

NEIGHBORHOOD NOISE

CITIZENS AGAINST AIRPORT POLLUTION, P.O. BOX 26142, SAN JOSE, CA 95159 (408) 297-9753 JULY 1997

Citizens to S.J. Airport Build-out Plan: You're Grounded!

Citizens Against Airport Pollution takes flawed Airport Expansion Environmental Impact Report, Curfew Resolution to court San Jose, CA, July 11.

Seeking to avert a traffic and pollution calamity, a county-wide community group has asked a Superior Court to reject the aggressive development plans recently adopted for San Jose International Airport. Citizens Against Airport Pollution has filed suit in California Superior Court to invalidate the Airport Master Plan and Project Case development program.

"The Airport Master Plan is unconscionable, unworkable, and patently illegal. We're confident that the Superior Court will toss out this absurd plan and direct the Airport Staff back to the drawing board where they belong."

Lenora Porcella of CAAP

The suit claims that the City has exceeded its authority in adopting an airport master plan that cannot be supported by our highways and roads. "It's putting ten pounds of airport in a five pound bag. It's a disaster waiting to happen," Porcella said.

Traffic a major concern

A primary concern for the group is the projected increase in traffic congestion on Highways 101, 87, and 880 due to the airport expansion. The Airport's own studies confirm that the proposed expansion will bring traffic to a standstill on major Bay Area arteries for a good part of the work-day. The suit asks the state to enforce the selection of an alternative with

much less impact on traffic and air quality while still allowing for substantial growth at the airport.

In addition, CAAP's suit alleges that the Environmental Impact Report (EIR) is invalid for the following reasons:

- the noise control program upon which the EIR is based has not been enforced by the Airport, nor has it been proven to be legally enforceable,
- the EIR does not accurately reflect the actual capacity of the proposed construction,
- the EIR does not accurately assess the damage to the Hensley Historic District and economically disadvantaged communities in San Jose and Santa Clara.

For the past several years, CAAP has advocated balanced growth at San Jose Airport to accommodate the needs of commuters, businesses, and neighborhoods. Heavy pressure from the Chamber of Commerce and out-of-town construction unions led the City Council to adopt maximum expansion from among the three alternatives.

"It is unfortunate that CAAP has had to go to court, but the Airport Department wouldn't work with the public on a more balanced alternative," said Sam Miller, a Garden Alameda resident. "The city forced this fight on every commuter and every neighborhood in San Jose and Santa Clara."

CAAP held a briefing conference call with the press on Tuesday, July 15th, to discuss the nature of the lawsuit and what CAAP hopes to achieve. Citizens interested in further information

on this and other airport related issues can call CAAP at 408-297-9753.

So what does it mean?

The lawsuit specifically alleges that the City of San Jose has abused its discretion and violated mandatory provisions of the California Environmental Quality Act (CEQA). The lawsuit seeks to invalidate the Airport Master Plan in its entirety.

In addition, the suit seeks a Writ of Mandate (court order) that directs the City of San Jose to enforce the Airport Noise Control program—including the curfew and the prohibition on engine run-ups.

More to come...

The CEQA lawsuit was filed on the last day permitted under California law. However, other CAAP lawyers are working on additional lawsuits that raise important Federal law issues.

Despite our best efforts, this work could not be completed within the 30-day time limit mandated by CEQA. Fortunately, these additional legal challenges have much longer statutes of limitations, permitting CAAP greater latitude in filing for declaratory and other relief.

CAAP needs your help!

For several years, CAAP has devoted its primary energy to the political process. Now, CAAP's primary focus will turn to the legal process. CAAP is very confident that its challenge will be successful; however, the court process is very expensive.

Continued on Page 2

CAAP files suit

(continued from Page 1)

The City of San Jose is hoping that CAAP will run out of money before it can successfully conclude its lawsuit. We think they're wrong. Many of you have really stepped up your generous contributions, and we hope to see that continue.

If you care about your neighborhood; if you care about your property values; if you are sick and tired of City Hall approving more air pollution, more noise pollution, and longer commutes for everyone, write a check to CAAP!

Our lawyers charge us between \$200.00 and \$265.00 per hour. We need your sustained contributions!

If everyone who reads this article can send a monthly contribution, we'll teach the City of San Jose a lesson at the court house!

* * *

What is the Neighborhood Defense Fund worth to you?

A lot of people ask why they should give to CAAP's Neighborhood Defense Fund. If you're a homeowner, there is a simple answer: Resale Value. A recent Mercury News article cited airport and airplane impact as a key barrier to selling a home. Jet noise is as bad as having your property condemned or having a cemetery next door.* It rates a V (five) on the "Bell Chart Classifications of Detrimental Conditions." I am no real estate expert, but that kind of rating has got to put a downward pressure on sales prices.

**"Heaven's Gate Mansion Consultant, 'Dr. Disaster' Excels at Unloading Tainted Property," By Broderick Perkins, Mercury*

Center/San Jose Mercury News, Monday, June 23, 1997.

