



# NEIGHBORHOOD NOISE

CITIZENS AGAINST AIRPORT POLLUTION, P.O. BOX 26142, SAN JOSE, CA 95159 (408) 297-9753 JUNE 2000

## FAA Shocks San Jose!

The Federal Aviation Administration sent shock waves through our community when it was learned that they were proposing to reroute over 600 arriving planes a day over central San Jose in order to improve on-time performance at SFO. Although it is estimated that adverse weather affects flights 7% of the time at SFO, the rerouting would affect 100% of the flights.

The FAA's Environmental Assessment Draft Report stated that the proposed action would have a "less than significant" impact on noise.

Leading the charge against this disastrous plan is Mayor Ron Gonzales. He held a news conference in the Rose Garden on April 26 to denounce the plan and called upon residents to attend an FAA public hearing on May 2.

Ken Yeager, a CAAP member and president of the Rose Garden Neighborhood Preservation Association, spoke at the meeting and voiced the neighborhood's strong opposition to the proposal. He said that the additional noise and pollution that would come from approximately 600 arrivals per day, 365 days a year, would substantially decrease the quality of life for thousands of people.

"And for what?" he asked. "So a few commercial airlines can make greater profits due to a small improvement in their on-time performance into San Francisco? I'm sorry but that's not good enough of a reason to destroy our neighborhoods."

He said that three issues in particular need to be studied:

- The first is the overall noise impact in our neighborhood from having an additional 600 flights flying over our heads.
- The second is the impact during the curfew hours. The present curfew of 11:30 p.m. to 6:30 a.m. is often violated. With aircraft landing 24 hours a day into SFO, there will be no reprieve from aircraft noise whatsoever.
- The third is the impact of the new flight paths crisscrossing over those departing from San Jose Airport, thereby increasing the odds of a mid-air collision over our schools, parks, and homes.

Ken concluded by saying that because the proposed rerouting brings such minimal benefit to SFO airport, the impact and potential risks are enough to reject the plan.

Already there are signals that the protests have had an impact. The FAA has voiced a willingness to talk with city officials about the proposal. Oppose the action by writing to Administrator Jane Garvey, Federal Aviation Administration, 800 Independence Ave. S.W., Washington, D.C. 20591.

## Airport Curfew Monitoring Committee Update

Small steps continue to be made in getting commercial airlines to obey

San Jose's noise control program. One such step involved stopping commercial airliners that take off before 6:30 a.m. These curfew violations have caused great frustration to committee members because it seemed they were the easiest to resolve. To wit: It's either 6:30 or it's not; and if it is, then you can't take off.

On May 15, aviation staff reported that they now communicate directly with the pilots of the early morning flights and remind them of the curfew. In the past, staff relied on the tower or the airlines themselves to relay this information. The new policy of talking with the pilots has led to a substantial reduction in the number of early take-offs. In fact, as of March 1, there was only one violation. The Airport Curfew Monitoring Committee commended the staff for its pro-active work.

Staff also reported that two 8 ft. x 4 ft. signs will be posted at strategic locations on the runway stating the times of the curfew. The committee applauded this measure but asked if the sign could be larger as well as lighted. Staff will look into it.

There has been progress in reducing the number of non-compliant curfew intrusions. This is a result of airport staff taking a more aggressive approach with airline representatives. Staff has met with those airlines who have not signed a reaffirmation agreement regarding curfew compliance to review their recent non-compliant violations. This has resulted in an almost 50% reduction in the number of non-compliant intrusions from the first quarter of 1999 to the first quarter in 2000 (from 19 to 10).

There is also a slight reduction in the number of compliant intrusions, down from 163 in the first quarter of 1999 to 158 this quarter. While this is good

## Comment Period Extended

The deadline for submittal of written comments on the Environmental Assessment has been extended to July 7, 2000. Comments should be sent to:

Parsons, 2233 Watt Avenue, Suite 330, Sacramento, CA 95825.

news, it remains the case that residents wake up from aircraft noise whether it is a compliant or noncompliant intrusion.

The next meeting of the Curfew Monitoring Committee will be held July 24 at 3 p.m. at the Airport Operations Headquarters on North First Street in San Jose. All are invited to attend.

## The Lawsuit Between the City of San Jose and Larry Ellison

The lawsuit challenging the airport curfew is making its way through the legal process. The case name is Wings & a Prayer, Inc. vs. The City of San Jose. Wings & a Prayer, Inc. is the corporate entity that owns and operates the Gulfstream V jet aircraft that has violated the airport curfew. Larry Ellison is the chief executive officer of Wings and a Prayer, Inc.

According to court documents, Ellison and the other counter defendants contend that the airport curfew does not apply to the Gulfstream V aircraft because its maximum take off weight is 75,000 lbs. Ellison argues that the curfew applies only to aircraft weighing in excess of 75,000 lbs. The lawsuit against the City of San Jose also alleges that the curfew is in violation of Federal law because it is arbitrary, unreasonable, and discriminatory.

The court file reflects 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 matter is not yet set for trial.

The City of San Jose expects that the trial will last approximately 10 days. If the matter is not settled, the trial will take place at the Federal Court in downtown San Jose.

