

**MEETING MINUTES
OAKLAND AIRPORT-COMMUNITY NOISE MANAGEMENT FORUM**

October 18, 2017

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1. INTRODUCTIONS

The October 18, 2017 meeting of the Oakland Airport-Community Noise Management Forum was called to order at 6:36 p.m. by the Forum's Facilitator, Michael McClintock. Mr. McClintock welcomed the Forum members and guests. Among special guests were Bert Ganoung from the SFO Noise Office who introduced Ms. Helen Clarke from the Brisbane, Australia Airport Corporation. McClintock also introduced Brian Marshall, the new FAA air traffic control tower manager, along with Jose Hernandez from Rep. Barbara Lee's office, Iowena Peña from Oakland Vice-Mayor Annie Campbell-Washington's office, and Diego Gonzalez from Port of Oakland Governmental Affairs. The facilitator asked the Forum members and advisors to introduce themselves for the benefit of the audience:

Forum Members/Alternates Present:

Benny Lee, Co-Chair, Councilmember, City of San Leandro
Walt Jacobs, Co-Chair and Citizen Representative, Alameda
Trish Herrera Spencer, Mayor, City of Alameda
Ernest DelliGatti, Citizen Representative, Alameda County
Laurie McWhorter, Alternate for Councilmember Susan Wengraf, City of Berkeley
James Nelson, Citizen Representative, Berkeley
Edward Bogue, Citizen Representative, Hayward
Laurel Strand, Citizen Representative, Oakland
Tom Wagner, Citizen Representative, San Leandro
Gary Singh, Councilmember, City of Union City
Asres Kaffl, Citizen Representative, Union City
Bryant Francis, Director of Aviation, Port of Oakland

Staff Members/Advisors/Guests:

Jose Hernandez, Representing Honorable Barbara Lee
Angelica Gums, Representing Supervisor Nate Miley
Iowayna Peña, Representing Oakland Vice Mayor Annie Campbell Washington
Matt P. Davis, Airport Operations Manager
Doreen Stockdale, Noise Abatement and Environmental Affairs Supervisor
Jesse Richardson, Jr., Sr. Noise and Environmental Affairs Specialist
Diego Gonzalez, Port Governmental Affairs
Gene Reindel, Harris Miller Miller and Hansen, Inc.
Vince Mestre, Landrum & Brown
Brian Marshall, OAK FAA ATCT Manager
Emily Oxsen, OAK ATCT
James Baas, FedEx Corporation
Abegael Jakey, FedEx Corporation
Kathy Ornelas, City of San Leandro
Kathy Livermore, City of Alameda
Burt Ganoung, Noise Abatement Office, San Francisco International Airport
Helen Clarke, Aeronautical Capacities Manager, Brisbane (AUS) Airports Corporation
Valerie E. Jensen Harris, CSR, Court Reporter
Michael McClintock, Forum Facilitator

A. New Members

The facilitator recognized two new members to the Forum:

1. Councilmember Mark Salinas, City of Hayward
2. Asres Kaffl, Citizen Representative from Union City.

2. ANNOUNCEMENTS

A. Honoring Harvey Hartmann

Facilitator McClintock said that Harvey Hartmann had been a mainstay of the Forum for many years on airspace issues, and that he was being recognized tonight for his service to the Forum with a commemorative plaque. The facilitator asked the Co-Chairs to present Mr. Hartmann with a token of the Forum's appreciation, while Aviation Director Francis read the inscription on the plaque:

"Honoring Harvey L. Hartmann for 18 years of service to the Oakland Airport-Community Noise Management Forum 1999-2017"

Co-Chair Lee thanked Harvey for all of his endeavors on behalf of the Forum, and especially the knowledge that he brought to the Forum on airspace issues which helped to educate us and helped us to make better decisions. Co-Chair Jacobs said that over the almost twenty years that he has known Harvey he has proven to be a great asset to the Forum and wished him well in his retirement. Mr. Hartmann thanked the Forum for its consideration.

B. Acceptance of 2nd Quarter 2017 Noise Report

The facilitator asked for a motion to receive and file the 2nd Quarter 2017 Noise Report unless there were any questions or comments. Co-Chair Lee said he had two questions. On the Runway 10R/L jet landing noise abatement procedure (NAP) map he noted that there was almost an 80% increase in jet landings from the second quarter of 2016 to the second quarter of 2017. In 2016 there was almost 100% compliance with the NAP, but in 2017 this dropped to 69% compliance. He asked what was being done to correct this. Matt P. Davis replied that this has always been a tricky procedure for air traffic into the airport, and has required continued outreach. He noted that another pilot meeting is to be held shortly to review the procedure, which becomes problematic in inclement weather because it is used less frequently in good weather. Co-Chair Lee observed that that there seemed to be a lot of weather issues in the second quarter that may have caused the increase. Mr. Davis replied that bad weather was the primary cause, and that as the weather gets worse it will become a primary issue of communications with pilots. Benny next asked about the Runway 12 Night Departure NAP. He noted that for the second quarter of 2016 there was 100% compliance from 11 departures, but for the same quarter in 2017 with 75 departures there was only 83% compliance. He asked for an explanation. Davis replied this procedure requires a right turn off the runway which can bring aircraft into conflict with other departures in the Bay Area. It is used primarily during bad weather and, as with the pilots, the Port will be reaching out to air traffic control to advise them of the importance of the right turn (away from San Leandro/San Lorenzo). Matt said another wet winter could result in noncompliance number similar to 2017. The facilitator said that if there were no further questions he would entertain a motion to receive and file. Motion received and seconded.

