria could not be met. Subsequently, our office sent an inquiry to the FAA asking for clarification, to which we did not receive a reply. However, the FAA did eventually respond to another letter co-written with Supervisor Coonerty on 12-11-17 confirming that *"...the FAA is willing to consider the 9 criteria...however, the design of the new procedure is ultimately subject to the FAA's design criteria and safety/operational requirements."*

Here is an excerpt from the first Inquiry sent to the FAA regarding its *Preliminary Phase Two Report* which explains our conclusion that several of the criteria could not be met:

- Criterion 4 directs the crossing of the MENLO waypoint at or above 5,000 feet, but the *Phase Two Preliminary Report* states that, "MENLO cannot be published to be greater than 4,000 MSL" (4.d.vi., page 30). Also, MENLO at 5,000 ft. is "Not-feasible" (6.c.viii., page 48). This appears to be an uncorrectable conflict between the stated criterion and the FAA's safety and operational requirements.
- Criterion 2 directs the use of "...flight altitudes at least as high as (and preferably higher) than the historic BSR along its entire route", while Glen Martin (FAA) and Steve May (FAA) repeatedly stated during Select Committee testimony that, due to NextGen Optimum Profile Descent (OPD) requirements, a new arrival over the BSR route would probably be designed with altitudes somewhere between SERFR and the historic BSR altitudes, and Mr. May specifically stated that any new NextGen arrival over the BSR route would have lower altitudes that "look a lot like the (current) SERFR." We extrapolate from this conflicting information that this criterion cannot be met.
- Criterion 6 directs the incorporation of a Class B airspace modification "if needed." As a federal rulemaking change, any modification to SFO class B airspace requires approximately three years to implement, while flight path movement takes 18-24 months. The Class B 'fix' will reduce noise for SERFR and the proposed NexGen BSR arrival routes in identical fashion – both will benefit equally. If Class B corrections are not made before the ground track is changed from SERFR back to BSR, then the result would be the simple movement of unabated Class B conflict-caused jet noise from one community to another, and would violate the intent of this criterion. (Note: This may be a moot point since we understand the FAA will deploy the Class B fixes to SERFR this coming August.)

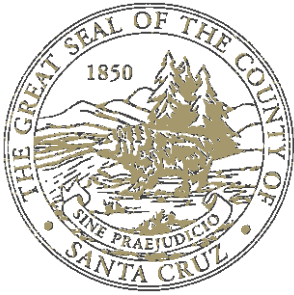
**Criterion 9** directs that the new route "Will be subject to future capacity limitations...". At the 11/17/16 Select Committee meeting, Steve May (FAA) testified he did not know what "future capacity limitations" meant, which implies that this criterion it is unlikely, or at least uncertain, to be met.

Thank you for reading this clarification to our discussion yesterday and, again, thank you for your time.

Best Regards,

Gine Johnson

**Gine Johnson**  
**Office of Fifth District Supervisor Bruce McPherson**  
**County of Santa Cruz**  
**701 Ocean Street, Suite 500**  
**Santa Cruz, CA 95060**  
**(831) 454-2200**



# County of Santa Cruz

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FIFTH DISTRICT

February 28, 2018

Congressmember Anna Eshoo  
241 Cannon Building  
Washington, D.C. 20515

Dear Congressmember Eshoo:

On February 27, 2018, the Santa Cruz City Council took unanimous action in response to the Federal Aviation Administration (FAA) report on Phase Two of the agency's "Initiative to address noise concerns of Santa Cruz/San Mateo/San Francisco Counties" regarding south bay approaches to the San Francisco Airport (SFO).

We concur with the City Council's vote that, among other points, asks the FAA not to move the flight path back to the BSR ("Big Sur") flight path until there is an evaluation of the SERFR 3 path regarding the mitigation of noise impacts. We also agree with the City that a full National Environmental Protection Act (NEPA) review and environmental impact report be done before such a move is considered.

As previously stated in our December 11, 2017 letter (attached) to you and Congressmember Jimmy Panetta, we, along with the City Council, believe that all nine criteria unanimously approved by the tri-county Congressional Select Committee need to be met before consideration is given to moving the flight path back to BSR.

