COUNCIL AGENDA: 08-14-18
FILE: 18-1070
ITEM: 6.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND COUNCIL

FROM: John Aitken

SUBJECT: SEE BELOW

DATE: August 10, 2018

Approved D. DSyC Date 8/10/18

SUPPLEMENTAL

SUBJECT: CITIES ASSOCIATION OF SANTA CLARA COUNTY RECOMMENDATION TO CREATE A SANTA CLARA / SANTA CRUZ AIRCRAFT NOISE ROUNDTABLE

REASON FOR SUPPLEMENTAL

This supplemental memorandum provides the staff recommendation regarding the proposed Cities Association of Santa Clara County noise roundtable.

RECOMMENDATION

City Council not support the proposed Cities Association of Santa Clara County (CASCC) noise roundtable as currently structured based on the concerns outlined in this memorandum.

OUTCOME

If the City staff recommendation is approved the City of San José would not join the proposed Cities Association of Santa Clara County (CASCC) noise roundtable. If the noise roundtable receives sufficient support by the other jurisdictions outside the City of San José, the noise roundtable could go forward without the support and participation of the City of San José.

BACKGROUND

On October 3, 2017 Council adopted staff's recommendation to establish the Ad Hoc Advisory Committee on South Flow Arrivals address the issue of aircraft noise. The Committee was established in response to complaints from residents from several Santa Clara County cities located west and north of the Airport about the noise impacts when weather conditions require Airport operations to go into "south flow" operations (i.e. landing aircraft arrive from the north

and take off heading south). The Ad Hoc Committee approved its final report on May 18, 2018, which has been submitted to the Federal Aviation Administration (FAA) for consideration. The FAA has not yet responded to the Ad Hoc Committee report. It is likely that the FAA will need months to properly respond to the report.

As Councilmember Jones outlined in his July 18, 2018 memo on this topic, the Cities Association of Santa Clara County (CASCC) was asked by Congressional Representatives Eshoo, Khanna, and Panetta to form a regional aircraft noise roundtable. During the Ad Hoc Advisory Committee meetings, some Committee members expressed the desire to create a Roundtable to be the successor body to the Ad Hoc Advisory Committee to continue working on aircraft noise issues.

At the June 14, 2018 CASCC Board meeting, the Board passed a motion to support the formation of an intergovernmental partnership between the cities and counties of Santa Clara and Santa Cruz Counties, the San José Airport, the San Francisco Airport, and the FAA to address aircraft noise issues.

The governing elements of this body are:

- One vote for each jurisdiction that joins
- Funded by participating jurisdictions based on a per capita formula
- Simple majority to take action
- Non-voting participants include: staff from SJC, SFO, and FAA

The CASCC Board is asking the cities and jurisdictions in Santa Clara and Santa Cruz County to adopt a resolution of support for the formation of an intergovernmental partnership to create a Roundtable to address aircraft noise issues.

ANALYSIS

The San José Airport regularly engages with the community on aircraft noise concerns, including: responding to questions and concerns regarding air traffic, quantifying and tracking noise complaints, and providing regular reports to the public on a monthly and annual basis.

The Airport acknowledges that aircraft noise remains a difficult issue to address, as it entails many competing interests, crosses multiple geographic and legal jurisdictions, is experienced and perceived differently by each individual, and has many technical challenges with no easy solutions. In the testimony at the Ad Hoc Advisory Committee, the FAA stated that the Bay Area Metroplex, with three major international airports in close proximity to each other, is the second most complicated air space in the nation, only after the New York City airspace.

The Airport believes there are a few items in the current proposal put forth by the CASCC that are of concern and the Council should consider when discussing this item:

1. Consensus approach
2. One vote per jurisdiction and cost structure
3. Potential to move noise

Consensus Approach

When the City established the Ad Hoc Advisory Committee on South Flow Arrivals, it adopted the guiding principle that solutions put forth from the Committee should be based on a consensus of the participating jurisdictions rather than a simple majority. The purpose of this consensus-based model was that recommendations that have consensus are more likely to be considered by the FAA rather than controversial proposals that have a simple majority.

The Ad Hoc Committee defined consensus as the support of at least two-thirds of the Committee membership. The proposed CASCC aircraft noise roundtable has a simple majority based model to advance motions and recommendations. The Airport still believes that a consensus model is more likely to generate solutions that have a higher potential for consideration by the FAA.

One Vote Per Jurisdiction and Cost Structure Based on Per Capita

The Memorandum of Understanding put forth by CASCC to create the roundtable proposes providing each jurisdiction with one vote regardless of population size. Article IX of the proposed Bylaws provide one vote for each city and county. This means that the largest jurisdiction, San José with a population of 1,046,079 as outlined in the proposal, would have the same number of votes as Monte Sereno with a population of 3,900.