Kurt Peterson expressed concern that the Runway 30 Bay Farm Right Turn NAP information was misleading because, out of 17,623 departures in 2Q 2017, only five were regarded as noncompliant. He said he could count that many in two days that turn early over his house below 3,000 feet.

The facilitator said he would note this in the minutes. James Nelson asked if there were estimated Day-Night Noise Levels (DNL) for the Runway 28R/L jet departure compliance and Runway 10R/L jet landing compliance underneath their respective flight paths for the residential areas. Jesse Richardson replied that there are no DNL data in the report. He added that SEL data are in the report, and that they have not done DNL analyses specific to any one procedure. Nelson said he was interested in the DNL levels in those neighborhoods at the end of the runway and would like to see the DNL data. Matt Davis offered that they provide SELs for procedure specific analyses such as this, and that they provide DNL or CNEL reports, in compliance with state requirements on a regular basis. Davis offered to provide Mr. Nelson with the requested information. He said the reports were on the Port's website as well.

Mayor Spencer asked that the discrepancy in the number of noncompliant flights cited by Mr. Peterson be explained. Matt Davis replied that he was not sure where the number of 5 came from, but there were perhaps as many as 30 potentially noncompliant flights. Information as to how or why these flights may have deviated from the NAP is available in the detailed quarterly report. The facilitator asked Mr. Davis to provide him with the requested information so he can send it out to the Forum and other parties. Mayor Spencer said she appreciated this, and it is nice that there is data somewhere. But if compliance were actually 100% there should be no complaints. She said she was here because there is an aircraft noise problem over Alameda. Neighbors are disturbed. Anyone reading the report can see that traffic has increased. "...there are significantly more flights than there used to be..." and when a report says 100 percent compliance, the anecdotal information does not suggest that. She suggested that what is needed is a report format that makes it obvious in a summary with regards to the concerns of residents. Matt Davis replied that the detailed data in the full report is available online and that they can take a look at the total number of flights that enter the gate. He said they'll look into why or how any non-compliant flights occurred and look to see how this can be more effectively presented.

Matt Pourfarzaneh offered that he has been reviewing the quarterly noise reports for the last six years and that there have been discrepancies. Somehow things that had been categorized as non-compliant are now categorized as compliant. He hoped that any discrepancies can be reconciled in the future. Benny Lee said that he had been working with Jesse Richardson to modify the reports to make them easier to understand. He said he appreciated the work on the part of staff to provide the additional information, as well as the comments by Mayor Spencer. He agreed that to say that there was 100% compliance when there were noncompliant flights was misleading. He said he thought the number counts were more important and that the noncompliant number should come first. Mayor Spencer followed up by saying that there were 5 noncompliant flights does not address the issue. The issue is those aircraft that actually overflew the neighborhood that were counted as compliant. That is the number that is missing that the residents don't know. Matt Davis responded that this information is on the website. It is based on how many aircraft penetrated the gate, irrespective of whether they were compliant or not. He said they can review the information and try to make it more understandable. Mayor Spencer said that this was very important to know and that was why, as Mayor, she needed to be here. Laurie McWhorter asked what category was at issue. Davis replied that every single aircraft departure is categorized as compliant or noncompliant, and that are 18 or so different categories. He said the one being discussed involved air traffic instructions. Mayor Spencer asked about "going through a gate." Matt replied that there is an imaginary gate that the departing aircraft are required to go through. The computer detects whether the aircraft goes through the gate or not. This information gets logged into the system

and the noise office reviews it to determine if it was compliant with the noise abatement procedure or noncompliant.

The facilitator noted that there was a motion and second to receive and file the 2Q 2017 noise report. He called the question. The motion carried to be followed up supplemental analyses and additional information to be disseminated to the Forum.

C. Annual Dues Notices Update

The facilitator announced that all Forum member communities have paid their annual dues.

3. APPROVAL OF MINUTES (JULY 19, 2017)

The facilitator noted that members of the Forum had received a copy of the draft minutes for the July 19, 2017 Forum meeting with their agenda materials. He noted that Ernie DelliGatti had said that he had a question. Mr. DelliGatti said that he would like to know the status of the 100-degree radial issue that was raised at the July meeting and if there had been any action taken. The facilitator noted that this was not a correction to the minutes but was a question to staff as to the status of the analysis requested by Mr. DelliGatti. Matt Davis replied that 100-degree analyses are provided every quarter. He was not sure what was being requested. DelliGatti said that in looking at the 2Q 2017 noise report, there were 130 noncompliant operations. These were aircraft that overflew Hayward, San Lorenzo and San Leandro, he said, and it is getting worse. He asked how 130 aircraft manage to keep "busting" the 100-degree radial when weather or traffic are not at issue. He said he has been calling and raising this issue for the past five years. With respect to gates, he said that the data on WebTrak are incorrect. He said the reason that it is incorrect is because it does not jive with what he has observed. He said he would like to find out when where and why this continues to happen. Davis said that as to the question of the accuracy of the data, the data are accurate. As to the arrivals, he said, they try for 100% compliance as they do for all NAP. He disagreed with the assertion that the problem is getting worse. He said the number of occurrences decreased from 185 in the last quarter of 2016 to 130. He noted that the noise office continues to work with the Northern California TRACON on this issue and that they have met with Southwest Airlines and other operators that operate out of Oakland requesting that they remain above 3,000 feet. He added that these were downwind visual approaches that are choosing to turn and approach the Runway 30 visually. Matt said that they have made some improvements and will continue to work at it. DelliGatti replied that 130 aircraft are not an improvement and is unacceptable to the residents who are being overflown. He said that these aircraft are going where the tower tells them to go. He said this issue was approved as an action item, but nothing has been done. He asked that the Forum carry this motion forward and that a status report be presented at the January 2018 meeting.

