



City of Phoenix
OFFICE OF THE CITY MANAGER

June 1, 2015

Administrator Michael Huerta
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Re: Federal Aviation Administration's Imposition of RNAV without Due Process

Dear Administrator Huerta:

I write to you under the authority of the Phoenix Mayor and City Council, who have authorized legal action related to the Federal Aviation Administration's (FAA's) unilateral implementation of RNAV routes in Phoenix airspace.

I regret to inform you that the City of Phoenix is now compelled to file a petition for judicial review of the FAA September 18, 2014, implementation of Area Navigation RNAV routes in the Phoenix airspace.

FAA has repeatedly been making oral and written commitments since October 2014 that it will address noise impacts from its September 18, 2014, RNAV routes. However, it appears to have been stringing the City along with these promises, because it has not considered measures that would significantly reduce noise and, in fact has now made a final decision that such measures are not open for consideration. The FAA did this under faulty assumptions, limited communication and misrepresentations to the Arizona State Historic Preservation Office. FAA has also disregarded the direction from Congress made in the Omnibus legislation to report to it by March 2015 regarding efforts to address noise from its RNAV routes.

FAA's rearrangement of flight routes since September 18, 2014, upended decades of land-use compatibility planning that directed billions of dollars of private investment while the city invested hundreds of millions of dollars of noise mitigation efforts all based on the previous, stable flight tracks.

FAA's RNAV route changes have exposed tens of thousands of Phoenix residents to intolerable levels of noise that affect sleep, conversation and daily life. These residents were never given an opportunity to have a voice in the very process that has destroyed their quality of life.

Since the new flight paths were implemented, the City has asked the FAA for meaningful relief from the effects of RNAV to no avail. Using the FAA's own data, the City has shown that modest modifications to the newly imposed flight tracks can reduce the number of residents affected by the loudest noise by almost half, while retaining 80 percent of the fuel and efficiency benefits of the FAA's route package.

Today Regional Administrator Glen Martin informed City officials that while the FAA would be willing to support pursuing short-term, limited options, it is not able to consider the City's proposed alternatives and is only willing to slightly adjust the new flight paths in the long-term. The City has determined these adjustments would not provide comprehensive and meaningful noise relief to residents.

Further, we now see a similar pattern occurring with the FAA's Metroplex implementation process and are compelled to ask you to halt that process until you can guarantee proper airport operator and community involvement. The FAA is excluding the City from route design meetings and keeping the nature of airspace changes a secret to both airports and the community. This is completely inconsistent with the testimony provided in the last few months to Congress stating that airports are partners in the development of Metroplex PBN procedures.

Partners are not excluded from discussions about changes that fundamentally affect people's lives, land use, noise and airport capacity. While the FAA is partnering with the airlines to implement PBN, its policy in Phoenix, Los Angeles and other cities is to otherwise keep secret the actual route changes until some future unspecified date.

These actions by the FAA are unacceptable, and after eight months of patiently attempting to work with the FAA, it is clear at this point that no meaningful changes are planned to reduce noise impacts. We are now left with no choice but to file a petition with the Court to seek review of FAA's unlawful process.

While the City has filed this petition on behalf of its residents, Phoenix remains open to a serious and good-faith effort by the FAA to fix its broken process for implementing airspace changes and the resulting serious community impacts of the RNAV routes in our city. The community is suffering and we will not rest until we have made every effort to find noise relief.

We are proud of our track record of working collaboratively at Phoenix Sky Harbor International Airport. If the FAA works with Phoenix as a true partner, together we can provide the best aviation services possible, without compromising the quality of life for so many people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Zuercher', with a long horizontal line extending to the right.

Ed Zuercher
City Manager

Cc: Mr. Greg Stanton, Mayor, City of Phoenix
Mr. Daniel Valenzuela, Vice Mayor & District 5 Councilman, City of Phoenix
Ms. Thelda Williams, District 1 Councilwoman, City of Phoenix
Mr. Jim Waring, District 2 Councilman, City of Phoenix
Mr. Bill Gates, District 3 Councilman, City of Phoenix
Ms. Laura Pastor, District 4 Councilwoman, City of Phoenix
Mr. Sal DiCiccio, District 6 Councilman, City of Phoenix
Mr. Michael Nowakowski, District 7 Councilman, City of Phoenix
Ms. Kate Gallego, District 5 Councilwoman, City of Phoenix
The Honorable Senator John McCain, Arizona
The Honorable Senator Jeff Flake, Arizona
The Honorable Congresswoman Ann Kirkpatrick, 1st Arizona Congressional District
The Honorable Congresswoman Martha McSally, 2nd Arizona Congressional District
The Honorable Congressman Raul Grijalva, 3rd Arizona Congressional District
The Honorable Congressman Paul Gosar, 4th Arizona Congressional District
The Honorable Congressman Matt Salmon, 5th Arizona Congressional District
The Honorable Congressman David Schweikert, 6th Arizona Congressional District
The Honorable Congressman Ruben Gallego, 7th Arizona Congressional District
The Honorable Congressman Trent Franks, 8th Arizona Congressional District
The Honorable Congresswoman Kyrsten Sinema, 9th Arizona Congressional District
The Honorable Victor Mendez, Deputy Secretary, U.S. Department of Transportation