

**Part 150 Study Comments to San Diego County Regional Airport Authority and Consultants’
Citizen Advisory Committee and Technical Advisory Committee Presentation of October 15,
2020**

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These comments are made by Citizen Advisory Committee (“CAC”) member Anthony M. Stiegler of La Jolla, Technical Advisory Committee (“TAC”) and CAC member, Chris McCann of La Jolla Shores, Len Gross, Ph.D. CAC Member of Bird Rock, and Alan Harris, CAC member of Pacific Beach and supported by Dr. Matthew Price of the Airport Noise Advisory Committee (“ANAC”) and Quiet Skies La Jolla and Quiet Skies San Diego, in response to the San Diego Regional Airport Authority’s Consultants’ CAC/TAC presentation of October 15, 2020.

I. The Wrong Standard Was Applied to Determine Whether any of the Alternatives Could and Should be Recommended to the SDCRAA and Advanced to the FAA; All the Alternatives are Qualified to Advance

When the consultants were asked during the CAC/TAC meeting whether “any change in the 65 dBA contour disqualified a proposal, the consultants said “yes” and that “in all case alternatives the contour shifted, which does not meet the intent of Part 150”. We respectfully disagree and request that the consultants cite the specific policies and/or rules on which they rely to support that conclusion.

We believe that the consultant’s preliminary conclusion and basis for it presented at the Oct. 15, 2020 CAC/TAC meeting is clearly erroneous and misstates law and policy related to Part 150 studies, and yet it is also the basis on which the consultants are indicating an intent to decline to recommend advancing community supported proposals to mitigate commercial noise in San Diego. The FAA should be given the opportunity to consider the community’s requests and proposal because there is no statutory or policy basis to foreclose consideration by terminating the proposal before the Part 150 recommendations are advanced to the FAA. The SDCRAA has discretion to move the proposal forward for the FAA’s consideration, and we urge it to do so.

The consultants erroneously applied the incorrect test to evaluate whether any of the alternatives could be recommended for further consideration. The correct standard for assessing noise shifting in a Part 150 Study is the **net change** (increase or decrease) of people in the 65 dB contour, and not whether there are any new people or households in the 65 dB contour. The disqualification of noise mitigation solutions because there were any new people brought within the 65 dB contour is an error and frustrates the essential purpose of the Part 150 Study to the communities’ disadvantage and prejudice. When the correct test is applied *all* of the alternatives are qualified and worthy of becoming recommendations to the SDCRAA and the FAA. The best of those alternatives should be advanced and recommended in the consultants’ upcoming report.

The consultants stated at the October 15, 2020 CAC/TAC meeting that *“in all alternatives there was some noise shift where new people or households were brought within non-compatible land uses”*. The consultants further stated that *“all the operational alternatives were disqualified and rejected from advancement as recommendations to the SDCRAA due to this noise shifting of new people “In” compared to “Out”*. They reiterated that point by saying that they would not recommend any operational alternatives that *“create any newly impacted people”* and that *“if there were any new set of homes or population impacted, the alternative would not move forward”*. The consultants’ conclusion was that *“In all cases [of the operational alternatives] there is a shift of noise, and accordingly none will move forward”*. The consultants, however, applied a standard that is incorrect as a matter of law.

After conducting comprehensive research, we confirm that there is no FAA or other federal law or policy that categorically prohibits or disqualifies a FAR Part 150 proposed noise mitigation solution because some new people are added to the 65 DNL noise, or greater. *ABCx2 Report, October 25, 2020 at pp. 1 and 3, attached hereto as Exhibit A*. Rather, the FAA is to consider the **net impact**, meaning whether there is an increase in the **total** number of people within the 65 dB contour. *“Proposed changes in flight procedures should be deemed acceptable if they result in a decrease in the total number of people within the DNL 65 dBA and DNL 75 dBA contours, and there is no increase of 1.5dBA for any individual, no disproportionate impact on low-income populations, minority populations or Indian tribes.” ABCx2 Report, October 25, 2020 at pp. 1 and 3, attached hereto as Exhibit A*. It stands to reason that changes in flight procedures would be even more acceptable if they provide a net decrease in the total number of people within the DNL 65 dBA and DNL 75 DBA contours. The “ins” and “outs” are relevant only to assessing the net result, rather than disqualifying a noise mitigation strategy if there any new “ins”.