Benny Lee said he follows the noise complaints from San Leandro directed to Jesse Richardson and asks him for a follow-up report because he wants to register every complaint that comes in. He said he agreed with Ernie that 130 noncompliant flights are too many and that number needs to come down. He asked if these were repeat offenders, what airline(s), specific pilots. We need to know how to fix it. Ed Downing asked if air traffic control is issuing the instruction "clear to visual approach, maintain 3,000 feet until above the 100-degree radial." He said that if this is not

part of the clearance, it may be a way of fixing the problem. [Note: there was no TRACON representative at the meeting to respond]. Doreen Stockdale noted that she and Jesse listen to all of the advisories and if TRACON does not say "cross the 100-degree radial at 3,000 feet," they send that information to TRACON to be investigated. She noted that the majority of the time that is the instruction that is given. Councilmember Gary Singh asked if staff had any idea as to when they might have this situation under control. Matt Davis said he did not know, but if the goal is zero, it's probably going to be a very long time before there are no flights that ever cross the 100-degree radial below 3,000 feet. The question is, how do we continue to reduce the number of noncompliant operations. Mr. Singh asked again if staff has any solution to bring these numbers down. Davis replied that they have brought them down through outreach to TRACON, but, clearly, they are not low enough. He said they continue to work with every single one of these flights, and they meet with the various air carriers that fly these routes, and with TRACON, and will continue to do so.

Matt asked Ernie what motion he was referring to. Ernie replied that it was in the minutes of the last meeting and read the following:

"Ernie DelliGatti commented that the issue with 100-degree radial has been going on for more than two years and is a constant source of his complaints. He said he didn't understand why it couldn't be fixed. It's a very simple procedure and can be remedied by NorCal TRACON. He said he would appreciate knowing when it is going to be fixed because San Lorenzo is in the bull's eye of approaches to the Oakland Airport, and each time it occurs, the whole neighborhood is awakened. And this includes San Leandro, too. He said that he checked these flights, and neither weather nor traffic has been a factor. The problem is getting worse, he said. The facilitator calls for a question. A motion carried."

DelliGatti further replied that "the correct answer is, 'We'll look into it, and we'll get back to you.' No more excuses, plain and simple as that." The facilitator asked where Ernie was quoting from in the minutes, because, as he recalled, the motion was to approve the draft minutes; it wasn't to approve a recommendation that he had made. Co-Chair Lee corrected the facilitator in noting that the motion was not to approve the minutes but to receive and file the 1st Quarter 2017 noise report. The facilitator noted the correction and offered Mr. DelliGatti the opportunity to make a motion on the resolution of his issue. It was moved by Mr. DelliGatti that the issue of the 100-degree radial problem, which has been going on for the past two to three years because, at the current rate, we have 130 aircraft that are non-compliant. Seconded by Edward Bogue. Ed added that he spends most of his time every day north of the radial line, and yet he sees quite a few aircraft cutting across north of where he's at. To him, it seems like there are lot more than 130 aircraft doing this. The only excuse he can see for it is that they are trying to cut into the approach line and fill the space that's available. DelliGatti concurred. Ed said that they might also be doing this to save fuel, but it's still cutting into line. It is a serious problem and they are not at 3,000 feet. Ernie said he agreed with Ed's assessment and the aircraft are crossing below 1,100 feet and that he has the pictures and case files to prove it.

James Nelson asked if this approach was under NextGen control. Matt Davis replied that these are typically visual operations. He added that if they stayed on the charted approach they would be outside the 100-degree radial. Benny Lee said that he would like to see the 2Q 2017 data to be able to understand the noncompliance issue and determine if there were more than 130 noncompliant operations. He was asking to see both visual and quantitative data in a report. Ed Bogue asked how many would be noncompliant had they not been given permission. In response to

Benny, Ernie offered to share his information with Benny. Lee replied that it should be shared with the Forum. The facilitator said that if Ernie would make the information available he would distribute it. After clarifying the nature of the request with Director Francis, the facilitator called for the question on Mr. DelliGatti's motion. Motion carried.

On the agenda item itself, the facilitator noted that Kurt Peterson had advised him that on page 5 he was noted as saying he was extremely disappointed there wasn't an FAA representative at the meeting. In the minutes the facilitator noted that there were two FAA representatives present. Peterson asked that the minutes reflect the fact that he had not heard them introduced, so he was not aware of the fact that he had misspoken. The facilitator said he would amend the draft minutes accordingly. There being no further discussion, the facilitator called for the question. Motion to approve by Mayor Spencer, Second by Co-Chair Lee. Motion carried.