On January 17, 2018, the FAA responded (attached), stating it was willing to consider the nine criteria but that a new path "is ultimately subject to the FAA's design criteria and safety/operational requirements." The FAA also said it would "assess and report any environmental impacts in accordance with NEPA and applicable agency rules."

Our offices have been asked repeatedly for clarity regarding actions and timeframes for upcoming FAA steps to mitigate the jet noise. Most recently, we were told by the Aircraft Noise Abatement Office (ANAO) for SFO that the February 2 move back to BSR was temporary to ensure safety after the FAA caught an error in the SERFR 3 flight procedure. An ANAO official indicated to us that a move back to SERFR would be made soon, but no definite date was given.

In the interim, many conflicting reports have been made in the press, on social media by advocacy groups and self-proclaimed experts. We have learned that the only reliable source of information on this subject is the FAA itself.

The FAA's Phase Two Report describes what actions the Agency has taken, what it doesn't recommend, and what might be "feasible," but there are no firm commitments to take any of the actions other than those the FAA already has taken. Therefore, we cannot confirm the nature of, or the timeframe for, any other actions that the FAA may take, including whether the FAA intends to permanently move the flight path back to BSR.

We are committed to advocate for the FAA to mitigate airplane noise impacts to all of the affected areas of our community. The FAA will make the decision on airplane approaches to SFO, and at this time has left its options open as stated in their response letter to us. We suggest residents impacted today by noise report their concerns to SFO's Aircraft Noise Abatement Manager, Bert Ganoung at (650) 821-5100 or email: <https://www.flysfo.com/community/noise-abatement/file-a-complaint>

We will update the community when we receive credible information from the FAA on their intended actions.

Sincerely,



BRUCE MCPHERSON, Supervisor  
Fifth District



RYAN COONERTY, Supervisor  
Third District

cc: Congressmembers Panetta and Eshoo  
Santa Cruz City Council

Attachments:

- Dec. 11, 2017 Letter to Congressmembers Panetta and Eshoo
- Jan. 17, 2018 Response letter from the FAA
- Feb. 27, 2018 Santa Cruz City Council Actions



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Western-Pacific Region  
Office of the Regional Administrator

15000 Aviation Blvd.  
Los Angeles, CA 90009-2007

**JAN 17 2018**

Supervisor Ryan Coonerty  
Third District  
Supervisor Bruce McPherson  
Fifth District  
County of Santa Cruz Board of Supervisors  
701 Ocean Street, Suite 500  
Santa Cruz, California 95060-4069

Dear Supervisor Coonerty and Supervisor McPherson:

Your December 11, 2017, letter identifies concerns regarding the FAA Initiative to Address Noise Concerns of Santa Cruz/Santa Clara/San Mateo/San Francisco Counties, Update on Phase Two report, dated November 2017 (Phase Two Report). We appreciate Representatives Anna Eshoo's and Jimmy Panetta's gracious invitation and the opportunity to address FAA-specific issues. For consistency, the concerns cited in your December 11, 2017, letter have been duplicated and italicized below. For clarity, emphasis was added to what was determined as the primary statement of each concern.

**Concern #1 "Moving the Noise"**

*"The FAA Phase Two Initiative Update indicates considering a flight path shift from the current SERFR to the former BIG SUR ground track. Separately, the FAA has published a new SERFR 3 arrival (effective February, 2018), which eliminates the previously existing conflict between the SERFR 2 arrival and SFO's Class B airspace. The elimination of this conflict will greatly reduce jet noise, as the conflict has been the single largest contributor to jet noise affecting communities under the SERFR flight path.*

*By the publication of SERFR 3, the FAA has demonstrated that SERFR can be modified in its current location to reduce jet noise to the same extent that any new BIG SUR replacement procedure would be designed, as the Class B conflict affects both procedures equally. For this reason, moving the new SERFR 3 flight path to the BIG SUR track may provide no advantage at reducing jet noise, but instead could serve only to move jet noise from one underlying community to another, a strategy that the Select Committee (SC) unanimously, and you publicly, stated would not endorse." (Emphasis added)*

**FAA's Response to Concern #1:**

To facilitate community involvement within their respective districts, Representatives Eshoo, Speier, and Farr designated 12 locally-elected officials from Santa Cruz, Santa Clara, San Mateo, and San Francisco Counties to serve on the Select Committee. The

