



# NEIGHBORHOOD NOISE

CITIZENS AGAINST AIRPORT POLLUTION, P. O. BOX 26142, SAN JOSE, CA 95159 (408) 380-5806 OCTOBER 2000

## Newly Annoyed by Noise?

### Expansion Updates:

**“TERMINAL AGGRAVATION”**, an article published in USA TODAY, on 9/12/00, reported some 14 major airports are bursting at the seams and plan major expansions. Hartsfield Atlanta International, the nation’s busiest airport, handles nearly 80 million passengers yearly and plans a new terminal and fifth runway. Chicago’s O’Hare Airport handles 73 million passengers yearly, has the nation’s second worst delay problems, and proposes two more terminals, many new gates, more parking, etc. The listing is replete with wish lists of gate expansions, more parking, more terminals, and more runways with little evidenced concerns about air pollution, noise increases, de-icing runoff into water systems or the impacts of meager fuel stores and supplies.

Fortunately, CAAP is involved with organizations across the USA and internationally, working together to speak for beleaguered citizens in the continuing battle against more noise, more air pollution, more traffic gridlock and a rapidly declining urban quality of life. We need your help to continue to speak out, raise questions, monitor promises made and demand accountability. We solicit your input, your advice and your contributions. Please use the enclosed envelope to help maintain and continue our volunteer efforts to preserve and protect our quality of life!

What’s changed? What’s going on? CAAP has received increasingly frequent calls inquiring about night pattern changes and increased noise over particular neighborhoods. Are these changes the results of expansion projects at San Jose International or San Francisco International? First, register your **COMPLAINT** with the **Noise Complaint Line at 408-452-0707**. Second, for information regarding your particular area, persist and contact:

Gary Stowell, Noise Abatement Manager, San Jose Int’l. Airport  
408-501-7796, fax 408-573-1675,  
1732 N. 1st Street, San Jose, CA.  
95112-4538.

John Pfeiffer, FAA Regional Director, 650-876-2778, 831 Mitten Rd., Ste. #210, Burlingame, CA. 94010.

Airport Noise Advisory Committee (ANAC) meets quarterly, 3rd Monday of middle month of the quarter, Chairman: Ron Blake.

Airport Commission meets monthly, first Monday of month, except October 11, 2000. Chairman: Brooks Mancini.

Curfew Monitoring Committee meets quarterly, next meeting is on 10/23/00 at 4 PM, 1732 N. First Street, Suite 600, San Jose, CA., Chairman: Ken Yeager.

### NEW way to reach CAAP!

Phone/fax number:  
**408-380-5806**

E-mail:  
**info@caap.org**

### YEAGER for District 6

CAAP endorses Ken Yeager for San Jose City Council. After a long debate and careful review of the candidates’ records, the CAAP Steering Committee has voted to endorse Ken Yeager for District 6. Ken’s work on airport issues over the past decade and his current leadership of the Airport Curfew Monitoring Committee have demonstrated real commitment. Ken’s actual work on these airport issues convinced the board that he was the best candidate to endorse. In addition, his opposition to the CalTrain maintenance facility near Lenzen Avenue led him to urge a strict curfew to the City Council, to help assure quieter neighborhoods.

Ken has not always agreed with CAAP on every issue related to the airport but has worked with CAAP openly and honestly. He has listened carefully to our perspective and put his efforts behind making San Jose a better city for all of us. His kind of direct and honest leadership is necessary in a committed Council member. Given that the next four years will be crucial to the quality of life in our neighborhoods, it is important that the city council

have mature and experienced voices like Ken Yeager's. We need someone with his integrity representing us. **Please vote for Ken Yeager in the November 7 election!**



### **Update on the Lawsuit Between the City of San Jose and Larry Ellison:**

The lawsuit challenging the Airport Curfew is moving closer to a resolution at the trial level. The case is Wings & a Prayer, Inc. vs. the City of San Jose. Wings and a Prayer, Inc. is the corporation that owns and operates the Gulfstream V jet aircraft that Larry Ellison uses for his personal jet.

An agreement was reached between the litigants that postponed a trial on the case from October 30, 2000 to November 27, 2000. The court file reflects that the parties needed more time to complete discovery in the case, including depositions of out of state witnesses.

The court file reveals that Larry Ellison allegedly violated the airport curfew on numerous documented occasions. Wings & a Prayer, Inc. was notified by the City of these violations in writing in February, 1999. The violations continued according to the City of San Jose. In March, 1999, the City wrote the defendants that continued violations of the airport curfew would not be tolerated. Subsequently, Ellison filed suit challenging the enforceability of the curfew. According to the City of San Jose, Ellison also made statements to the press that he would not abide by the airport curfew. The City of San Jose then sued Ellison, alleging a violation of the curfew, a breach of contract, and deceptive business practices. The City of San Jose is seeking a preliminary injunction forcing Larry Ellison and

the other defendants to abide by the Airport Noise Control Program, commonly known as the "curfew". In fact, Defendant Wings & a Prayer already signed a lease with the San Jose Jet Center agreeing to "comply with the applicable provisions of the ground lease and with all rules, regulations, and resolutions and ordinances enacted by The City of San Jose." The language clearly refers to Article (5) of the ground lease between the City of San Jose, and the San Jose Jet Center which provides "tenant shall adhere and abide by all the terms of the noise control program adopted by Resolution No. 57211 on February 7, 1984. It seems that Wings & a Prayer does not wish to honor its prior lease commitments with the Jet Center.