4. NEXTGEN RELATED NOISE CONCERNS

A. NextGen Subcommittee Update

The facilitator noted that Forum members had received informational copies of letters from SOSEB and CLASS to the SFO Roundtable re potential adverse effects on East Bay communities by increasing SFO departures on TRUKN procedure. He next called upon Leslie Ransbottom, chair of the Forum's NextGen Subcommittee, to provide the Forum with an update on the most recent subcommittee meeting. Ms. Ransbottom said that the subcommittee met on October 11, 2017. She said they discussed ideas on how to address the FAA's response, or lack thereof, to the Forum's proposals and the current uncertainty of their status: where are they in the review process; and what their take on our ideas might be. Secondly was the issue of noise mitigation requests submitted by the SFO Roundtable that could have possible adverse effects on the East Bay. She gave a brief background on the SFO Roundtable proposals. In late July 2017, the Roundtable received an interim report from the FAA in response to their proposals. It wasn't the final report. We are still waiting for that. It was, essentially, a work in progress with the FAA's thoughts of go, no go, on a lot of different proposals. She said an important point for the East Bay to consider is that this report was released as a result of pressure from Peninsula Congressional Representatives, on the FAA. They have still not received a final report. The final report was promised by the end of September. It is still out there, and we haven't been able to get updates from anybody as to when it might be available.

The subcommittee was concerned because there was a proposal in there that could result in a change to a legacy air traffic pattern for SFO departures. These requested changes would increase air traffic over the East Bay and add to the East Bay's noise burden. The proposal involved routing southwest (Phoenix/Las Vegas) departures on the NextGen TRUKN route over the Oakland Airport and along the two southern "sprays" of the TRUKN departure procedure instead of the current legacy route that departs them to the west over the peninsula. In response to this, both SOSEB and CLASS wrote letters to the FAA and the Roundtable requesting clarification on this proposal to determine if there was something we were missing and to urge them not to consider this proposal. She said the subcommittee was appreciative that the noise office requested HMMH to prepare a review and analysis of all of the proposals from the Roundtable to see if any other of their proposals had the potential to affect the East Bay. HMMH presented its report at the meeting. The report found that the potential increase in operations on TRUKN would noticeably increase noise and air traffic over the East Bay and, in particular, over areas where there's been a lot of concern about NextGen already concentrating overflight and noise. The analysis was long and

complicated, and a lot of assumptions were necessary because of the vagueness of the SFO proposal. The report concluded that, depending on if the routes were divided among the different legs or concentrated on one leg, it could increase traffic by from 20 to 87 percent.

She said, Peter Marcuzzo from SOSEB said one of the reasons they don't push traffic from the Peninsula to the East Bay now is that traffic is so concentrated already that there might not be enough room. She said that Forum members had received a copy of the draft letter for their review. Again, the letter is asking the FAA for clarification and to urge that if it was going to increase traffic, not to do it and not to change any related legacy pattern. She said the subcommittee is requesting that the Forum vote to approve the letter. In addition to the letter, are concerns over why the FAA is taking so long to respond to the subcommittee report and recommendations, and what it may be thinking about them. Leslie said the subcommittee is recommending the Forum engage with Rep Lee's office and to urge her to speak with the FAA and see if we can get an interim report, as well, to see what the FAA is thinking about. It has been six months. We had six proposals; the San Francisco Roundtable had 240 proposals. She felt that the community deserves at least some information about what the FAA's thought process is, and that it would go a long way in letting people know what's going on, if there is hope for resolution, and to open the door to dialog.

Leslie reported that the subcommittee is concerned that the actions of the SFO Roundtable can have a direct impact on the East Bay. Issues with the Metroplex are regional issues, and we need to be working in unison with the Roundtable. The noise mitigation efforts of the Roundtable are laudable, but we need to open up a discussion about establishing a more structured way to communicate between them and the Forum; not necessarily a seat, but catch as catch can is not an effective way to operate. She said she was sure the San Francisco Roundtable might also appreciate knowing what we're discussing here. So again, we are all a part of the Metroplex. We need to work together. The subcommittee is recommending that the Forum develop more formalized and structured communications with the Roundtable. This could include sharing of the meeting minutes, so we can see what each other is doing. Going forward, we also recognize that the subcommittee should meet more often.

The facilitator thanked Ms. Ransbottom for an excellent report and complimented the subcommittee on its good work. He said that Forum members had received a copy of the proposed letter for Co-Chairs signatures. He said he would be looking for a motion to approve this action, but before he did that he wanted to discuss a couple of other issues, including the response, or lack thereof, from the FAA's regional administrator. He said he contacted Mr. Roberts' office a couple of weeks ago explaining the fact that we were going to have another Forum meeting and that he would like to be able to inform the Forum of the status of its report and recommendations. Other individuals have also made similar requests. He said he had received no response, and, to the best of his knowledge, no one else had either. He said he had spoken with Jose Hernandez from Rep. Barbara Lee's office and was informed that they had been informed that the FAA was focused on getting the result of the FAA's response to the Roundtable and the select committee through their legal counsel. He said this report could be released very soon, but at the same time, they haven't been putting that much effort into the Forum subcommittee's report and recommendations. So, moving forward, he said, our subcommittee is recommending that we meet or work with the representative and come up with a means by which we can be more proactive with the FAA.