In the San Diego County Regional Airport Authority Part 150 Study, the Consultants’ Alternatives 1B (Departures Over Mission Bay Channel) and 1D (Departures Over Mission Bay Channel with Concentration with Nighttime Only Operations) should be advanced as recommendations to the SDCRAA and advanced to the FAA because the modeling results in a **net decrease** of 289 persons in the 65 dBA contour and at least 1 less person in the 75 dB contour, according to the 2026 base case assumptions and modeling used by the consultants. We note that the Mission Beach representative on the TAC noted that “1D is excellent for Mission Beach and would help Ocean Beach as well”. She asked whether there would be any significant dB change for Ocean Beach and the consultant’s response was “there would be no increase of 1.5 dB or more” and as confirmed above, there would be a net decrease in the number of persons in the 65 dB contour. Indeed, the consultants confirmed that Alternative 1D was the best option for moving night time departures off the PADRZ SID back to 290 degrees and that it was a viable option, “but for new people being brought into the 65 dB contour”.

Similarly, Alternative 2C, Equivalent Lateral Spacing Operations (ELSO) for Departures with Concentration, can be recommended to the SDCRAA and advanced to the FAA because there is

a **net decrease** of at 155 persons in the 65 dBA contour and at least 1 person in the 75 dBA contour, according to the 2026 base case assumptions and modeling used by the consultants.

Likewise, Alternative 2D, Equivalent Lateral Spacing Operations (ELSO) for departures with Concentration, can be recommended to the SDCRAA and advanced to the FAA because there is a **net decrease** of at least 234 persons in the 65 dBA contour and at least 1 person in the 75 dBA contour, according to the 2026 base case assumptions and modeling used by the consultants.

Similarly, Dispersion Alternative 3—Use of Three SIDs, should be recommended to the SDCRAA and advanced to the FAA because there is a **net decrease** of at least 555 persons in the 65 dBA contour and at least 1 person in the 75 dBA contour, according to the 2026 base case assumptions and modeling used by the consultants.

Likewise, Nighttime Alternative 4—Nighttime (10:00 p.m. to 6:30 a.m.) Eastbound departures on ZZOOO RNAV SID, should be recommended to the SDCRAA and advanced to the FAA because there is a **net decrease** of at least 74 persons in the 65 dBA contour and at least 1 person in the 75 dBA contour, according to the 2026 base case assumptions and modeling used by the consultants.

The consultants' assertion that each of the above alternatives is disqualified because "*A shift in the contour will result in some housing units that will be newly included in the 65 CNEL while others will fall out*" is a substantial, but curable, error. The misinterpretation results in an incorrect application of the FAA's rules and policies to the tremendous prejudice of San Diego at large, and the residents within the 65 dB contour or higher.

II. The Communities' Request for Supplemental Modeling of the SAN-PBN ABCX2 ELSO Proposal

During the Airport Noise Advisory Committee ("ANAC") meeting on October 21, 2020, the Consultants confirmed that they are conducting supplemental modeling of at least the PBN-SAN ELSO "3 SIDS" proposal based on CAC/TAC member comments made during the October 15, 2020 CAC/TAC meeting. The comments from the CAC and TAC members uniformly asked the consultants to "try a little harder", "sharpen their pencils" and adjust their assumptions to identify viable alternatives from among those presented that would not result in any new persons being included in the modeled 65 dBA contour compared to the 2026 base case assumptions.

Representatives from at least Point Loma, Ocean Beach, Mission Beach and La Jolla all agreed and asked the consultants to reconsider and modify their assumptions, such as placing different percentages of departure traffic on the three SIDS to eliminate any change in the 65 dB contour. A Point Loma member asked for modeling in which departures are distributed 25% on the 275-degree SID, 25% on the 285-degree SID and 50% on the most northern 295-degree SID. Modeling at a less extreme value than 50% should accomplish the desired impact: yielding a 65 dB contour for the 2026 projected population that is identical to the 2018 base case under the

3 SIDs Alternative. The Consultants have the discretion to adjust parameters in their model to show how the Alternative can work, even under their incorrect conclusion that there can be no new people brought into the 65 dB contour.

We acknowledge and appreciate the “TAC & CAC Advisory Meeting Follow Up—October 2020” notice (published on October 28, 2020), indicating that *“Based on the feedback received from CAC/TAC members, both at the meeting and via emails, additional modeling will be conducted for the alternative that looks at three dispersed flight headings. The refined percentage spread by track that will be modeled will be 26.2% (ZZOOO), 26.2% (New Route) and 47.8% (PADRZ)”*. We note that the percentages do not total 100% and should be adjusted to avoid confusion or error.

