

NEIGHBORHOOD NOISE

CITIZENS AGAINST AIRPORT POLLUTION, P.O. BOX 26142, SAN JOSE, CA 95159 (408) 297-9753 SEPTEMBER 1997

Be a Neighborhood Defender—Join Our Second Challenge Grant

By Russ McBrien

Since we began our fund-raising effort last month, you have all responded wonderfully. First, I want to thank the generous donors who put together our first \$10,000 challenge grant.

We are looking for contributions of \$100 or more to build up our second challenge grant. The funds will be used to match donations provided by the general public. Your gift will go twice as far because it will be released by a donation of equal size.

How can you participate? Easy! Just mark your check "matching fund" and return in the enclosed envelope.

We'll make sure it get used to build up the war chest. (Don't forget to tell us your profession and or employer, it is required by state law for our records.)

Together, we can make this a better place to live and raise a family.

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Chamber of Commerce Intervenes in CAAP Lawsuit

On August 12, 1997, the San Jose Chamber of Commerce petitioned the Superior Court to allow it to intervene (join in opposition) in the CAAP suit to invalidate the Airport Master Plan recently adopted by the San Jose City Council case.

The Chamber argued that it is directly interested in the litigation and that the City of San Jose cannot adequately represent its interests. The court

agreed. It is expected that additional defendants may be added by CAAP in the future and that CAAP's Federal lawsuit will be filed in early 1998.

These legal challenges are vital to the Rose Garden, Shasta/Hanchett, Rosemary Gardens, Guadalupe Washington, Hensley Historic District, and other downtown neighborhoods. The City of San Jose admits that the Airport Master Plan will significantly worsen air quality (more smog), create significantly more surface traffic congestion (gridlock on many streets and highways and longer commutes for everyone), and more noise pollution.

While everyone in San Jose stands to suffer, these environmental impacts will hit our neighborhoods the hardest. Our quality of life will decline significantly unless something is done.

The CAAP lawsuit presents the best (perhaps last) opportunity to protect our neighborhood as we know it. In order to be successful, CAAP needs the sustained support of its neighbors. Contributions to date have been fantastic. However, everyone who enjoys the quality of life in our downtown neighborhoods needs to support this effort.

Get your checkbook and make a donation. In addition, make the commitment to send a monthly contribution. This is really important. Lawsuits are very expensive undertakings. Despite the fact that CAAP members donate their services, legal fees are continuing and substantial. If the funds are available, so much can be accomplished. Don't leave this problem to someone else. Make the commitment to your home and family.

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CAAP Lawyers Win Suit

By Robert Harmssen

CAAP lawyers, Brandt-Hawley and Zoia, won a major environmental lawsuit last month that killed the proposed Los Padres Dam in Monterey County.

The California Court of Appeal, Sixth District, issued a decision in San Jose on Friday, August 15, in case number H015346 (Galante Vineyards, et al. v. Monterey Peninsula Water Management District) affirming that the Environmental Impact Report (EIR) for the proposed New Los Padres Dam in Monterey County "simply fails to address potential impacts related to viticulture" in the Cachagua Valley's world-class viticultural region.

The Court set aside both the EIR certification and the District's approval of the dam project. A portion of the ruling was ordered published, meaning that it will become statewide precedent for other environmental cases.

"With this important ruling by the Court of Appeal, the dam permits issued by the state and currently proposed for transfer to Cal-Am by the PUC will be set aside because they are based on an EIR adjudicated to be inadequate," said environmental attorney Susan Brandt-Hawley, who represents the successful coalition.

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Lawsuits Get Results!

The CAAP steering committee is confident the lawsuit filed against the City of San Jose will result in less traffic congestion for San Jose and Santa Clara residents.

Across the nation, local groups have sprung up demanding quieter and

cleaner airports. Many of these groups have been successful in improving the quality of life in neighborhoods impacted by airport operations.

In most cases, political action was not enough to reduce noise and air pollution at one of the nation's 50 busiest airports. In every case we're aware of, a lawsuit filed by local residents was necessary to get results.

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A Lawsuit is Expensive, But Moving Costs More Than Just Money

Fund-raising for CAAP's lawsuit has gone well but still only a small proportion of our membership is giving regularly. Only with your sustained support can we achieve success in the court room.

Justice is blind and expensive. If you haven't given to the Neighborhood defense fund recently please use the enclosed envelope and make out a check now. Or send us your pledge for a regular monthly contribution.