McClintock said that there's a lot going on with respect to what has taken place on the Peninsula with the Select Committee, and we also understand the FAA is reviewing our subcommittee report, but it seems that the FAA's focus is on the Select Committee's recommendations. However, both the facilitator and Ms. Ransbottom concurred that it was their understanding that the FAA would be looking at the bigger picture in terms of regional problems and solutions, instead of dealing with Peninsula issues before they started working on East Bay issues—the process should have been to look at these issues concurrently. McClintock said that this was what he was originally led to believe until he received the last communication from the FAA. He said, we are part of the Metroplex and the airspace interactions in this region are complex and interrelated not only between San Francisco and San Jose, but San Francisco, San Jose and Oakland; therefore, why not look at it in terms of the entire Metroplex as a single entity. He said he didn't know why the FAA chose to do what they did. Ms. Ransbottom added that the longer this takes, the more frustrating it is for all concerned, but she still believes that our collaborative approach has been the best way to go—we would just like to receive some information. The facilitator said he wanted to make sure that everyone understood that his comments were not directed at the OAK air traffic control tower personnel, but that the FAA is a multifaceted organization. His concern was with the perceived lack of action and communication of the part of the FAA's regional office. He said the Forum wants to continue to work with the FAA in a collaborative way, but sometimes, as you go higher up in the chain of command it is sometimes difficult to get the responses, if not the attention, that you believe your community or organization deserves.

Ed Downing offered that the subcommittee report is going to be the most important thing that's ever come out of the Forum in terms of making a difference in the environment and noise impacted communities. He asked what specific actions are the Forum and the Port taking to move things forward. Director Francis replied that, he reached out to Mr. Roberts earlier this month to ask for an update as it relates to the letter that was submitted in August by the Forum, and he's still waiting to hear a response on that. Regardless, he said, we will continue to reach out to the FAA in expectation of them working through the issues that have been raised by the Forum until they complete their analyses and provide us with their findings and some direction. He said the Port would continue to work in concert with the Forum. The facilitator offered that, clearly, the ball was now in the court of the FAA's regional administrator. Downing asked how long people were expected to sit and wait for a response without really trying to make a concerted effort to move this forward? McClintock replied that a fact of life is that the FAA has replied that "they are working on it, but we are second in line behind the peninsula's select committee and the SFO Roundtable recommendations." As we just discussed, in our minds, this should have been a collaborative effort or, for lack of a better word, a combined effort, because of the nature of the Metroplex and the fact that changes to the regional airspace impact not only the Peninsula, but the East Bay as well. He said, given the circumstances, the Forum is doing the best it can.

Lori (no last name given) said she was not content with what has been presented because "willy nilly," the FAA changed the airspace such that her community is being severely impacted, and that they are shouldering an undue burden of air traffic from both San Francisco and Oakland. Just contacting the FAA and waiting is not acceptable. She said it was her belief that we are here as advocates on behalf of many people, and that you, as public servants, need to advocate on our behalf. She said we can do more than make phone calls to help support your effort of reaching Mr. Roberts. She offered to be on the phone, send e-mails to him, and mobilize her neighbors. Bill Weiser offered his deck as a meeting place for the Forum because of the frequency and noise from low-flying airplanes. She said the Forum should be "in the face" of the FAA to deal with the

issues and get them over with. She said he does not feel a sense of urgency on the part of the Forum. Richard Grossetti, an environmental consultant who has worked with Berkeley KJOB -- Keep Jets Over the Bay, noted that a federal judge threw out the NextGen approvals in Phoenix for two main reasons. One reason was that the noise study was arbitrary and capricious. The second reason is there was no public involvement, contrary to federal requirements. We have had exactly the same problem here. We have a noise study that the FAA did as part of the environmental assessment that was arbitrary and capricious. He said the Forum should be working with these agencies to do the correct noise analysis of the NextGen flight paths, to do the right analysis so that the data exists to look at all the impacts that are associated with this. He added that San Francisco flights come right over his house during wet weather. He has been told that this is not NextGen, but it is because NextGen does the satellite tracking of the flight paths. That means that every single flight follows a direct line unless there is some exigency. So, he concluded, we need an analysis -- a correct noise analysis of SFO flights, regionally, of what happened with NextGen. From this we can make the corrective actions proposed by the subcommittee.

The facilitator stated that he has been hearing many misconceptions about what the Forum can or cannot do, and what the FAA has done in its implementation of NextGen and the Metroplex. The fact is that the FAA implemented air traffic procedures that have had a very serious adverse effect on the lives and quality of life for many people living in the East Bay communities. He said the operative word was the "FAA." But, the FAA, in their own bureaucratic manner, did in fact dot their i's and crossed their t's, as they were required to do under federal law, even though we may not agree that they did it right, or even properly. They did it conclusively and they signed off on it. So, the FAA is responsible for this--they implemented NextGen; neither the airport or the Forum implemented NextGen. This is an FAA problem. Like it or not, there is a process in place that needs to be completed before anyone should initiate any legal action [NB: once things get into the hands of lawyers, there is no more open communications]. For those who are attending our meeting for the first time tonight, he said, we know what a difficult time that this has been for you. We've heard from hundreds of people. If there was anything that the Port, or even the Forum, could do to change those flight patterns overnight, it would have been done already. We don't have that authority. That authority rests with the FAA. And as a result of this, the subcommittee was formed to deal with these issues and make recommendations to the FAA. So, he said, if anyone is looking to the Forum to do more than what we've done already, and what we'll probably end up doing as a result of the recommendations of the subcommittee, he was sorry to disappoint you; we just don't have that kind of authority. As Ed Downing pointed out, nothing of this magnitude has ever come before this body in the past. So, we do what we can as these issues arise, and, ultimately, we try to come to some kind of resolution. Where it's going to come to, at this point, really depends on what the FAA has to say.