FAA was invited and attended several Select Committee sessions to provide technical advice. In December 2016, the FAA received the Select Committee's November 17, 2016, Final Report detailing its recommendations on the Northern California (NorCal) Initiative. By an 8 to 4 vote, the Select Committee's report approved replacing the optimized SERFR2 with a new optimized procedure over the Big Sur (BSR) conventional flight path. (Select Committee's November 17, 2016, Recommendation, 1.2 R1). The three Representatives' December 2, 2016, letter accepted the Select Committee's recommendations and asked the FAA to move forward to implement them as soon as possible (Pg. 1, fourth paragraph). The Select Committee is the proponent for the proposed procedure.

As noted in your above concern, the SERFR 3 Amendment, scheduled for publication in February 2018, is separate from the creation of a new optimized procedure over the BSR conventional flight path. For further information regarding the SERFR 3 Amendment, please refer to Appendix E of the Phase Two Report.

### **Concern #2 "Required Criteria Cannot be Met":**

*"The Select Committee recommended that the SERFR flight path be moved to the BIG SUR track (SC Item 1.2 R1), but by unanimous vote, they included nine specific criteria to be included as conditions to that movement (SC Item 1.2 R2), and there is no language suggesting the criteria are optional. Revelations by the FAA during Select Committee hearings and in the FAA's Phase One and Phase Two documents make it clear that at least three of the nine criteria are not feasible or achievable for safety and operational reasons (e.g., MENLO above 4,000 ft., Not Feasible per Phase One, Item 1.a.i.).*

*If all requisite criteria asked for by the Select Committee cannot be satisfied, the movement of the flight path should not occur. As to do so would seriously undermine the public process and intent of the Select Committee recommendations.*" (Emphasis added)

### **FAA's Response to Concern #2:**

The Phase Two Report categorized the Select Committee recommendations 1.2 R1 and 1.2 R2 as "Feasible And Could Be Implemented In The Long Term." This characterization resulted from the Select Committee's 8 to 4 approval vote (SC 1.2 R1), as well as the FAA's determination that such a procedure was feasible. The Select Committee identified and recommended inclusion of nine criteria in the design of the new procedure. As noted in the Phase 2 report, Appendix C, 1.2 and 1.3, the FAA is willing to consider the 9 criteria. However, the design of the new procedure is ultimately subject to the FAA's design criteria and safety/operational requirements. Further explanation of the design criteria for the creation of an instrument procedure can be found on page 8, paragraph 1 of the Phase Two Report.

### **Concern # 3 "NEPA":**

*"During the Select Committee process, it was stated numerous times that a new ground path would be subject to environmental review and that the public would have every opportunity to have input. In addition, the December 2, 2016, joint press release from*

*your offices (Congressman Farr's office at the time) states that "Prior to the FAA taking any action (referring to a return to the BSR track) it will assess and report any environmental impacts in accordance with the National Environmental Policy Act." This conflicts with what was said at the recent December 2, 2017, meeting, and is confusing to the public. Because of statements and assurances made during the Select Committee process, and statements made by your offices--which we have consistently relayed to our constituents--the public and elected officials have an expectation of environmental review, including a robust public comment period before any changes to the flight path. If the FAA does not intend to conduct a public process under NEPA associated with moving the path back, the affected communities need to understand the justification. Further, the affected communities need to know what their options may be to remedy the situation.*

*We oppose circumventing the NEPA process and ask that you advocate, as stated in your December 2, 2016, press release--that the FAA follow the NEPA process before making any decision to return to the BSR path and if a different process is proposed that the FAA provide a justification for their proposed process.* (Emphasis added)

### **FAA's Response to Concern #3 "NEPA":**

Consistent with the above quoted statement from the three Representatives' November 17, 2017, joint press release, before it takes any action, the FAA will assess and report any environmental impacts in accordance with the National Environmental Policy Act and applicable agency rules. Further, the FAA's November 2017 Update to Phase Two report contains **two** references to the FAA's NEPA analysis and the FAA's enhanced community outreach efforts. The FAA's NEPA and outreach efforts can be found on pages 5 (paragraph 4) and 8 (paragraph 1) of the Phase Two Report.