Put it on your list of things to do at the end of each month. Twenty five dollars a month is a lot less expensive than having to move again.

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Citizens Form Airport Watch Group

By Kenneth Hayes, M.D.

A new international airport watch group, the "Citizens Aviation Watch" (USA/International) was created August 23, 1997. More than 13 groups, both large and small, from across the nation (including Seattle, Los Angeles, Atlanta, New York City, Chicago, and elsewhere) assembled via conference call to organize.

Participants voiced consistent concerns:

- too much noise (day and night),
- deteriorating air quality,
- toxic chemical runoffs,
- business interest indifference,
- FAA failure to do other than promote airport expansions, and
- failure of public officials to address airport impacts.

Our first conference call allowed each participant to identify themselves, outline their organization's problems, indicate success and failures, and discuss varying approaches to aircraft and airport control.

All participants were faced with airport expansion plans in their areas!!!

Responses to airport expansion varied: lawsuits, public education efforts, and political action. In addition, groups have invoked issues of Environmental Justice, supported the Quiet Communities Act of 1997 (HR 536, SB 951), and attempted to transfer the responsibility for airport noise from the FAA to the EPA.

The new group will prepare by-laws and form committees. I will continue as the CAAP representative and would welcome help! I will be following up on valuable research discussed by the conference, including effects upon the health and education of children, how environmental justice

is being pursued, fund-raising ideas, etc.

The group also plans to go international by contacting people abroad (Denmark, Germany, etc.) who are similarly impacted.

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No Time To Quit

By Angela Edwards

Although the City Council's decision to adopt the mayor's modified plan was a disappointment to most of us, all hope for a quieter airport is not lost. Here are more things you can do to keep the pressure on:

- 1 There is power in numbers, so if you haven't already done so, join CAAP today. And if you've let your membership lapse, procrastinate no more! A large membership base increases our political clout.
- 2 Make a big bouquet of your sootiest, grimmest, stressed out garden flowers and send it to the next city council meeting with a card: "Thank you so much for your June 3 show of support for excellent air quality in the garden city."
- 3 Volunteer. CAAP has more jobs than people to fill them—from writing newsletter articles to flyer distribution to legal research to political lobbying—if you've got a little extra time we'll find a great use for it!
- 4 Suggestion for your kids' next science or essay project: make a tape of the birds in your backyard (both kinds—if you've still got 'em). Title it "Man vs. Nature" and make an extra copy to send to the mayor and your council person.
- 5 Meet your new neighbors and make sure they know what's at stake and what we're all trying to do about it. Encourage them to get involved. (Heck, maybe it's time you met your old neighbors while you're at it!)
- 6 Donate \$ to the CAAP defense fund and help us win this battle in

- court.
- 7 Collect real estate flyers from the houses for sale in your neighborhood and send them to Ralph Tonseth and his staff inviting them to put their own money and quality of life behind their mouths.
 - 8 Get better educated on airport issues. We are more effective lobbyists when we've got our facts straight from fears, rumor, and speculation.
 - 9 Obtain a city permit to vend ice

cold drinks and newspapers to the folks stuck in traffic on Guadalupe parkway. Donate part of your profits to CAAP and all our money troubles will be over!

10 Keep the faith. Don't sell your house.

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Newsletter Volunteers Needed to Have Fun

CAAP needs volunteers to help write, edit, fold and mail our newsletter.

Every other month we need to produce an interesting newsletter and get it in the mail.

Please let us know if you have writing skills, or cartooning skills or you can just fold and stamp. Our newsletter parties are a lot of fun with friends from all over getting together and getting the letter out the door.

Just drop us a note or call the CAAP hotline to sign up.

CAAP's steering committee:

Lenora Porcella	Chairman	Travel Agent	76146.1705@compuserve.com
Russ McBrien	Vice Chair	H-P Executive	
Patricia Koopman	Secretary	Retired Teacher	patk316@aol.com
Sharen Dains	Treasurer	Freelance Court Reporter	
Robert Harmssen	Legal Affairs	Attorney at Law	
Kenneth Hayes	Medical Advisor	Physician	
Sam Miller	Distribution	Account Executive	
Christopher Escher	Public Relations	Public Relations	
Lyle Johnson	Santa Clara Rep.	Attorney at Law	
Lilian Dennis	Neighborhood Liaison	Small Business Owner	
Leo Rubio	Neighborhood Liaison	Interpreter	lrubio2000@aol.com
Eric Jacobs	Environmental Advisor	Product Development Director	ej@silma.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



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