Discussion continued with speculation on what the Peninsula got from the FAA and what the Phoenix decision was based on. Kurt Peterson said the FAA should have analyzed both the Peninsula and the East Bay situations concurrently; and asked if Rep. Lee had approached the Peninsula representatives to "build a fire" under Mr. Roberts. McClintock said that Rep. Lee is doing a great job, but she is about the only voice in the East Bay that is standing up for our communities. But, there at least five Peninsula Congressional Representatives pushing for the interest of their constituencies. They got there first and they have the FAA's ear. We came in second. Ed Downing said that the City of Phoenix sued the FAA, and maybe the City of Oakland should do the same. Wafaa Aborashed said she appreciated what the Forum was trying to do, but the quality of life in neighborhood has gone downhill because no one is helping them. She objected the use of

the Oakland Airport by the U.S. military because they bring noise and “black carbon” pollution. She said the 880 corridor needs help.

The facilitator returned to the subject of the agenda item, i.e. the letter that was prepared by the subcommittee for the Forum to send to Dennis Roberts with regard to some of the things that are in the proposals to the FAA to eliminate noise over the peninsula can actually can have an adverse effect on the East Bay communities. He asked the Forum for its consensus to submit this to the co-chairs for their signature and to forward to Mr. Roberts along with copies to other interested officials, CLASS, SOSEB, and KJOB. Walt Jacobs asked that this be taken as a formal action. Motion made. Seconded by Co-Chair Lee. Motion carried. The next issue the subcommittee asked for action on was to have a more formal relationship with the San Francisco Roundtable. The facilitator said he had some ideas on this, and that he would like to work with Port staff and Roundtable staff get back to the Forum at its next meeting. The last item from the subcommittee was the recommendation to be more proactive with Barbara Lee’s office. He noted Rep. Lee is doing a good job, but she's only one person. He said he didn’t know how we can get more out of her. But what we really need is more out of the other East Bay representatives, who seem to have more on their minds than this particular issue. Co-Chair Lee said he had visited Rep. Lee’s Washington, DC office recently. He said he thanked her for her good work and support and urged her to continue. He felt that continued outreach to her was very important.

Mayor Spencer said we have to reach out to the other representatives and get them on board. She also proposed a new subcommittee to reach out to those representing other areas. Ernie DelliGatti said that he has been in contact with Eric Swalwell for over a year, and that he would re-engage him to make sure that he was on board with this. Co-Chair Jacobs offered that everyone on the Forum is a volunteer trying to do the best we can, and working with the airport over the last 18 years on a variety of issues. He said we have had a lot of successes, but what we are dealing with here is a top-down problem and we are at the bottom trying to work up. Our representatives in Congress work from the top down, and are the only ones who can really influence this situation. If this does not work, then legal action may be necessary. He suggested that we need to find out what the basis for the Phoenix lawsuit was in case litigation becomes people’s only option. Our communities have sued the airport before and won, but we are talking about suing the federal government, and we do not need one lawsuit from 15 different cities; should be a single consolidated action. Walt said we needed to get the letter out to Administrator Roberts as quickly as possible.

Laurel Strand said she wanted to follow-up on the idea of forming a committee to speak with the Roundtable about the fact that Montclair now is experiencing more noise than ever before. It is time to approach the Roundtable and ask to create an exchange of representatives for our meetings. We need to have a greater exchange of information between our two community forums. The facilitator said that he did not think a committee was needed because he and the staffs of the OAK and SFO noise offices will be discussing this issue before the next meeting. Walt Jacobs added that this was already being discussed in the NextGen subcommittee. The questions are “how do we do this?” and “what is an appropriate format?” There will be more discussion at the next subcommittee meeting. Aviation Director Francis said he wanted to mention that the airport has made and continues to make the efforts necessary to improve the relationships between the airport and the community. He said whether it's the Port's governmental affairs office or aviation officials such as himself, they go to Washington several times each year, and in each one of those opportunities they make a number of visits to Capitol Hill. They have and will visit virtually all of the

California representatives in Washington, and this issue has been at the top of their list. So, he said, they are taking this very seriously and making the situation known to members of our Congressional delegation. However, it's up to them to determine how they receive the information and how they act on it. He said he just wanted to have everyone know what is happening behind the scenes on behalf of the community. Leslie Ransbottom offered that the people in the community need to hear this information, and asked that people be kept informed of the responses from our representatives. Co-Chair Lee added that this is exactly what the City of San Leandro does when in Washington for the National League of Cities visit. He asked that this information be agendaized and recorded in the Forum's minutes.

5. PUBLIC COMMENT

This facilitator announced that this agenda item is an opportunity for members of the public to speak on issues not on the agenda. Heidi Martinez said at the last meeting she told the Forum that she had moved to Bay Farm Island in December. She said everyone she met told her, "Don't worry; you'll get used to the noise." She has not gotten used to it because she is a very light sleeper. Based on what the Forum can do, she asked, does it matter that she comes to the meeting to speak about her issues, or register noise complaints. She does not know anyone who registers noise complaints because they believe they do not make a difference. Why does it matter that she comes to the meetings? Ernie DelliGatti said it is important because the only way to determine where the noise problems really are is to register complaints and analyze them. He said the air traffic has been shifting. If no one complains, then it is assumed that everything is fine. She said she was trying to get people to understand that it does make a difference. She wished there was a noise monitor outside her window. Co-Chair Lee said it was important to report all the noise incidents, because the data are captured, analyzed, and reported out. He likened it to his neighborhood, which has a large Asian population, which, typically does not report crime. When they don't report crime, the assumption is that it's a very safe neighborhood, even though there is crime. So, reporting noise problems and encouraging others to do the same gives the airport specific information to take back to the FAA.

