



NEIGHBORHOOD NOISE

CITIZENS AGAINST AIRPORT POLLUTION, P. O. BOX 26142, SAN JOSE, CA 95159 (866) 263-4163 SUMMER/FALL 2003

Airport Curfew Update

The airport curfew is once again under attack. The latest legal challenge comes from the air carrier for the San Jose Saber Cats. They want to operate their aircraft during curfew hours and claim that the existing curfew is illegal under federal law. Federal law requires that airport curfew regulations must be reasonable, non-discriminatory and not unduly burdensome on interstate commerce. This is the second time that an air carrier has sued the city seeking a court order or an exemption to our curfew.

Over the last ten years the city has repeatedly assured homeowners that the airport curfew is legal and enforceable. The city attorney consistently advised the city council that the curfew could be effectively enforced in the future. Thousands of interested homeowners relied upon the assurances of our public officials that their quality of life would be protected.

.....
: Let us not look back in :
: anger or forward in fear :
: but around in awareness. :
: James Thurber :
.....

Proponents of huge airport growth argued that negative environmental impacts (including noise impacts) could be controlled by the curfew. In fact, the environmental impact report which evaluated the noise impacts of the airport development considered the continued existence of the curfew as unquestioned and enforceable.

Currently, the City of San Jose is involved in secret negotiations with the Federal Aviation Administration (FAA) to explore options to modify our night time curfew. The negotiations may well involve a political trade off whereby the city would
Continued on Page 2, Column 1

Reid Hillview Update

Gasoline containing alkyl-lead is still currently being used as fuel (particularly for race cars and airplanes), and certain sub-populations may remain at risk. Lead particles can remain airborne for some time following the initial introduction into the atmosphere. *Therefore, residents in the vicinity of race tracks and general aviation airports where leaded gasoline is still being used as fuel may have an increased risk of lead exposure.*

http://www.epa.gov/pbt/pubs/Alkyl_lead_action_plan_final.pdf

“Lead poisoning can result from the ingestion or inhalation of inorganic lead compounds emitted as exhaust through the combustion process (as a direct result of the use of alkyl-lead in gasoline).” <http://www.epa.gov/pbt/alkyl.htm>

“Avgas 100LL contains about 2 grams of lead per gallon, and is typically the most commonly used aviation gasoline”

“However, alkyl-lead compounds combine with other compounds during the combustion process to form lead halides (e.g., PbBrCl, 2PbBrClCNH4Cl, etc.) that are subsequently emitted as microparticulates in exhaust.”

“Additionally, through the combustion process, alkyl-lead in gasoline is converted to lead halides and exhausted into the air where it can be inhaled. These lead halides create the potential for exposure to lead through ingestion of soil or dust containing lead, and ingestion of lead-contaminated food or water.”

Bud Beacham has devoted a great deal of time, effort and energy to raising public awareness of lead poisoning in East San Jose neighborhoods surrounding Reid Hillview Airport. Bud has gathered some impressive research and statistics so please visit his site at:

<http://www.reidhillview.com/#9>
for lead info and
<http://www.reidhillview.com/>
for his home page.

Interview with Terry Gomes

Mineta San Jose International Airport’s Deputy Director in charge of Finance, Terry Gomes, sketched out how the airport’s finances are arranged. She said pre September 11th passenger capacity per year was nearly 14 million. The last year average was approximately 10.5 million passengers.

Revenues are divided as follows: Operating revenues include landing and takeoff fees, rental space to airlines, (gates, ticket counters, baggage space) concessions, auxiliary building rental, ground support, and taxi surcharge and space. Airline leases are usually 3-5 years (United American and Delta are 30 years) and may be terminated in 30 days.

Capital revenues include passenger facility charges (PFC’s) at \$4.50 per flight segment, grants from the FAA, and a rental car surcharge. PFC income is approximately \$20 million per year and is applied to the acoustical treatment program and airport projects. FAA grants, Airport Improvement Programs (AIP), are entitlement - related to passenger volume and discretionary - related to need and availability.

The airport issues bonds (A rated) for its building program. The north concourse, including the security equipment, will cost approximately \$240 million which is the initial building program. Transportation Security Agency funds (TSA) have also been applied for.