Ultimately it is believed that the trial on the preliminary injunctions now scheduled for November 27, 2000, at the Federal Courthouse in San Jose, will only be the beginning of a long legal process. The loser of that hearing will likely pursue the matter through a full trial and into the Appellate Courts. In the meantime, we will do our best to keep you posted. If you wish to attend the next court hearing now scheduled for November 27, 2000, we believe it will be in the court room of Jeremy Fogel. The case number is U.S.D.C. C-0020018 JF PUT.

While the judge or court room may change, the location of the trial will be at the Federal Courthouse in downtown San Jose.

#### **PLEASE HELP!**

CAAP's postage bill is steep and we'd appreciate it if you would notify us if you are receiving a duplicate newsletter, need to make an address correction, or want your name removed from our roster. Please call us at 380-5806 or email us at [info@caap.org](mailto:info@caap.org) with corrections.

#### **A BUMMER:**

The June 2000 noise report revealed a record 108 curfew intrusions, of which 21 were in non-compliance. The report dumped on the FAA, reported as claiming June was the worst month for delays since the early 1990's. Several GulfStream V jets were in non-compliance. Was one Larry Ellison's? American Airlines was top intruder with 29, followed by United with 22. As usual, most errant nights are under investigation by City staff. An alternate caveat - a letter was sent to the errant aircraft operator regarding the airport's noise control program. Was this better than a handslap or (God forbid) a penalty?

### **Regional Airport Plan**

Years ago San Francisco airport authorities decided to build a new International Terminal, giving assurances that new runways were neither planned for nor needed. The new airport director now declares that airport delays are intolerable and that new runways are absolutely necessary.

Unfortunately the new proposal involves filling the Bay with 1100 or 1300 acres of landfill. Where the landfill would come from as well as air pollution and transportation commotion problems have yet to be addressed. State Senators Midgen and Burton have crafted legislation allowing for salt pond restoration to exchange for Bay fill, thereby avoiding requirements of an extensive Environmental Impact Review (EIR). San Francisco Mayor Willie Brown has given the Bay fill runway proposal his highest priority, assigning some

25 staffers to work on the plan.

The Sierra Club notes, "This expensive and ill-conceived plan will devastate habitat for endangered salmon and herring, cause massive silt build-up and water pollution, and destroy boating, fishing and other recreational opportunities. Increased air traffic will add to noise pollution and further congested freeway traffic, and less healthy air in the region." The Regional Airport Committee (part of Metropolitan Transportation Committee), has approved a Regional Airport System Plan. This woefully inadequate document is hardly a plan. Comple-

tely missing is any proposal for development of a 4th major airport, development of enhanced ground transportation, planning for a high speed train from the Bay Area to Los Angeles, or concerns about airplane noise or pollution impacts on people. There is serious doubt that new runways would solve San Francisco International's delay problems. There is no study of air-space capacity in the Bay Area, where major airports are so close together. It is generally agreed that San Jose International Airport can not grow beyond the recently adopted master plan buildout. The acreage (1000) is just too small.

Seattle-Tacoma Airport also wants a new runway to be built on wetlands. They plan 100 acres of mitigation and the building of artificial wetlands. The Army Corps of Engineers is openly skeptical of the plan, its workability and the deficiencies in the project report. The Airport Communities Coalition, a citizens group, has asked the courts to stop Sea-Tac construction until the FAA has completed formal "consultations" with federal fish and wildlife agencies, because of endangered birds and fish life.

**- REMEMBER -  
VOTE ON NOVEMBER 7!**

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### CAAP's Steering Committee:

Dr. Kenneth Hayes, M. D.	Chair	jghayes7@aol.com
Dr. Walter Bowman, M. D.	Co-Chair	walidoc@aol.com
Robert Harmssen	Co-Vice Chair	
Lenora Porcella	Co-Vice Chair	lenora@computvl.com
Lilian Dennis	Secretary	
Sharen Dains	Treasurer	sharenhelen@aol.com
Lyle Johnson	Santa Clara Advisor	



### Task Force Members:

Sandy Bauer	Web Mistress	webmistress@caap.org
Carrie Moley	Newsletter Advisor	

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## YES! I want to flight Airport Pollution!

Please apply the enclosed donation \_\_\_\_\_ \$1,000 \_\_\_\_\_ \$500  
 toward the **Neighborhood Defense Fund\***: \_\_\_\_\_ \$ 750 \_\_\_\_\_ \$250  
 \_\_\_\_\_ Other \_\_\_\_\_ I pledge a monthly donation of \$ \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_

\_\_\_\_\_ I have also included my annual support of \$35.00

\* CAAP is required by law to disclose the occupation and employer of those who contribute more than \$99.

P.O. Box 26142, San Jose, CA 95159 (408) 380-5806

Check our our website at: <http://www.caap.org>





**CAAP**

P.O. Box 26142  
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**New Phone!**  
**408-380-5806**

**ADDRESS CORRECTION REQUESTED**