



NEIGHBORHOOD NOISE

CITIZENS AGAINST AIRPORT POLLUTION, P.O. BOX 26142, SAN JOSE, CA 95159 (408) 297-9753 MARCH 1998

Trial Details

The trial of CAAP's lawsuit against the City of San Jose is scheduled to occur on March 30, 1998 at 8:30 a.m. at the Superior Court located at 191 North First Street, San Jose. The specific courtroom and the assignment of a particular judge to hear the case has not yet been determined. If you are interested in attending, be at the court house no later than 8:30 a.m. and ask for directions to the courtroom where the case has been assigned. The entire proceeding is open to the public; however, seats may be limited.

The key issues to be decided by the court include the following:

1. The Area Infrastructure cannot support the impacts that full airport expansion will cause to traffic, air quality, and noise.
2. The California Environmental Quality Act requires the City to adopt a feasible alternative to full airport development.
3. The E.I.R.'s discussion of mitigation measures for significant adverse impacts is insufficient and based on incorrect assumptions.
4. The City's mitigation findings are legally inadequate.
5. The statement of overriding consideration cannot justify approval of the project case.

These issues are factually and legally complex and it's impossible to predict what will happen.

The ultimate success of our lawsuit will depend, in part, upon the judge's interpretation of the law and how that law applies to the facts of our case. All of the resources of the city of San Jose are behind their defense of our

lawsuit. This is definitely a David vs. Goliath type of battle. However, everyone at CAAP has worked hard to make our legal challenge a success. The final decision will probably not be made on March 30, 1998. It is most likely that the court will want to hear the oral arguments from both sides and then take the matter under consideration.

With respect to the lawsuit, the bottom line is this: CAAP believes that the city should have adopted a moderate growth project for San Jose International Airport. It further believes that the city violated provisions of the California Environmental Quality Act in approving a massive airport expansion project which will significantly worsen air quality, noise pollution, and surface traffic congestion. If the lawsuit is successful, we can all celebrate. If not, the neighborhoods will support a voter initiative to address traffic congestion.

As we approach the trial date, legal expenses continue to mount. CAAP

needs your continued financial support at this critical time. Please send your contribution ASAP.

* * *

Noise, Health, and Children...

By Kenneth Hayes, M.D., CAAP Medical Director

Much time at San Jose Council meeting 3/3/98 was devoted to sound proofing homes and schools against intrusive aircraft noise. Washington school now falls inside the CNEL 65 boundary, but predictions for the future are that it will not be inside that footprint. Therefore, FAA will not fund sound proofing there. Council concluded, by resolution rather than ordinance, that this school will be "first in line" after all other qualified dwellings are sound proofed.

Cornell University professor Gary Evans and colleagues studied more than 200 grade school children near

Contributions Needed

Fund raising for CAAP's lawsuit against Airport expansion is at a critical stage. Many thousands of dollars in additional contributions will be needed if CAAP is to successfully pursue its legal challenge to completion. The next few days leading up to the March 30 court hearing are crucial. Please make a contribution to CAAP so that our lawyers can prove our case on March 30, 1998.

Do it for the Kids!

If you've needed a compelling reason to financially support CAAP, wait no more. Do it for the kids. The medical evidence is mounting that our children are directly harmed by airport pollution and noise. We must fight for protections for the kids. Financial support of CAAP is a big step in the right direction. Send your check today.

CAAP volunteers wish to thank everyone in the community who have supported CAAP's efforts to protect the quality of life in our neighborhoods. We appreciate your loyalty and past generosity and hope we can count on you in the future.

Munich, half of whom were affected by aircraft noise and half from quiet communities nearby. The children were matched for age, parental occupation, family size and socioeconomic status. His findings revealed that noisy environments resulted in significantly higher blood pressures and epinephrine levels—the latter related to chronic stress problems. (This was also reported in the 2/25/98 S.J. Mercury News article “Steady noise stressful to children”). An earlier study by Green, Pastenak & Shore described the damaging effects of aircraft noise on reading abilities of school age children.

Arline Bronzaft, Ph.D. (Hearing Rehab Quarterly, vol. 22, #1, 1997) makes similar observations in her article “Beware: Noise is Hazardous to Our Children’s Development”. Noise in an early home environment slows language skills and cognitive development. Teenage high achievers had home quiet times to do homework, read and think. Outside noise (traffic, trains, airplanes, etc.) can and does affect health. School children near LAX (Los Angeles) also demonstrated increased blood pressure levels and more difficulty solving cognitive problems than those more remote to the airport. In short, aircraft noise can affect your child’s health.