Terry Gomes was asked if the City’s General Fund was liable if operation revenues did not cover construction costs and bond repayment. Her answer was, “residual methodology”, a part of every airline base, provides that if the airport operates at a loss, it is allowed to increase fees to the airlines. If the airport makes a profit, it is proportionately disbursed to the airlines. She also said that all airlines have agreed to abide by the Noise Control Program’s curfew regulations.

Continued from Page One

agree to abandon the existing curfew and accept a less protective curfew in exchange for FAA acceptance. This is a dangerous dialogue because it may leave San Jose fair game for scheduled nighttime operations. If Mineta San Jose International Airport operates without an evening curfew, noise impacts will certainly degrade the quality of life for thousands of citizens. Property values could be substantially decreased. If so, the city could bear financial responsibility for their incompetent and reckless assurances to the public that our curfew was here to stay. Only time will tell what the future will bring. However, if the curfew falls, lawsuits are likely to follow as property values suffer.

If you believe that our evening airport curfew is important, contact Mayor Gonzales at 277-4237 and your council person and let them know how you feel.

UK Couple Win Jet Noise Claim

A couple have been awarded compensation of £950,000 over noise created by RAF Harrier jets above their 17th Century listed house. Farmer Darby Dennis, 51, and his wife Catherine, 46, said the noise from the planes flying over Walcot Hall, near Stamford, Lincolnshire, was "unbearable".

They said it had affected their domestic and commercial activities and had claimed £9m in compensation.

However, the couple failed in their bid to stop planes flying over from nearby RAF Wittering in Cambridgeshire.

Mr Justice Buckley, speaking at London's High Court, said the level of noise was a "very serious interference" with the ordinary enjoyment of the property whether judged from inside or outside the house. Ruling that a nuisance was established, he said that the public interest nevertheless clearly demanded Wittering should continue to train pilots.

The Ministry of Defence (MoD) disputed the figures claimed and also its liability.

A spokeswoman for the MoD said afterwards she was aware of plans to appeal against the decision and that training sessions would continue as usual.

Mammoth Expansion Halted

A federal judge has effectively halted expansion of Mammoth-Yosemite Airport in Mammoth Lakes by ruling that the Federal Aviation Administration ignored the secondary environmental impacts of the project.

Bernard Zimmerman, a U.S. District Court judge in San Francisco, ruled that the FAA must prepare a full environmental impact statement before construction can begin on the airport expansion.

Mammoth authorities want to enlarge airport facilities so they can handle B-737 and B-757 jets. The FAA concluded that the expansion wouldn't spur new hotels, roads and development to a degree that threatened wildlife would be harmed, a claim that Zimmerman said "strains credulity."

Environmental groups fear the airport expansion will spur unchecked growth and turn Mammoth into another Sun Valley or Aspen. Groups filing a lawsuit included the Sierra Club, the National Parks Conservation Association, California Trout and the Natural Resources Defense Council. A separate lawsuit was filed by state Attorney General Bill Lockyer.

The Sky Has a Limit

Air traffic affects the environment and quality of life near airports: air, soil and water are polluted and people suffer from noise nuisance and are more at risk for asthma, cancer and other diseases. Air traffic also contributes to climate change. The United Nations Intergovernmental Panel on Climate Change (IPCC) concluded in 1999 that air transport's contribution to greenhouse gas emissions could rise to 15% by the year 2050 if no measures are taken to reduce aviation's emissions.

PLEASE HELP!

CAAP's postage bill is steep and we'd appreciate it if you would notify us if you are receiving a duplicate newsletter, need to make an address correction, prefer our electronic version, or want your name removed from our roster. Please call tollfree 866-263-4163 or email us at info@caap.org.

Flight 100 Advances in Congress

The U.S. House Aviation Subcommittee passed the four year, \$59 billion FAA reauthorization bill that provides funding through fiscal 2007 for aviation safety, security and infrastructure. The bill, dubbed *Flight 100* for the centennial of powered flight will pick up where the current authorization AIR-21 left off when it expired this year. Highlights of the bill are:

Funding of \$3.4 billion for Airport Improvement Program (AIP). Extension of war risk insurance, preservation of the Aviation Trust Fund, FAA Operations with \$7.59 billion in funding for fiscal 2004, essential Air Service Programs reforms and Transportation Security Administration to develop a trusted traveler program within a year's time.

