

# NEWSLETTER

## Update on the FAA lawsuit against the City of Santa Monica trying to prevent the city from regaining clear title to its own land and enforcing its citizens' November 2014 vote to close the airport.

May 16, 2016 - The 9th Circuit Court of Appeals ruled in favor of Santa Monica's right to protect its right to go to trial against the FAA. As a result of the November 2014 election, the citizens of Santa Monica voted to not renew the Santa Monica airport lease that would expire in 2020. As was reported in the April Newsletter, the FAA is acting in direct conflict against the citizens of Santa Monica's majority 2014 vote to not renew its lease, close the airport and turn the land into a park. However, as citizens all over the country are finding out, when it comes to the FAA, protecting the public interests is not that simple. The FAA is now claiming it, not the city, owns the property.

To keep it simple, as with many cities during World War II, the federal government was given title to city owned property to allow the federal government to economically and consistently prosecute the war effort. At the end of the war, the federal government transferred the property back to the original owners, including all improvements made to the property. [Click to view the 9th Circuit Court argument](#)

## History Matters - Who's not protecting the Citizens of North County?

When it comes to the FAA, the Santa Monica situation is not unique. But, the FAA is not totally to blame.

The future of air traffic is projected to double over the next 15 years and the FAA has the responsibility to make sure the system is safe. Hence before the traffic dramatically increases, a new satellite based air traffic control system called NextGEN, is now being rolled out. This will allow time to work out the unanticipated bugs in the system while maintaining the ground based radar as a backup system as issues arise.

However, NextGEN allows the airlines to change the flight paths over areas never before impacted by aircraft noise and pollution. Consequently, all over the country, communities are picketing or filing lawsuits against the FAA because of additional noise. [Click to see communities impacted](#)

With the above as the truthful backdrop, San Diego County has approved the continuation of developing the next 20 Year McClellan-Palomar Airport (CRQ) Master Plan. A plan that increases aircraft noise and pollution for all of the airport surrounding communities. A fact that is continually being denied by the County when it states — with a longer runway, the planes will be getting up higher faster; therefore, they will be quieter.

But, the FAA disagrees with the County's contention. In its latest 2015 Metroplex noise map around CRQ, the aircraft noise will increase in most areas. Additionally, at the April 2016 meeting of the Palomar Airport Advisory Committee (PAAC), the PAAC presented a presentation of the noise contour easement area around the airport. One of the conclusions of the presentation was the noise contour easement will be expanding.

The simple fact is our elected officials need to protect the health of its citizens. In this instance, the County is definitely not protecting the North County citizens health. The County seems to be strictly looking out for its perceived increase in tax dollars. A tax increase disproved by Federal, State, County and Local Community studies, including Point Loma's [No Plane Noise](#) website.

Unfortunately, Carlsbad elected officials seem to be operating under the same mistaken opinion. With a John Wayne type airport in the middle of the city, the city seems to feel, Tourism and Hotel Tax Revenues will increase. Otherwise, why has the city not spoken out against the County's plan that will destroy Carlsbad and its surrounding communities healthy lifestyle.

### Actions Speaks Louder Than Words!

In 1979 and 1980 the citizens of Carlsbad wanted control over any future airport expansion. Their actions resulted in Carlsbad passing and the County agreeing to the terms and conditions of [Conditional Use Permit \(CUP\) 172](#) and [Ordinance 21.53.015](#).

## Palomar Airport Advisory Committee (PAAC) March Meeting

All PAAC meetings, have always been run strictly under *Robert's Rules of Order*. A fact that has been expressed many times as being contrary to the PAAC's Charter from the County of San Diego. That Charter states one of the PAAC's duties is — **"To provide an open forum between the Communities and the County on matters pertaining to Palomar Airport."** That requirement has been completely ignored. That said, Robert's Rules of Order - Section 60 - Minutes states — *"Minutes to be Published. When the minutes are to be published. In addition to the strict record of what is done, as heretofore described. They should contain a list of the speakers on each side of every question, with an abstract of all addresses, if not the addresses in full, when written copies are furnished. ..."*

As such, it came as a complete surprise when, after not receiving a requested transcript of the February 2016 meeting, the request was resubmitted, only to get the following answer — there is no transcript of any of the meetings. Additionally, it was pointed out that the minutes of the meetings have become more and more generic and only states the public speaker's name, but no detail on what was stated.

Both the lack of any transcript and the lack of minute details were acknowledged with no action being taken.

That said, the meeting agenda did list two potentially interesting topics:

- Item 4. Lease Amendment to Aviation Lease with Jet Source, Inc
- Item 5. McClellan Palomar Airport (CRQ) and John Wayne (SNA) Comparison

### Lease Amendment

The County presented it has agreed to take back a 1.66-acre parcel from Jet Source, Inc who no longer needs the property. In consideration for Jet Source willing to terminate the expiring 2043 lease early, the County will credit Jet Source \$1.7 million in future rent credits on its remaining 6.83 acres leased property. Therefore, no actual monies will be changing hands. The lease amendment was unanimously approved.

In the County presentation, it was stated the property is directly next to the new terminal and by terminating the lease early — *"...the property could provide space for a number of future options, including additional customs space, passenger areas, or storage of Airport Rescue and Fire Fighting equipment."*

**Is the County already working on CRQ becoming a full commercial airport?** [Click to see our 2014 prediction.](#)

### McClellan Palomar Airport (CRQ) and John Wayne (SNA) Comparison

The presentation only compared today's CRQ to SNA. Therefore, the conclusion was, *"...today's CRQ cannot become another SNA."* **Duh!**

Given the Board of Supervisors approval to continue to develop a commercial airport plan, this presentation was completely irrelevant. It had no mention of the CRQ change in direction as approved by San Diego Board of Supervisors, December 16, 2015, to paraphrase, *CRQ will become a full commercial airport and the recreational aircraft will be moved out*. Additionally, the presentation was void of Supervisor Bill Horn's March 2016, comments for CRQ's future direction in his KUSI interview. [Click to View](#) the KUSI's interview.

The new plan proposes not only lengthening the runway, but also moving the runway and taxiway north to meet FAA separation requirements for regional commercial jets. Also, the presentation lacked any consideration to how the airline industry is changing to new regional jet designs with a range of 1,700nm to 3,000nm. These new 70 to 130 passenger aircraft are more economical and require considerably less runway length than today's comparable aircraft. Or to put it another way, CRQ's present runway of 4,897 feet is more than sufficient to accommodate the majority of new class of regional jets about to be delivered this year.

**More proof of industry is changing**, in April, Delta Airlines placed a \$5.6 Billion order (an order expected to go to Boeing) with [Bombardier for its new CS100 aircraft](#). At Maximum Landing Weight (MLW) the CS100 requires only a 4,450 feet dry runway while a similar configured 737-700 requires almost 5,500 feet. After the Delta announcement, Boeing stated it is rethinking the 737-700 design to be more competitive with the new class of jets.

Given the above, when the PAAC was asked, *why was a presentation not given comparing the future vision of CRQ to SNA*, the best that can be said is — the committee was silent and had no comment.