



One World Way, P.O. Box 92216, Los Angeles, CA 90009

**January 17, 2018**

**Mr. Daniel K. Elwell, Acting Administrator  
Federal Aviation Authority  
800 Independence Ave. SW  
Washington D.C., 20591**

**Mr. Dennis Roberts, Regional Administrator  
FAA Western-Pacific Region  
15000 Aviation Blvd.  
Lawndale, CA 90261**

Dear Mr. Elwell and Mr. Roberts,

At our meeting on January 10, 2018, the LAX Community Noise Roundtable (RT) discussed several disturbing and startling developments that have transpired since our last meeting in November.

In past years, the LAX RT has had a constructive and productive relationship with the FAA. We have tried to tell the public and our constituent cities and counties about the potential for that relationship to help solve problems stemming from Metroplex/NextGen implementation. And we have, until now, maintained that the public and our constituent government entities can best solve problems by working through the LAX RT to engage with the FAA to develop solutions.

But the events of the past year and, especially, the developments since November 2017 make those positions untenable.

Since August 2017, the FAA has openly and repeatedly refused to answer our questions or engage with us about proposed new IFPs that were open to public comment. The FAA also openly and repeatedly refuses to answer questions and engage in a dialogue with us about FAA Air Traffic Control not abiding by FAA mandated Minimum Altitudes in a large majority of North Arrival flights (STAR HUULL, IRNMN, and RYDRR). And the reason the FAA gives – confidential court ordered mediation in a lawsuit with Culver City – does not hold water.

The facts have long contradicted the FAA's claim that it cannot talk to us about anything because of the Culver City lawsuit being in mediation. The new IFPs were obviously unrelated to the lawsuit and mediation. The developments of the last two months include the final approval of the first of these new IFPs, proving once and for all that it was unrelated to the lawsuit and mediation effort. Worse, the developments of the past two months undermine the FAA's insistence that the public and local governments should work to solve problems with the FAA through airport roundtables. Indeed, the developments of the past two months are galling.

Those developments include:

- The LAX RT received FAA Acting Vice President Jodi S. McCarthy's letter of November 13, 2017, in which she refused to respond to our questions and concerns about the substantial majority of flights on North Downwind Arrival procedures (STAR HUULL, IRNMN, RYDRR) that fail to meet FAA required Minimum Altitude at Waypoint DAHJR



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(approximately at Jefferson Blvd & Redondo Blvd in the City of Los Angeles). Ms. McCarthy asserted court ordered confidential mediation with Culver City as the reason why the FAA could not respond.

- We experienced an improvement in flight altitudes at DAHJR in November, which was audible to residents and demonstrated that improvement is possible.
- And then a severe deterioration of flight altitudes at DAHJR in December, in which the percentage of flights under the FAA Minimum Altitude of 6,000 feet rose to 71% and the percentage of flights with very low altitudes below 5,000 hit an unfortunate record high.
- Effective December 7, 2017, the FAA published SADDE 8, with the documents posted on the FAA IFP Information Gateway on December 20, 2017. This is significant because SADDE 8 was one of the proposed new IFPs about which the FAA refused to answer questions or discuss with us, even though it had been open to public comment and thus subject to FAA rules and Federal law requiring the sharing of information with the public to enable informed comment.
- Last, on January 10, 2018, we learned from reporting in the Los Angeles Times that the City of Newport Beach had reached settlement terms in its lawsuit against the FAA.

While the FAA has refused to even talk with us about new IFPs open for public comment and about ways to rectify the high failure rate for altitudes at DAHJR, we see that the City of Newport Beach succeeded through a lawsuit in negotiating a major revamp of a complex SID procedure for departures from John Wayne Airport.

This new curving SID at John Wayne Airport is a much bigger and more complex change than anything we have tried to discuss with the FAA in relation to LAX North Arrivals.

In the Los Angeles Times report on the successful negotiations between the City of Newport Beach and the FAA, this statement by the City Manager, Dave Kiff, caught our attention: “The FAA really did work with us on this, and I think not only were our goals accomplished but we established a new positive relationship with the FAA that I hope will help us going forward.”

We wish we could say that the “FAA really [does] work with us,” but we cannot.

The FAA’s final approval and publication of STAR SADDE 8 demonstrates conclusively that it has nothing to do with mediation in the Culver City lawsuit. The mediation has not (yet) produced a settlement and the lawsuit is still active, yet the FAA designed SADDE 8, opened it to public comment in August/September 2017, and now has approved it. SADDE 8 is definitively unrelated to the mediation with Culver City, yet the FAA has refused to answer our questions about it based on the spurious claim of court ordered confidentiality.

This kind of refusal to provide information to the public during approval processes violates FAA rules and Federal law. Several lawsuits, including the suits filed by Phoenix and Newport Beach, raised similar issues.

The final approval of a new rule or regulation opens a window for timely filing of challenges in court. The LAX RT does not have the capacity to file lawsuits, nor can we offer legal advice to our constituent members or the public.



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But we do have an obligation to tell our constituent members and the public that there is a clear contrast between the FAA’s steadfast refusal to enter into dialogue with us and its apparent constructive dialogue with Newport Beach.

We have an obligation to tell our constituent members and the public that the FAA’s stated reasons for refusing to respond to us constructively do not hold water. We have an obligation to tell them that the FAA seems to us to have been violating its own rules and Federal law (as documented in our prior correspondence). And we have an obligation to tell them that the FAA is playing a bait and switch by telling us all that it insists all concerns and proposals come to it via the LAX RT and then refusing to respond to the RT, refusing to brief the RT, and refusing to work with the RT to find viable solutions.

We have been patient as well as persistent. We continued to try to be a bridge to the FAA for our constituent communities. When members of the public and representatives of some municipalities jumped quickly to the conclusion that lawsuits are the only answer, the LAX RT tried to take a different path and explain that alternative processes of cooperation with the FAA were possible and likely to be more productive.

We can no longer do that, and are hereby so advising the public and our constituent members so that they do not mistakenly think that we can get any cooperation or dialogue from the FAA

This saddens us. It is not good for the public or public service. We wish it were otherwise, but it cannot be otherwise unless and until the FAA comes to work with us to resolve and correct substantive and procedural problems, like making most flights adhere to FAA prescribed Minimum Altitudes, making modest increases in Minimum Altitudes where possible, and generally engaging with the LAX RT in productive ways as opposed to refusing to share information that the law and FAA rules mandates must or should be shared.

We would prefer a positive and productive response from the FAA on these issues so that we can move forward, working together. Meanwhile, we cannot pretend that there is any process in place for addressing problems related to the implementation of NextGen, and we cannot pretend that this is right.

Yours truly,

Denny Schneider, Chairman

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