### **Concern #4 "Community Consensus":**

*"As noted in prior correspondence, the April 18, 2016, letter from members of Congress to the Select Committee appointees outlined "the mission" of the Select Committee, which "... was to review the FAA proposals deemed feasible and make final consensus based recommendations." That letter further assured the Select Committee members that "steps will not be taken to implement these changes without regional consensus." As you know, out of the 47 recommendations voted on by the Select Committee, all but 3 were approved unanimously. Of those 3, the most divisive vote (8 to 4, with 8 being the minimum for passage) was on Select Committee Item 1.2 R1, moving the path back to the BIG SUR ground path. Santa Cruz County's committee delegates split 2-2. There exists a petition objecting to the proposed flight path move which has been signed by 2,624 community members. Also, the Valley Women's Club, the Santa Cruz City Council, the San Lorenzo Valley Chamber of Commerce, and several advocacy groups (Quiet Skies Santa Cruz, Sky Posse Palo Alto, Quiet Skies Mid-Pen, and San Lorenzo Valley Advocates) have taken positions opposing the move. Thus, there is ample evidence indicating that your constituents are divided on the issue of flight path movement." (Emphasis added)*



**FAA's Response to Concern #4:**

As noted above, the Select Committee was formed by the three Representatives' appointment of 12 locally-elected officials from Santa Cruz, Santa Clara, San Mateo, and San Francisco Counties to represent the interests of the region. The FAA understands that an 8 to 4 vote on Select Committee recommendation 1.2 R1 is not unanimous. However, as stated in the concern, 8 votes approving the recommendation are the minimum required for passage. Upon receipt of invitations, the FAA attended three separate Member-hosted community sessions, as well as ten working meetings that were open to the public. The FAA appreciates the support and leadership of the Select Committee discussions. The FAA's Phase Two efforts reflects our commitment to address communities' concerns while undertaking the FAA's continuing mission—to provide the safest, most efficient aerospace system in the world.

As noted in the FAA's response to "Concern #1," the Representatives' December 2, 2016, letter accepted the Select Committee's recommendations and asked the FAA to move forward to implement them as soon as possible (Pg. 1, fourth paragraph). The Select Committee is the proponent for the proposed procedure.

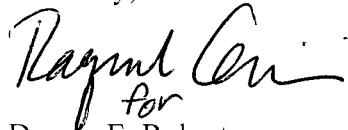
In response to your constituents' BSR overlay concerns, consistent with applicable laws, regulations and orders, the FAA will analyze, consider and prepare an environmental document for a proposed optimized arrival into SFO. Further, even though not legally required, the FAA will also undertake its enhanced community outreach efforts, as appropriate.

**Conclusion:**

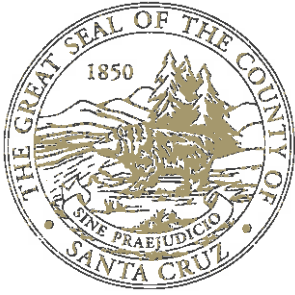
In closing, this communication does not constitute either a final decision of the FAA or a reopening of the FAA's August 7, 2014, final decision for the Northern California (NorCal) Optimization of Airspace and Procedures in the Metroplex (OAPM).

We appreciate you taking the time, as well as Representatives Anna Eshoo's and Jimmy Panetta's gracious invitation and the opportunity to address your FAA-specific issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis E. Roberts", with the word "for" written in smaller letters below the signature.

Dennis E. Roberts  
Regional Administrator



# County of Santa Cruz

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December 11, 2017

Congressmember Anna Eshoo  
698 Emerson Street  
Palo Alto, CA 94301

Congressmember Jimmy Panetta  
100 West Alisal Street  
Salinas, CA 93901

**RE: FAA Initiative to Address Concerns of Santa Cruz/San Mateo/  
San Francisco Counties Update on Phase Two**

Dear Congressmembers Eshoo and Panetta:

We want to express our appreciation for the resources and hard work that went into the Phase Two Update recently released by the FAA. As you are aware, we wrote separate letters to FAA Regional Administrator Dennis Roberts in mid-August after the release of the first Phase Two Report. In the letters we expressed numerous concerns and questions, many of which were answered in the updated report. We also appreciate that many of the recommendations made by the Select Committee have been analyzed for feasibility and have been addressed or/are in the process of implementation.