* * *

Addressing Traffic Relief Before the Jam Begins

Because the necessary traffic improvements to accommodate a doubling of traffic were not included in the \$800 million expansion budget, a new organization has been formed to address the traffic impacts that will be caused by the massive expansion of San Jose International Airport.

The Airport Traffic Relief Alliance (ATRA) wants to see traffic relief and transit issues addressed in conjunction with airport growth—not expansion first and traffic relief later.

ATRA is sponsoring a ballot initiative

that would allow airport growth when traffic improvements are implemented. This group is co-chaired by Leslie Moreland and Chip Evans. If you’d like to help gather signatures to get this initiative on the ballot you can contact ATRA at:

P. O. Box 743, San Jose, CA 95106
 fax 297-5457
 e-mail sjtrafficrelief@hotmail.com

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Airport Noise and the Curfew

By state definition, San Jose runs a noise-problem airport and must operate under a variance. To deny a variance would contravene Federal control of airspace and flights. The State designates the County as the enforcing agency for noise standards.

Three years ago, CAAP supplied the County (attorney Bill Andersen) with relevant material and requested an investigation of the County’s responsibility regarding our airport. Despite repeated phone calls to his and Supervisor Alvarado’s offices, there has been no response.

Nine months ago our City Council voted for Project Case (full buildout) and promised to beef up its curfew enforcement. Incredibly, in December there were 21 curfew intrusions not in compliance with the Noise Control Program (NCP).

Southwest Airline was responsible for 25 curfew intrusions for the month—12 of which were deemed non-compliant. The monthly noise report now states “...curfew intrusion not approved, under investigation” or “...curfew intrusion not approved, aircraft operator notified of NCP requirements.”

Despite four separate requests, CAAP has never received a reply from our City Attorney’s office regarding disposition of six months of non-compliant curfew intrusions referred to their office.

If the City believes the curfew is enforceable, it should be backed up by the required monetary fines outlined in State law, i.e., the California Public codes spelling out responsibility for noise standards. The County, as the “enforcer” of State regulations, could lend its support in this area.

* * *

December Noise Report

The big news this month is that there were 65 curfew intrusions, an increase of 14 from the previous month and a whopping 21 of them are considered non-compliant (no good reason)! The report also shows that the majority of all curfew penetrations occurred between 11:00 p.m. to 1:00 a.m. so if you thought it was noisy and had trouble falling asleep in December, it wasn’t your imagination.

Southwest Airlines was the biggest violator (12 intrusions) and Alaska Airlines, Mexicana, TWA, America West, three charters and a business jet are all under investigation by the city attorney’s office. It’s the same story we’ve been hearing for months and the phrase “under investigation” seems to be the city’s mainstay excuse now.

* * *

In Memory of Bob Shields

CAAP mourns the loss of Bob Shields, retired engineer and Rose Garden resident of 28 years.

Bob gave tirelessly of his time and energy in an effort to preserve the quality of life and peaceful nature of his neighborhood. In particular, Bob endeavored to keep neighbors informed and active via the phone tree he helped administer.

His passing is a great loss to CAAP and San Jose neighborhoods.

Behind the Numbers

A recent opinion poll done by the San Jose Mercury News and published on March 12 indicated that only 3% of the population considered airport noise to be one of their top two concerns. While 3% doesn't sound like much, the reality is that in a valley of 1.5 million people that translates to 45,000 people who feel that airport noise is a HUGE concern!

While the San Jose Mercury News dismissed airport noise that "barely registered a blip" this is NOT an insubstantial number of people, in CAAP's estimation and the poll doesn't even address those who consider airport noise to be in their top five or top ten concerns.

Keep those Komplaints Koming!

Call the airport noise complaint hotline at 998-0707 and continue writing letters to the editor. Some letters have already printed, under such eye-catching headings as "The rumble above us" and "Airport noise is a daily ordeal for San Jose neighborhoods" (S.J. Mercury 3/7/98).

A lead article published in the San

Francisco Chronicle on 2/19/98 entitled "Anti-Noise Crusaders Get Louder and Louder" reports "Noise is hell. And increasingly there is no getting away from it. For some it's the sudden scream of a machine—a leaf blower, a jet plane, a jackhammer...For growing numbers of the shell-shocked, hell is not hearing."

Robert McGinn, professor/chairman of Stanford's Science, Technology and Society Program, strongly denies that excessive noise is the price we must pay to live in an industrialized society. By way of example, he points to Sweden and Norway and their large, quiet capital cities. What lessons can we learn from them???



Reprinted with permission, METRO, March 5-11, 1998

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

SJIA Noise Complaint Hotline: 998-0707



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