Wafaa Aborashed said she works with the regional air quality district, and wants to know how all of the pollution coming from the airplanes is calculated. Airport pollution is not being calculated. Both noise and air pollution need to be looked at in terms of how it affects people's quality of life. She said she wanted to be put on record that the airport needs to calculate the pollution being put on Alameda and San Leandro. Facilitator McClintock said that the regional air quality management district would be the source of such information. The facilitator closed the public comment period.

6. TECHNICAL WORKING GROUPS REPORT

A. Runway 12/30 Rehabilitation Project

Matt Davis gave an overview of the recently completed Runway 12/30 rehabilitation project. The project was a complete overlay of the main air carrier runway. During the project it was necessary to have a significant number of commercial operations and business jets depart from the North Field. Arrivals to the runway were shifted to a parallel taxiway that served as a temporary runway. This reduced the number of operations that would otherwise have been sent to North Field. Around 16,000 operations occurred during the four-week construction period. During that time, 2,300

noise complaints were received from 483 individuals. So, it was a significant impact to the surrounding communities. He said he would have a complete wrap-up for the January meeting.

B. Runway 33 Operations

Davis said that the working group is also looking at the increased use of Runway 33 for jet takeoffs. This runway is a relatively-short runway and is typically used by prop planes. This use of the runway is not specifically called out in the settlement agreement, so there has been an interest by the group to see what the Port can do to restrict this traffic. He said it was not as simple as the Port stopping the jets from using the runway. The issue is possible discrimination against a type or class of aircraft.

C. Increased North Field Traffic

Matt Davis said the North Field /South Field Group met on September 20. They discussed the noticeable increase in North Field traffic. He said eighteen different categories were developed to determine why those flights are departing from the North Field. They've had some successes. Pilot requests are down, so their outreach efforts are working. However, in other cases, due to numerous special events last year, those numbers have gone up. They are continuing to work with the NFG/SFG on the North Field departures to achieve compliance.

7. NOISE OFFICE REPORT

A. Fleet Week Update

The facilitator asked Doreen Stockdale for her report. Ms. Stockdale said that during Fleet Week there were 57 noise complaints from 30 complainants. Twenty-one of these were from one individual. Six complainants were from San Leandro and 24 were from Alameda. She said the Canadian Forces Snowbirds Air Demonstration Squadron was based at the airport during the week. So, she said, Jesse and she made sure, when they compiled the numbers, that they went through every one of the show participants' departures so they didn't miss any complaints. The facilitator noted that an earlier comment was made that the military not be allowed to use the airport. Doreen replied that the airport cannot deny military or government aircraft access to, and use of the airport.

A question was asked why the military jets could not be based out of SFO during Fleet Week. Emily Oxsen from the OAK Tower said, "They can't go to San Francisco because of safety concerns over the volume of traffic in and out of SFO." Mayor Spencer requested a copy of the noise complaint report for Alameda. Stockdale said she would prepare the requested information and send it out. Doreen added that the Port's annual pilots outreach meeting would be held on Wednesday, November 15. Ernie DelliGatti asked if the noise complaint "hot spots" graphics requested in January have been prepared. He said this information had been prepared for the Forum by the noise office in the past, but was discontinued when Wayne and Larry left. DelliGatti said the hot spots were graphically depicted in the quarterly noise reports. Further discussion revealed the source of the hot spots graphics had been the monthly noise reports.

8. NOISE NEWS AND UPDATE

The facilitator noted that it was too bad that so many people had left the meeting, because Vince Mestre will be bringing us up to date on the Phoenix lawsuit. Mestre said he would be talking about a number of items of interest to the Forum. First up was the FAA Reauthorization Bill. He said, he thought the bill would have been passed by now, but because of issues related to the

privatization of air traffic control, the bill will not be heard until 2018. As for Phoenix, he said that the City of Phoenix hit a home—or a grand slam. The court ruling was a big victory for the city. He said there is good news that might apply to the Bay Area Metroplex, and there are some things that don't apply to the Bay Area Metroplex. Basically, the judge said that he agreed with the City of Phoenix and that the FAA's decision to implement the new tracks must be vacated; that the new flight routes were arbitrary and capricious; and in contravention of the National Historic Preservation Act, the National Environmental Policy Act, and the Department of Transportation Act.

Vince went on to counsel that this is not a decision that you can wave around and say, "Ah, ha. See, Phoenix won. Return the flight tracks back to the way they were." The process in Phoenix was different. The FAA prepared a categorical exemption; they did not do an environmental assessment (EA). Basically, the categorical exemption excluded the flight track changes from any environmental review. The judge said the FAA had to do an EA. In theory, the FAA could do an environmental assessment, as they did for the Bay Area Metroplex, submit it and re-institute the flight tracks. This is not such good news for the Bay Area, except that the noise analysis prepared for the categorical exemption was severely criticized by the judge as being "essentially nonsense" because it relied solely on an arbitrary decibel threshold in spite of community complaints and unrest. Mestre said the noise analysis that was done for the categorical exemption is, essentially, the same noise analysis that would be done for the EA. So, if that EA, done in that same method, were taken back to this judge, there is absolutely no doubt he would throw it out. The judge didn't buy anything about the way the FAA analyzed the effect that these new tracks would have on the community. Mestre said, he thought that this was probably the single-most important part the judge's ruling because it questions the compliance of the FAA's noise methodology with the National Environmental Policy Act. Mestre said the FAA may appeal the judge's decision.