However, we continue to have four major concerns on behalf of the nearly 120,000 residents we collectively represent:

**Moving the Noise:**

The FAA Phase Two Initiative Update indicates considering a flight path shift from the current SERFR to the former BIG SUR ground track. Separately, the FAA has published a new SERFR 3 arrival (effective February, 2018), which eliminates the previously existing conflict between the SERFR 2 arrival and SFO's Class B airspace. The elimination of this conflict will greatly reduce jet noise, as the conflict has been the

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single largest contributor to jet noise affecting communities under the SERFR flight path.

By the publication of SERFR 3, the FAA has demonstrated that SERFR can be modified in its current location to reduce jet noise to the same extent that any new BIG SUR replacement procedure would be designed, as the Class B conflict affects both procedures equally. For this reason, moving the new SERFR 3 flight path to the BIG SUR track may provide no advantage at reducing jet noise, but instead could serve only to move jet noise from one underlying community to another, a strategy that the Select Committee unanimously, and you publicly, stated would not endorse.

### **Required Criteria Cannot be Met:**

The Select Committee recommended that the SERFR flight path be moved to the BIG SUR track (SC Item 1.2 R1), but by unanimous vote, they included nine specific criteria to be included as conditions to that movement (SC Item 1.2 R2), and there is no language suggesting the criteria are optional. Revelations by the FAA during Select Committee hearings and in the FAA's Phase One and Phase Two documents make it clear that at least three of the nine criteria are not feasible or achievable for safety and operational reasons (e.g., MENLO above 4,000 ft., Not Feasible per Phase One, Item 1.a.i.).

If all requisite criteria asked for by the Select Committee cannot be satisfied, the movement of the flight path should not occur. As to do so would seriously undermine the public process and intent of the Select Committee recommendations.

### **NEPA:**

During the Select Committee process, it was stated numerous times that a new ground path would be subject to environmental review and that the public would have every opportunity to have input. In addition, the December 2, 2016, joint press release from your offices (Congressman Farr's office at the time) states that "Prior to the FAA taking any action (referring to a return to the BSR track) it will assess and report any environmental impacts in accordance with the National Environmental Policy Act." This conflicts with what was said at the recent December 2, 2017, meeting, and is confusing to the public. Because of statements and assurances made during the Select Committee process, and statements made by your offices--which we have consistently relayed to our constituents--the public and elected officials have an expectation of environmental review, including a robust public comment period before any changes to the flight path. If the FAA does not intend to conduct a public process under NEPA

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associated with moving the path back, the affected communities need to understand the justification. Further, the affected communities need to know what their options may be to remedy the situation. We oppose circumventing the NEPA process and ask that you advocate, as stated in your December 2, 2016, press release--that the FAA follow the NEPA process before making any decision to return to the BSR path and if a different process is proposed that the FAA provide a justification for their proposed process.

**Community Consensus Does Not Exist:**

As noted in prior correspondence, the April 18, 2016, letter from members of Congress to the Select Committee appointees outlined "the mission" of the Select Committee, which "...was to review the FAA proposals deemed feasible and make final consensus-based recommendations." That letter further assured the Select Committee members that "steps will not be taken to implement these changes without regional consensus." As you know, out of the 47 recommendations voted on by the Select Committee, all but 3 were approved unanimously. Of those 3, the most divisive vote (8 to 4, with 8 being the minimum for passage) was on Select Committee Item 1.2 R1, moving the path back to the BIG SUR ground path. Santa Cruz County's committee delegates split 2-2. There exists a petition objecting to the proposed flight path move which has been signed by 2,624 community members. Also, the Valley Women's Club, the Santa Cruz City Council, the San Lorenzo Valley Chamber of Commerce, and several advocacy groups (Quiet Skies Santa Cruz, Sky Posse Palo Alto, Quiet Skies Mid-Pen, and San Lorenzo Valley Advocates) have taken positions opposing the move. Thus, there is ample evidence indicating that your constituents are divided on the issue of flight path movement.