Of greater importance is to ensure that the full scope of the “three dispersed flight headings” proposal (SAN PBN ABCX2 ELSO) be considered and implemented, including the extension of the JETTI waypoint further offshore to mitigate noise for Point Loma and Ocean Beach, a WNFLD-NEW waypoint further offshore and the LANDN-NEW waypoint further offshore to mitigate noise for the coastal communities north of the airport, including Mission Beach, Pacific Beach and La Jolla. There is nothing to preclude implementation of noise mitigation measures outside the 65 dB contour as long as they also comply with Part 150 requirements. The proposal was summarized in our comments dated July 21, 2020 and should be incorporated into recommendations made to the SDCRAA and advanced to the FAA. The communities request that the Consultants and SDCRAA establish the SAN-PBN-ELSO waypoints in collaboration with the TAC/CAC prior to submission to the FAA to maximize the opportunity for everyone to be on the same page. A summary from our July 21, 2020 comments follows:

The SAN PBN ABCX2 ELSO Report SIDs are designed to the following specifications:

- 1. ZZOOO remains unchanged with a VA/DF initial leg construction resulting in a runway heading (275-degrees) departure to 520 feet MSL then direct to the JETTI waypoint. Per prior proposals in this Part 150 Study, the JETTI waypoint could be extended further offshore to mitigate noise for the Point Loma community, which is a modification that we support.*
- 2. New CWARD/PADRZ SIDs are designed with a VI/CF initial leg construction. Initial heading is 275 degrees to 1.02NM from DER then intercept course 285-degrees to the WNFLD-NEW waypoint.*
- 3. New ECHHO/MMOTO SIDs are designed with a VI/CF initial leg construction. Initial heading is 275 degrees to 1.02NM from DER then intercept course 295-degrees to the LANDN-NEW waypoint.*

III. The Consultants' Conclusions Are Mistaken Due to Modeling Assumptions and Statistical Margins of Error

Significant questions exist about the assumptions and ranges of statistical error used in the Consultants' modeling, which cast doubt on all of the operational alternative conclusions regarding whether any new people would be brought into the 65 dB contour whatsoever.

Statistical uncertainty exists caused by approximations and assumptions regarding at least:

- Population changes between the 2018 base case and the 2026 base case projection.
- The number of flight operations in 2026. Clearly, the uncertainty in projections is much greater given the impact of COVID-19 but notwithstanding that, even in normal times the projections have significant potential errors.
- The mix of aircraft flown in 2026, particularly in context of the fleet changes occurring now in context of the COVID-19 pandemic.
- Economic changes especially those affecting air travel.

If the operations count is off by a mere 1% there is likely a dramatic change in the number of people projected to be in or out of the 65 dB contour. A sensitivity table could be produced that illustrates the range of speculation and uncertainty underlying the 2026 base case assumptions, and therefore, the impact of each of the alternatives on the 65 dB contour.

Due to estimates for its input parameters and approximations within the AEDT tool itself, every contour generated has a spatial uncertainty in shape and orientation, and a CNEL level of uncertainty.

There are also apparent errors in the consultants' input data which result in impossible results. For example, under Alternative 4 in the Consultant's October 15, 2020 CAC/TAC report there are 146 fewer Housing Units but only 74 fewer People in the 65 dB contour. How can there not be at least one person per household? And if a household is empty, why should it matter?

There are additional irregularities. For example, under the Night Time Alternative 4, it is projected that there would be about 15,000 housing units in the 65 dB contour in 2026 and 30,976 people. The decrease in the number of people in the 65 dB contour is projected to be 74 people, which is less than ½ of one percent of the change in growth. Relative to the uncertainty and questions about the statistical assumptions underlying the number of people who will live in the 65 dB in 2026, or the number of flight operations per year in 2026, this is insignificant and is likely erroneous.

IV. Night Time Noise Abatement

We reiterate that there is uncertainty and a potential challenge to what has been referred to as the Nighttime Noise Abatement Procedure. There is apparently no binding documentation or agreement between the FAA, the SDCRAA or any other stakeholder regarding this procedure,

which would have required a CEQA or NEPA review and approval. We urge that both day and nighttime procedures, like the ELSO 3 SIDs alternative, be implemented to address this issue. Specifically we urge the consideration of the SAN-PBN ELSO proposal for both day and nighttime departures and alternatively, we respectfully request that flights departing to the east or south during night time hours be routed on the ZZOOO SID (with an adjusted JETTI waypoint further offshore) and that north or westbound flights be routed on the adjusted SID consistent with daytime operations, but routing planes further offshore to direct to fix waypoints situated 2.0, 2.5 or 3.0 nautical miles offshore as measured from the centerline of the Mission Bay Jetty.

Respectfully submitted,

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