Mayor Spencer asked if it was the U.S. Court of Appeals that rendered the decision. Mestre said it was. The Mayor asked if the FAA had filed an appeal. Vince answered that they had not, but the court had granted an extension of the filing deadline to the FAA. The facilitator asked for a link to the ruling so he could forward it to the Forum. Mayor Spencer added that this is not the end of the chapter, and that those who may be thinking of suing need to wait until the case is resolved. She said we need to be kept up to date on whether or not the FAA files an appeal, and, even then, you need to wait until the appeal runs its course because decisions of the appellate courts are often overturned. Mestre concurred, adding that you have to complete the process. He also cautioned that the decision very much emphasized the impacts on historic buildings and parks—and parks and historic sites get much higher deference than the people living in the homes below. The discussion turned to the FAA's Southern California Metroplex Initiative and how that is different from the Bay Area Metroplex problem. In Southern California the FAA has narrowed down the problems to much smaller areas and they have not yet implemented all the routes.

Vince continued with a discussion of current issues and events in aviation, including:

- a recent bill introduced into the House requiring the National Academies of Science, Engineering and Medicine to analyze the health effects of airplanes over residential areas and develop an expert consensus report;
- the City of Santa Monica entered into an agreement with the FAA to close its airport in 10 years and shorten the runway in the meantime. The National Business Aircraft Association

(NBAA) sued, and the judge issued a temporary restraining order to halt the shortening of the runway;

- California counties have Airport Land Use Commissions (ALUCs) that are responsible for protecting airport approaches and ensuring that no incompatible development is allowed in these and noise impact areas. In San Diego, a land owner sued, claiming that the airport land use commission designation was a taking of his land. The court ruled it was not a taking;
- the question has been raised about whether or not acoustical insulation installed in homes in the 1970s is still any good. The FAA is looking into whether or not remedial work may be required;
- in San Diego and Los Angeles the FAA is starting to issue new grants for residential sound insulation programs;
- there is a new study from Germany about the effects of aircraft noise on heart disease;
- the governor of Maryland has directed the state's attorney general to sue the FAA over NextGen flight paths at Baltimore-Washington and Reagan National Airports;
- a company has come up with a way of turning sugar cane into something called "lipid cane," which turns out to be a great biofuel for jets which substantially reduces particulates at a cost comparable or lower than the price of jet fuel;
- electric passenger airplanes are being developed in Europe for use on routes of up to 330 miles;
- the University of Washington has instituted an air quality study around SEATAC;
- studies are underway to put people into unmanned aerial vehicles—drones. Airbus expects to have a four-passenger prototype flying in the near future;
- Boeing is offering \$22 million for someone to design and build a safe, light, ultracompact, near-vertical takeoff and landing personal-flying device capable of flying 20 miles while carrying a single person;
- the FAA has outlawed drone use around 10 U.S. monuments for environmental and security reasons;
- NASA is accelerating a program for the study of drones flying in the same airspace with fixed wing and helicopter aircraft; and
- the LA county Sheriff's office is purchasing drones for law enforcement purposes.

9. CONFIRM NEXT MEETING – January 17, 2018

The next Forum meeting is scheduled for January 17, 2018

10. NEW BUSINESS/ADJOURNMENT

Co-Chair Lee said he believed it would be good for the Port to look into partnering with Alameda County on an open data platform, particularly with the data available through WebTrak. He said that open data is used for two reasons: (1) for transparency; and (2) for innovation. There is the potential for the public to benefit from the information that would be available. This would make it easier to respond to public records requests. Having an open data platform where information is structured and can be made available to the public would make it easier to direct inquiries to the proper information. This would allow for multi-dimensional analyses where we can really compare air traffic and noise data from San Francisco. He proposed that the Forum consider this with re the data that's available in WebTrak. He next addressed the fact that San Leandro has set

aside funds for prospective residential insulation and would like to partner with the airport. He asked that the Port reach out to San Leandro to see if we can find some middle ground. There are 46 homes that are eligible for this program out of 154 that have already been insulated. Lastly, he noted that, San Leandro's Mayor is a member of Bay Area Air Quality Management District. She is going to be making recommendations to really be forward thinking in terms of looking at air quality sensors, and other Internet technologies. He said he would like to see the Forum get more involved in air quality issues. The facilitator asked Director Francis if staff could work with Councilmember Lee on these issues. The Director said yes, noting that there have been a couple high-level discussions with the City of San Leandro at the city's request. No commitments have been made, but we continue to talk about any opportunities that may be possible. He also noted that there are very stringent requirements relating to the sound insulation program.

Mayor Spencer said she wanted to make sure that we are honoring the right of every person who comes here to speak during the public comment period. The Mayor said that this should also apply to people wishing to speak on agenda items, as well. She said she wants to make sure that we are honoring the Forum's rules with respect to public commentary and to honor the agenda. Everyone who comes here should have the opportunity to be able to speak for up to two minutes. The facilitator said that he tries to be as flexible as possible to give everybody an opportunity to speak. Co-Chair Lee said he agreed with the Mayor, and that he thought the process should be more formalized. The facilitator said the Forum used to use speaker cards. Mayor Spencer said she liked that idea and that every city uses them.

The facilitator wished the Forum Happy Holidays and the meeting was adjourned at 9:16 p.m.

END