For these and other reasons we ask that any further consideration of moving the SERFR 3 arrival to the BIG SUR track be delayed until SERFR 3 can be implemented in place, and then flown and assessed, to see if it serves to cure the jet noise issues for underlying communities. In this way we might avoid the very undesirable outcome of enraging an entirely new group of community members by simply moving the jet noise from one community to another.

Thank you in advance for responding to our concerns and providing clarity regarding your position on each moving forward. We remain hopeful that we can reach a solution that will be acceptable to everyone within the affected communities.

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Page 4

Sincerely,



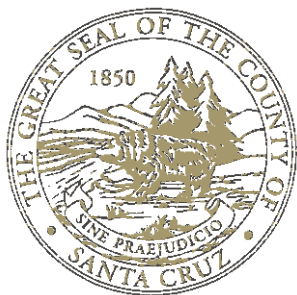
BRUCE MCPHERSON, Supervisor  
Fifth District Supervisor



RYAN COONERTY, Supervisor  
Third District Supervisor

BMP/RC:lg

cc: Congressmember Jackie Speier  
Santa Cruz City Council



# County of Santa Cruz

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August 16, 2017

Dennis Roberts, Regional Administrator  
FAA Western-Pacific Region  
P.O. Box 92007  
Los Angeles, CA 90003

**RE: FAA Initiative to Address Concerns of Santa Cruz/San Mateo/San Francisco Counties Phase Two Report**

Dear Administrator Roberts,

I want to express my appreciation for the resources and hard work that went into the Phase Two Report compiled by FAA staff. I hope that we can reach a solution which will be acceptable to all concerned. I appreciate that many of the recommendations made by the Select Committee have been addressed or are in the process of implementation. I am expressly appreciative of the timelines included under each element of the report and the explanation of the process under which each must be scrutinized. Thank you for the hard work. I am concerned, however, that certain points in the Phase Two document may conflict with the Phase One document, the Select Committee Report, and FAA testimony as they pertain to the SERFR and BSR issue.

Below I have listed key sections of the Select Committee's Recommendations and request clarification on several responses in the Phase Two Report:

**1.1 - SFO Class B Amendment Select Committee Recommendation:**

- **Timeline for implementation:** On page 19 of the Phase Two Report, it is noted that the FAA "just finished informal public meetings." Going back to page 8, the fifth step in the process seems to be this step that was just completed. If so, please confirm that the FAA still needs to complete all the remaining steps outlined on page 9 with an anticipated timeline of 632 days.

- Effect on new BSR ground path implementation: Assuming 632 days is the correct timeline for changing the SFO Class B airspace, will these amendments be implemented prior to implementing 1.2 Recommendation 1, transitioning the SERFR arrival route back to the BSR ground track?
- Prioritize Class B Changes: If the FAA were able to prioritize implementing Class B Amendments, would the changes provide the same level of relief to those currently suffering under SERFR as those who will be under the new BSR track? If the answer is yes, can implementing these changes be prioritized and implemented before the BSR track is implemented so that those under SERFR might get relief sooner rather than later?
- Impacts on residents under the new BSR path: If the Class B changes cannot be made any earlier than the articulated timeline of 632 days, what noise impacts will residents under the new BSR ground track expect to experience, assuming the route moves before the Class B amendments are implemented? Will these impacts be addressed during environmental review of the procedure moving back to the BSR ground path? If not, how will these impacts be monitored and addressed given the overarching goal to not just move the noise?
- If Class B corrections are not made before the ground track is changed from SERFR to BSR, will the result be movement of unabated Class B jet noise from one community to another?

**1.2- Recommendation 1- Transition the SERFR Route Back to the BSR Track:**

- Timeline for implementation: On page 2 of the Phase Two Report, the implementation status of this recommendation is noted. Going back to page 10, it appears that the recommendation is undergoing "Performance Based Navigation processing", which lists a timeline of one year for implementing the new route. Is this accurate? Also, please confirm that an environmental review under NEPA will be conducted prior to the flight path change and that all public input will be addressed. Lastly, under NEPA, how does mitigation noise get addressed for new flight procedures?

