



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of Airport Safety and
Standards

800 Independence Ave., SW.
Washington, DC 20591

DEC 11 2000

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The Honorable Henry A. Waxman
House of Representatives
Washington, DC 20515

Dear Congressman Waxman:

Several weeks ago representatives of my staff and the Federal Aviation Administration's (FAA) Office of Chief Counsel met with your staff to discuss noise and safety concerns at the Santa Monica Airport (SMA). While no consensus of the issues was reached, I was pleased to hear that our offices agreed to work cooperatively in determining the specific issues of concern and any potential solutions.

During the meeting, your staff requested that the FAA provide answers to several questions. Our responses to those questions are provided below.

1. Could the City of Santa Monica reduce the 1984 Settlement Agreement noise levels from 95 to 80 through a streamlined ANCA/Part 161 process?

The 1984 Settlement Agreement, which includes a 95 db maximum SENEL noise limit, does not appear to be currently subject to the Airport Noise and Capacity Act (ANCA), 49 U.S.C. 47524, et seq., 14 C.F.R. Part 161, because it became effective on or before October 1, 1990. However, if the Agreement were amended and the amendment had the effect of reducing or limiting aircraft operations or affecting aircraft safety, then the Settlement Agreement would become subject to ANCA. The amended Settlement Agreement would constitute a new restriction under ANCA and Part 161.

There are no formal streamlined ANCA procedures, however, voluntary agreements between the airport operator and airport users are outside the scope of ANCA. Thus, these non-mandatory agreements would require no ANCA process or documentation. In addition, under Subpart B of 14 C.F.R. Part 161, there is an expedited ANCA process that applies to agreements between the airport operator and all aircraft operators affected by the proposed restriction that are serving or will serve the airport within 180 days of the date of the proposed restriction. After notice and comment, the restriction would

become mandatory and would have the same effect as if it had been implemented in accordance with Part 161's Subpart D, "Notice, Review, and Approval Requirements for Stage 3 Restrictions."

2. What minimal submissions would be required to be prepared?

For voluntary agreements, no submissions to the FAA would be required. For agreements pursuant to Subpart B, certain limited information would have to be placed in the notice such as a clear and concise description of the proposed restriction, and information concerning the specific need for the restriction.

3. Would such an amendment to the Settlement Agreement likely trigger ANCA/Part 161?

Any alteration or amendment to the 1984 Settlement Agreement not constituting a voluntary agreement or agreement under Subpart B that would have the effect of reducing or limiting aircraft operations or affect aircraft safety would subject the Settlement Agreement to the requirements of ANCA and Part 161.

4. Would the fact that the Settlement Agreement may be grandfathered under ANCA/Part 161 reduce the amount of paperwork and process necessary for reducing the noise level at Santa Monica Airport by amending the Settlement Agreement?

Assuming the Settlement Agreement was grandfathered under ANCA, any amendment to the Settlement Agreement that would have the effect of reducing or limiting aircraft operations or affect aircraft safety would subject the Settlement Agreement to the requirements of ANCA and Part 161, including the analysis requirements of Subpart D. As indicated above, only in the case of a voluntary agreement or an agreement under Subpart B would reduce or eliminate paperwork and process under ANCA and Part 161.

5. What kind of data could the City of Santa Monica or homeowners residing close to SMA provide to FAA to demonstrate a safety problem?

Information showing Accidents/Incidents where the Santa Monica Airport or an element of the airport infrastructure was a cause or contributing factor.

6. When was the last FAA safety inspection of SMA completed?

Since SMA is not a Part 139 "certificated" airport, the FAA does not conduct routine safety inspections of SMA. However, California Department of Transportation (CALTRANS), Aeronautics Program conducted an aviation

facilities inventory and state permit compliance inspection on November 30, 1999. Please contact Mr. Austin Wiswell, CALTRANS, at (916) 653-9603 for additional information regarding this inspection.

7. How often are such safety inspections completed?

CALTRANS inspections are typically, but not always, completed annually.

8. Why is it that the Runway Safety Areas and Runway Protection Zones are nonstandard?

Runway Safety Area and Runway Protection Zone dimensional standards have increased over the years, subsequent to the establishment of Santa Monica Airport in 1926. It has been difficult for many existing airports to expand to conform to the revised standards, due to physical and economic constraints.

The FAA has no authority to require a change in runway length to achieve current Runway Safety Area standards at airports. Likewise, the FAA has no authority to require the acquisition of additional real property to achieve current runway safety area and runway protection zone standards. The FAA certainly recommends attainment of standard runway safety areas and protection zones, and responds to federal funding requests to achieve this objective where feasible.

The Runway Safety Area is considered a safety enhancement that is beneficial if something abnormal occurs to an aircraft during the takeoff or landing. However, an airport having runway safety areas that are not consistent with current FAA design standards does not make it inherently unsafe. Prior to conducting an aircraft operation on a runway, the pilot is responsible for determining whether the runway length and width are sufficient for safe aircraft operations. The presence or absence of a runway safety area is not part of this determination.

9. Why doesn't the FAA require the reduction of the runway's length to accommodate safer buffer areas?

See response to question 8 above. Additionally, the 1984 Settlement Agreement, which resolved litigation between the city and airport users, specifically states that runway length will remain and the city will not take any action to derogate the airport's role as a reliever airport. A reduction of runway length would be considered a derogation of the airport's role as a reliever airport and would impact its current utilization.

10. If SMA would be safer with a shorter runway, why doesn't the FAA require that?

See response to question 8 above.

11. Does FAA maintain measurements of aircraft emissions, soot, or pollution at SMA?

The FAA does not monitor airborne emissions, generated and dispersed by an individual airport.

I trust that this information is helpful. Enclosed is a copy of FAA Advisory Circular 150/5300.13A, "Airport Design," as requested by your staff.

If you or your staff need further assistance or wish to meet to further discuss this matter, please contact Ms. Suzanne Sullivan, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,

A handwritten signature in black ink, appearing to read "DLB", with a stylized flourish at the end.

David L. Bennett
Director, Office of Airport Safety
and Standards

Enclosure