It is interesting to note that the grounds alleged by litigant Ellison are similar to the legal analysis presented to the City of San Jose by CAAP over three years ago. We hope that the City of San Jose is successful in protecting our airport curfew. The City has repeatedly stressed its confidence that the curfew is legally enforceable. Time will tell. In the meantime, we will keep you posted.

## What's CAAP Done for You Lately?

Early in 1990, growth at the San Jose Airport caused citizen complaints about noise and pollution to skyrocket. A group of ten concerned citizens from ten different neighborhoods gathered in a downtown living room to discuss how best to control the growing environmental menace.

Their solution: a non-partisan coalition of neighborhood environmental and business groups dedicated to responsible and sane airport growth. Called CAAP (Citizens Against Airport Pollution), the group made City Hall, the airport, and the airlines take notice from the very start. While we have not achieved everything we wanted, we have accomplished many things that benefit the community.

1. CAAP, backed by strong citizen support, spurred American Airlines to move to 100% stage 3 (quieter) aircraft.
2. We have consistently urged more monitoring and enforcement of the 11:30 pm–6:30 am curfew. While there are many violations, the curfew does give citizens many nights of unbroken rest. CAAP continues to follow the Curfew Monitoring Committee

charged with the enforcement of the program.

3. In 1992, CAAP reached a settlement agreement with the city that blocked a second runway expansion, began the process of a comprehensive noise control ordinance, secured and accelerated phase-out of Stage 2 aircraft, established meetings with the airlines and CAAP, and mandated 25% of PFC funds for more noise reduction.
4. CAAP was instrumental in pointing out the need of soundproofing for Washington School. Subsequent studies proved the need to be correct. We lobbied for and achieved soundproofing of San Jose and Santa Clara homes.
5. Organized hundreds of citizens who attended city council and planning commission meetings on airport expansion, achieving a reduction of proposed airline gates from 49 to 40.
6. Worked with the city council and planning commission to adopt a growth program more environmentally responsive than originally proposed.

## What's Ahead for CAAP?

1. We will strongly oppose San Francisco Airport's plan to realign approach flight patterns so that most will fly directly over San Jose.
2. We will closely monitor the city's timetable for road improvements, new gate construction, and Terminal B. We will seek monitoring of criteria air pollutants and toxics adjacent to the airport.
3. Seek a study of the health effects of pollutants to airport neighbors.
4. Continue to support the Curfew Monitoring committee's efforts to minimize curfew violations and intrusions.

## Measure O Update

On the recent March 7th ballot, Measure O initiative specified that certain road improvements should be within one year of completion before the massive new Terminal B was under construction. The City Council countered with an ordinance specifying a two year time-frame and stating that this determination would be made by the Council. However, the current or future Council could rescind this ordinance at a public hearing.

We believe the initiative provided a public service by forcing City officials to prepare for the traffic consequences of a much larger airport,

which will bring 20,000 more people daily into that area. Hopefully, we assured that our community is aware of the essential and needed traffic improvements before Terminal B become operational.

## Monthly Noise Reports

### February

Noise complaints and engine runups increased this month over January. There were 63 curfew intrusions of which 11 were considered non-compliant by airport staff. Of note was American Airlines flight 109 with six intrusions, American Airlines flight 2750 with 5 intrusions, and America West flight 2294 with four intrusions.

### March

There were 58 curfew intrusions in March with only 4 considered by airport staff to be non-compliant. Of note is American Airlines flight 2750 with 5 curfew intrusions, Alaska Airlines flight 318 with 4 and America West flight 2294 with 3 curfew intrusions.

## 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 CAAP at 408-297-9753 or email us at [webmaster@caap.org](mailto:webmaster@caap.org) with corrections.

## CAAP's Steering Committee:

Dr. Kenneth Hayes, M.D.	Co-Chair	<a href="mailto:jghayes7@aol.com">jghayes7@aol.com</a>
Dr. Walter Bowman, M.D.	Co-Chair	<a href="mailto:walidoc@aol.com">walidoc@aol.com</a>
Robert Harmssen	Co-Vice Chair	
Lenora Porcella	Co-Vice Chair	<a href="mailto:lenora@computvl.com">lenora@computvl.com</a>
Lilian Dennis	Secretary	<a href="mailto:ldennis@nortelnetworks.com">ldennis@nortelnetworks.com</a>
Sharen Dains	Treasurer	<a href="mailto:sharen624@aol.com">sharen624@aol.com</a>
Lyle Johnson	Santa Clara Advisor	

## Task Force Members:

Sandy Bauer	WebMistress	<a href="mailto:webmistress@caap.org">webmistress@caap.org</a>
Carrie Moley	Newsletter Editor	

**Airport Noise  
Complaint Line**  
**(408) 452-0707**

**New Way to  
Reach CAAP!**

**Email:  
[caapsj@hotmail.com](mailto:caapsj@hotmail.com)**

## YES! I want to fight Airport Pollution!

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

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

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

\_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

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

P.O. Box 26142, San Jose, CA 95159 (408) 297-9753

Check out our web site at: [www.caap.org](http://www.caap.org)



C A A P  
CITIZENS AGAINST  
AIRPORT POLLUTION

CAAP  
P.O. Box 26142  
San Jose, CA 95159

**ADDRESS CORRECTION REQUESTED**