**1.2- Recommendation 2- Criteria for designing the new BSR ground track:**

The Select Committee clearly intended for Recommendation 1 to be subject to the criteria listed under 1.2 Recommendation 2. This point was emphasized by many of the eight SC members who voted for moving the path. "Not moving the

noise” was also an essential goal given to the Select Committee by the Members of Congress. Subsequent to the Select Committee’s Report, the criteria under 1.2 R2 has been touted repeatedly by Select Committee members as well as advocacy groups with the claim that the criteria guarantees the SERFR noise will not be moved when the path moves back to the BSR ground track. I am concerned that the criteria cannot be met based on the contents of the Phase Two Report and testimony given by FAA staff during the Select Committee Process as follows:

- On page 47 of the Phase Two Report, the FAA notes that it is not feasible to increase the altitude of flights over the MENLO waypoint, which is criterion #4 listed under 1.2 R2.
- On page 50 of the Phase Two Report, there is an acknowledgment that “capacity limitations” are not an FAA action, even though capacity limits are mentioned under criterion #9. FAA staff responded to questions during the Select Committee hearings regarding capacity limitations, to which they replied they were unaware of any consideration of current or future limitations.
- During the Select Committee hearings, FAA staff (Glen Martin and Steve May) repeatedly testified that due to NextGen Optimum Profile Descent (OPD) requirements, a new arrival over the BSR route would probably be designed with altitudes somewhere between SERFR and the historic BSR altitudes, altitudes that would look a lot like the current SERFR. This is in direct conflict with criterion #2 that directs the use of “... flight altitudes at least as high (and preferably higher) than the historic BSR along its entire route.”

In summary, it appears that at least three of the nine criteria listed under 1.2 R2 cannot be met, which causes a great deal of concern. Notwithstanding the validity of the FAA’s inability to incorporate all nine criteria as recommended, the fact that all nine of the criteria cannot be met may have altered the Select Committee’s vote to move the path back to BSR. Please provide clear and unambiguous answers to the following questions:

- Although the criterion have been listed as “feasible” in the Phase Two Report, that is clearly at odds with other information in the report and with some of the testimony given by FAA staff. Please specify which of the criteria can be realistically incorporated into the new BSR ground path design.



- What is the timeline for the FAA to determine true feasibility of each criterion and if one cannot be met, how does the community get informed regarding the reasons and the potential impacts for that criterion not being met?
- Is a new BSR overlay flight path feasible with all nine criteria as recommended by the Select Committee?

### 1.2- Recommendation 3:

The Select Committee intended for this recommendation to provide a measure of accountability regarding noise exposure and other adverse impacts that may be caused by moving to the new BSR procedure. On page 50 of the Phase Two Report, the Ad-Hoc Committee described in 3.1, Recommendations 1 and 2, are “not an FAA action.” Therefore, 1.3, Recommendation 3 cannot be implemented, even though in the Phase Two Report, page 33, this recommendation is listed as “under evaluation” and “awaiting design and publication of BSR RVAN Overlay.” Please clarify what actions and results that members of the public can expect from the FAA for addressing noise exposure and other adverse impacts that may be caused by moving to the new BSR procedure.

In her April 4, 2016 letter announcing the creation of the Select Committee, Congresswoman Anna Eshoo wrote, “This is a regional problem that calls for a regional solution. Simply shifting noise from one community to another is not an option.” In the April 18, 2016 letter from Members of Congress to the Select Committee appointees, the “mission” of the Select Committee “...was to review the FAA proposals deemed feasible and make final consensus-based recommendations.” That letter further assured the SC members that “steps will not be taken to implement these changes without regional consensus.” As you know, out of the 47 recommendations voted on by the Select Committee, all but 3 were approved unanimously. Of those 3, the most divisive vote (8 to 4) was on 1.2 Recommendation 1, moving the path back to the BSR ground path. I appreciate the FAA acknowledging this on page 4 of the Phase Two Report *because the affected communities are not in agreement.* Although the Select Committee Report does represent consensus on 98% of the recommendations, the fact remains that the affected communities in Santa Cruz County are not in agreement and there is a great deal of fear regarding “shifting the noise.”