If you are like most, you have put a substantial amount of your savings into your home, and your future financial security depends on a reasonable return on your property. If the city is allowed to go ahead with its irresponsible plans, then our investments are threatened. The table below shows what a one, two, or three percent decline in your homes value will mean in dollars.

If your house is worth ...	You could lose ...		
	1%	2%	3%
\$100,000	\$1,000	\$2,000	\$3,000
\$140,000	\$1,400	\$2,800	\$4,200
\$180,000	\$1,800	\$3,600	\$5,400
\$220,000	\$2,200	\$4,400	\$6,600
\$260,000	\$2,600	\$5,200	\$7,800
\$280,000	\$2,800	\$5,600	\$8,400
\$320,000	\$3,200	\$6,400	\$9,600
\$360,000	\$3,600	\$7,200	\$10,800
\$400,000	\$4,000	\$8,000	\$12,000

What a big difference just a small percentage in house value makes! Think of what your house would be worth if it was in Palo Alto or another town that worked hard to provide a high quality of life. If you're like a lot of us, you probably couldn't afford it.

But we can protect what quality of life we have here already. We don't need to let it and our investment slip away. Join CAAP in defending the neighborhood and in defending your biggest personal investment—your home. Give one-half of one percent to the Neighborhood Defense Fund. It will be the best investment insurance you've ever bought.

* * *

March/April Noise Reports

The San Jose International Airport noise report for March 1997 revealed some interesting intrusions between the 11:30 p.m. and 6:30 a.m. curfew hours:

- United Airlines flight 452 pleaded "mechanical problems" on March 2 and March 20. In addition, United *violated* the curfew on March 13!
 - American Airlines flight 753 pleaded "weather related" problems for their March 9 intrusion, then "mechanical problems" on their March 14, 18, and 24 intrusions. All planes involved were the new "quiet" stage III aircraft.
 - Reno Air also had "mechanical problems" on two separate occasions with their MD80 stage III planes.
- Strangely, the April 1997 noise report reveals the same patterns:
- American Airlines flight 1138 (also an MD80) had "mechanical problems" on April 6 and 12. Flight 753 (stage III) had "weather related" problems on April 9 and 18.
 - United Airlines flight 520 had "mechanical problems" on April 9 and 18 (stage III).
 - Southwest Airlines flight 1153 reported "mechanical problems" on April 25.

The usual response to curfew intrusions is that "... the airport operations manager contacted the station manager to advise on noise control program requirements." Despite these efforts however, the obvious pattern of taking refuge in "mechanical" or "weather related" curfew intrusions continues unabated.

Months ago, CAAP received a report from the Federal Aviation Administration (FAA) on the May 1996 noise report. Half of the "mechanical problems" could NOT be documented by plane logs or filing information. In

March 1997, CAAP requested a review of the November 1996 report, in which the number of intrusions due to "mechanical problems" rose to an alarming 19. After waiting for three months for the response, CAAP again requested the review. To date, no answer has been received.

In the meantime, curfew intrusions continue unabated. And yet no one in the City or airport administration questions these reports. The airport noise advisory committee dutifully "notes & files" as required by their

State variance conditions and sleep disturbances continue uninterrupted.

Little faith in the airport's noise control program is entirely justified!

*Kenneth Hayes, M.D.
CAAP Board Member*

* * *

Make a pledge!

Make a pledge to send a contribution to CAAP every month as your make

out your monthly mortgage or rental payment. Many individuals are now contributing \$1,000.00, but everyone who cares about traffic congestion, air quality, and noise pollution needs to stand up and be counted.

Even a small monthly contribution of \$20.00 multiplied over a large base of individual contributors can help us protect the quality of life in San Jose and Santa Clara.

Don't put off letting us know where you stand!

CAAP's steering committee:

Lenora Porcella	Chairman	Travel Agent	76146.1705@compuserve.com
Russ McBrien	Vice Chair	H-P Executive	
Patricia Koopman	Secretary	Retired Teacher	patk316@aol.com
Sharen Dains	Treasurer	Freelance Court Reporter	
Robert Harmssen	Legal Affairs	Attorney at Law	
Kenneth Hayes	Medical Advisor	Physician	
Wanda Buck	Membership	Real Estate Broker	
Christopher Escher	Public Relations	Public Relations	
Lyle Johnson	Santa Clara Rep.	Attorney at Law	
Lilian Dennis	Neighborhood Liaison	Small Business Owner	
Leo Rubio	Neighborhood Liaison	Interpreter	
Eric Jacobs	Environmental Advisor	Product Development Director	ej@silma.com

YES! I want to fight Airport Pollution!

Please apply the enclosed donation toward _____ \$1,000 _____ \$500
the **Neighborhood Defense Fund***: _____ \$750 _____ \$250
_____ Other _____ I pledge a monthly donation of \$ _____

Name: _____

Address: _____

_____ Phone: _____ Email: _____

Employer: _____ Occupation: _____

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

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

P.O. Box 26142, San Jose, CA 95159 (408) 297-9753

Check out our web site at: www.caap.org



C A A P
CITIZENS AGAINST
AIRPORT POLLUTION

CAAP
P.O. Box 26142
San Jose, CA 95159