Toll free Phone
866-263-4163
or
E-mail Us at:
info@caap.org

Citizens Aviation Watch

Several various important studies and reports regarding the significant damage that airport and aircraft related operations cause, have just been posted online.

Another new posted study has been added to ARECO's website that links aviation to climate change:

Murty, Katta G. "Global Warming Potential of Green House (GH) Gas Release at Different Altitudes," Aug, 7, 2002. Facts suggest that the large jet aircraft releases in the northern mid-latitudes may be partly responsible for the faster ice melt at the north pole.

The study, along with many others may be found at:
<http://www.areco.org/studies.htm>
(Click "Climate Change" studies)

The future depends on
what we do in the present.
Mahatma Gandhi

South County EIR Woes

A grassroots effort to put South County Airport expansion plans through more stringent environmental review took an early round blow in court when a San Jose judge denied a request to halt construction of 100 new hangars at the San Martin airfield.

The San Martin Neighborhood Alliance - the group suing the county over airport expansion plans says the judge's decision does not bode poorly for the upcoming trial expected to begin within the next six months but they would have liked a different verdict from Santa Clara County Superior Court Judge William Elfving.

At issue is whether Santa Clara County should conduct the most stringent of environmental reviews - called an Environ-

mental Impact Report - while it doubles the amount of airplane hangars at South County Airport and updates the airport's 20-year-old master plan which could potentially bring longer runways for larger aircraft to the San Martin airfield.

San Martin Neighborhood Alliance says residents' concerns over development at the airport have never been heard and addressed adequately by the county. An EIR, the group says, would more fairly scrutinize the impact of an expanded airport as the county tries to push those plans through.

District 1 Supervisor Don Gage says the county will proceed cautiously. Gage said the lawsuit is going to delay the county by about six months, but it will still issue bonds to fund the project.

New Report Urges States to Test Airport Pollution Reductions

A new report by Northeast state air regulators and partially funded by EPA is designed to help states "test the boundaries" of how far they can go to reduce airport and aircraft-related pollution without running afoul of federal standards. The recommendations are controversial and several sources familiar with the report concede that any state pursuing many of the options may face legal challenges.

The report endorses the controversial strategy of imposing an emissions-based landing fee, calling such a practice "another potentially useful tool that officials at the state, local and airport level can use to reduce emissions. The report is available at: <http://www.areco.org/studies.htm#air>

CAAP's Steering Committee:

Dr. Kenneth Hayes, M. D.	Chair	janetgrayhayes@sbcglobal.net
Robert Harmssen	Co-Chair	
Lenora Porcella	Vice-Chair	lenora@computvl.com
Lilian Dennis	Secretary	
Sharen Dains	Treasurer	
Ed Blackmond	Technical Advisor	ed@blackmond.com
Mark Wheeler	Pollution Advisor	mark.wheeler@mindspring.com
Jim Lynch	Business Advisor	jim@jlynch.com
Ed Hodges	Historian	

Task Force Members:

Sandy Bauer	Web Mistress	webmistress@caap.org
Patti Bossert	DNLF Representative	pbossert@sbcglobal.net

**Airport Noise
Complaint Line
408-452-0707 or**

**24 Hour Airport
Customer Service Line
501-0979**

YES! I want to fight Airport Pollution!

Please apply the enclosed donation _____ \$1,000 _____ \$500 _____ \$ Other

toward the **Neighborhood Defense Fund***: _____ \$ 750 _____ \$250

I Pledge a monthly donation of \$ _____ _____ \$ 35 Dues _____ \$ Other

Name: _____

Address: _____

Phone: _____ E-mail: _____

Employer: _____ Occupation: _____

_____ I have also included my annual support of \$35.00

* CAAP is required by law to disclose the occupation and employer of those who contribute more than \$99.

P.O. Box 26142, San Jose, CA 95159 (866) 263-4163

Check our website at: <http://www.caap.org>



CAAP
CITIZENS AGAINST
AIRPORT POLLUTION



CAAP

P.O. Box 26142
San Jose, CA 95159
<http://www.caap.org>

ADDRESS CORRECTION REQUESTED