As I review the “underlying principles” outlined on page 3 of the Select Committee Report, I am reminded that the members sincerely believed in these

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principles and voted accordingly. They believed that recommending the criteria to be met before the path was to be moved back to BSR would ensure that another part of the Santa Cruz community would not be adversely affected. The Phase Two Report positively addresses many of the issues relative to implementation of NEXTGen, but the potential of moving the noise has not been adequately addressed.

If the criteria cannot be met, at what point in advance of design and implementation will the FAA determine the feasibility of the recommendation and will the FAA conduct outreach to stakeholder communities?

Thank you in advance for providing clarity regarding my questions and concerns.

Sincerely,



BRUCE MCPHERSON, Supervisor  
Fifth District

BMP:jfr

CC: Administrator Michael Huerta  
Congressmember Anna Eshoo  
Congressmember Jimmy Panetta



# County of Santa Cruz

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August 14, 2017

Dennis Roberts, Regional Administrator  
FAA Western-Pacific Region  
P.O. Box 92007  
Los Angeles, CA 90009

Dear Administrator Roberts,

As you are aware, your agency is in the midst of designing a new flight path over parts of Santa Cruz County in California for flights heading into San Francisco International Airport (SFO). Shortly after the FAA implemented the NextGen flight modernization program in our area, impacts from flights overhead became unbearable for many residents in our mid-County region. In response, our Members of Congress asked that the FAA set up a regional committee to address these impacts.

After many months of meetings of the Select Committee on South Bay Arrivals (Committee), made up of local elected officials and staffed by your agency, the Committee, on a split vote, voted to move the current flight path back to where the flight path had traditionally been for many years, which is located in my district. I opposed moving the flight path back to my district and advocated that mitigations proposed to reduce impacts over a new flight path should be implemented with the current flight path before any move in order to ensure that the impacts of a new flight path/descent procedure were indeed mitigated.

Though eight of the 12 members of the Committee voted to move the flight path, Committee members did so while making assurances to those living under the old flight path that any impacts would be mitigated. The Committee wanted to make sure that moving the new flight path would not impact the residents below in the same manner that the current flight path has been impacting residents. In order to ensure that moving the flight path would not just move the noise to another location in our County, the Committee approved a list of criteria that the FAA should use in designing the new path. The criteria was thoughtfully drafted to ensure that residents below the newly designed flight path would not suffer the same impacts as those living under the current flight path.

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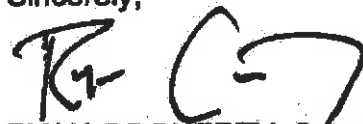
This criteria was supported and praised by our two Members of Congress representing Santa Cruz County, who emphasized that they did not want the impacts of flight noise shifted from one part of the County to another.

I am writing to you to express my serious concerns that this criteria was not included in the recently released report from your agency outlining the progress for designing the new path. The criteria was included with the Committee's recommendation not only to provide guidance to the FAA staff designing the new flight path but to reassure my constituents that they would not have to endure the impacts experienced by those under the current flight path. In fact, the criteria approved by the Committee was used as the primary justification- by Committee members, residents under the current path, and our Members of Congress- for moving the flight path back to its former path, arguing that with this criteria, there would be no impacts from the new flight path.

I have already received several emails and calls from worried residents asking why the criteria was not included in the report and expressing that they do not want to endure noisy, breaking, lower-altitude flights over their neighborhoods. I ask that your staff utilize the criteria approved by the Committee and supported by our Members of Congress in designing the new path and to include the criteria in any future progress reports on the status of the new flight path. I would also like confirmation that there will be an environmental review and process under NEPA before any flight path change becomes permanent.

I understand that this process has been taxing for your agency and I would like to express my gratitude to you and your staff for working with the public and listening to concerns as this issue is worked out.

Sincerely,



RYAN COONERTY, Supervisor  
Third District

RC:jfr

CC:

[Glen.Martin@faa.gov](mailto:Glen.Martin@faa.gov)

[Steve.Karnes@faa.gov](mailto:Steve.Karnes@faa.gov)

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Congressmember Anna Eshoo

Congressmember Jimmy Panetta

Santa Clara County Supervisor Joe Simitian

Mayor Cynthia Chase

Santa Cruz City Council

Rural Bonny Doon Association (RBDA)

Santa Cruz Neighbors

Davenport North Coast Association