When the Ad Hoc Advisory Committee on South Flow Arrivals was created at the October 3, 2017 Council meeting, Council had expressed concern about San José's constituents not receiving proportional representation on the Ad Hoc Committee. While some Councilmembers expressed the desire to have up to five votes on the Ad Hoc Committee, eventually the Council voted to provide the City of San José with two votes given the significantly larger population of residents.

The challenge that a one vote per jurisdiction model presents is that you could easily have an undemocratic situation occur, where a policy/recommendation is opposed by the overwhelming majority of the population represented, but still passes because enough smaller jurisdictions by population vote for it. This could happen even in the super majority model used for the Ad Hoc Committee.

The one vote per jurisdiction model is also coupled with a funding model that is based on a per capita scenario. While the proposed fee structure would provide a discount to the City of San José with a per capita fee of $0.10/capita compared with $0.50/capita for all other jurisdictions,

San José will still be the largest contributor to the roundtable at a proposed $37,504.95. The City Council should deliberate on the fairness of this funding mechanism and the competing budget priorities for the City.

Potential to Move Noise

At the January 23, 2018 Council meeting, Council passed a motion to inform the Ad Hoc Advisory Committee of the current Council policy directive to oppose changes in "legislation, policies, regulations, guidelines or procedures that would result in an increase of aircraft noise impacts on San José residents without an increased benefit to the community."

Airport Staff communicated this Council policy directive to the Ad Hoc Advisory Committee at the January 26, 2018 meeting so that members would be informed that the City of San José would likely oppose any efforts to move more aircraft noise over San José. San José residents already experience aircraft noise when airport operations are in north flow, which is over 85 percent of the time.

The resolution created by the CASCC includes an acknowledgement that the FAA will not support solutions that shift the noise problem from one community to another. However the CASCC Bylaws do not explicitly forbid noise shifting nor does the Statement of Purpose and Objectives in the Memorandum of Understanding. This is in contrast to the SFO Roundtable, which has a specific Roundtable Resolution (No. 93-01) and a statement in Article II of their Memorandum of Agreement stating that signatory agencies/bodies agree:

> that the Roundtable members, as a group, will not take any action(s) that would result in the "shifting" of noise from one community to another, related to aircraft operations at San Francisco International Airport.

During the Ad Hoc Advisory Committee meetings there was a motion put forth to request the FAA to study the creation of an eastern approach procedure for south flow flights into San José Airport. An eastern approach would bring south flow flights up the eastern side of San José where flights would turn somewhere over Milpitas on final approach to the Airport. The motion received seven votes in favor of this recommendation and five votes against. The motion failed as it did not meet the two-thirds threshold as dictated by the definition of consensus.

The 2016 Select Committee on South Bay Arrivals also considered a recommendation of the greater use of the eastern approach to reduce the impact of south flow arrivals on those cities that are most impacted. However, the Select Committee did not adopt the recommendation because the FAA pointed out that it had the potential "to move existing noise to another community (a community not represented by the congressional districts that established the Select Committee)."

Other Considerations

While the San José Airport is available to work with the community on aircraft noise items as staffing permits and as directed by Council, the FAA is the sole authority on flight paths and procedures.

The Airport Commission is the public body used to hear and discuss aircraft noise concerns. The Commission meets four times a year and each agenda has time set aside to hear reports on noise complaints from the Airport and the community. The Airport has a half of an FTE dedicated to community noise concerns and to address FAA mandated noise items. While the Airport is committed to continue working to address aircraft noise, staff time is currently at a premium given the large number of projects ongoing at the airport, the large numbers of travelers, and the lean operations of the Airport Administration offices.

The Airport continues to work with the FAA at a local and national level to seek out methods for controlling and mitigating aircraft noise issues.

EVALUATION AND FOLLOW-UP

The Airport will continue to monitor and work with the community and other jurisdictions on aircraft noise issues. The Airport will keep the Council informed on whether CASCC decides to move forward with the noise roundtable and in what format.

PUBLIC OUTREACH

This memorandum will be posted to the City Council Agenda website for the August 13, 2018 meeting.

COORDINATION

This report was coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

This item is on the Commission Agenda for August 13, 2018 to discuss.

CEQA

Not a Project, File No. PP17 010, City Organizational & Administrative Activities resulting in no changes to the physical environment.

/s/
JOHN AITKEN
Director of Aviation

For questions, please contact Matthew Kazmierczak, Manager of Strategy and Policy at (408) 392-3640.