



Minutes Tempe Aviation Commission June 10, 2014

Minutes of the Tempe Aviation Commission meeting held on June 10, 2014, 6:30 p.m., at the Public Works Conference Room, Garden Level, City Hall Complex, 31 E. Fifth Street, Tempe, Arizona.

(MEMBERS) Present:

Lane Carraway
Shannon Dutton (Vice Chair)
Mark Garrigan
Gordon Gauss
Karyn Gitlis
Lance McIntosh
Barbara Sherman (Chair)
James Wennlund

(MEMBERS) Absent:

Sally Clements (Excused)

Citizens Present:

Deborah Zatar

Guests Present:

Darlene Justus, NTNA President
Onnie Shekerjian, Vice-Mayor

City Staff Present:

Chuck Cahoy, Deputy City Attorney
Jeff Kulaga, Assistant City Manager
Oddvar Tveit, Environmental Quality Specialist
Marge Zylla, Government Relations Officer

Meeting convened at 6:32 p.m.

Barbara called the meeting to order.

Agenda Item 1 – Public Appearances

Darlene Justus said aircraft departures are a concern, but so are arrival operations, which also are part of the Intergovernmental Agreement (IGA) with Phoenix. Arrivals over north Tempe neighborhoods are low and more planes are coming in from the north. She asked city staff to generate historical flight tracks that show departures and arrival operations over Tempe before the opening of the third runway and right before the downturn in the economy happened to display where departing and arriving planes actually have been flying and where they fly today. She also mentioned that private use of drones is a concern. A private owner of a drone has been using it in north Tempe neighborhoods and in Papago Park. NTNA has written a letter to the Mayor and Council about the use of drones in Tempe. US Airways has reported an air miss between a plane and a drone in Florida. Videos are posted on [YouTube](#). One of the YouTube [videos](#) mentioned in the letter shows a drone hovering at high altitude over Papago Park with added VHF communication voice-over to make it sound real before the drone crashes to the ground. Another [video](#) shows drone used with a night vision camera. Based on these videos she would like to know what altitudes arriving planes have over the 202 freeway across the Papago Park, and how high up these drones are allowed to fly this close to planes on approach to Sky Harbor. Darlene said the NTNA is concerned about privacy, and hobbyist's unregulated use of drones with cameras in public parks and over private properties. Karyn mentioned the

FAA today had issued the first permit to use a commercial drone to fly in the US to BP for the purpose of doing surveying work in Alaska. She thanked Darlene for making the commissioners aware of NTNA's concerns. Barbara asked for staff assistance to provide Darlene with the requested information.

Agenda Item 2 – Consideration of Meeting Minutes (May 6, 2014)

Karyn moved to approve the minutes as drafted. The motion was seconded by Shannon. The May meeting minutes were approved by a unanimous vote.

Agenda Item 3 – Updates from Staff

Status on Commission Initiatives:

Staff handed out a list of topics raised by the commission over the last couple of years, with information about their status. The latest updated topic was the commission's request to tape an interview with the previous Mayor Hugh Hallman about Tempe's history with the Phoenix Sky Harbor International Airport to be used to educate new commission members. Barbara conducted the interview in the Tempe History Museum on May 7, 2014. The city's media relations are editing the tape.

Agenda Item 4 – Tempe-Phoenix IGA on PHX noise mitigation flight procedures 1994-2014

Vice Mayor Onnie Shekerjian informed the members about a meeting she and Councilmember Shana Ellis recently had with staff about the Intergovernmental Agreement (IGA) review and a potential way forward. The suggestion is to write a letter to the Phoenix Council about the agreement and concerns that have been raised, including the "4-DME gate" measure to determine compliance airline departures to the east over Tempe. A decision was made to first hear from the aviation commission before moving forward with this proposal to the Council Committee of the Whole (COW). Jeff was asked to explain about the review of the IGA. Jeff talked about how the airport, after the IGA was made, has been determining which planes comply and which do not comply with the agreed upon 4-DME instrument departure. The procedure attempts to limit departure noise exposure in populated areas of Tempe by having the planes use the airspace over the Salt River riverbed. In 1997 Tempe City Council delegated staff to ask the airport to use a corridor design to determine compliance, the airport declined to do so. The city left the issue to be resolved on staff level. Karyn explained how much work TAVCO put in to the development of a corridor compliance measure. All the variables were considered, wind, temperature, drift, aircraft performance, navigational errors etc. to make sure it was possible for planes to stay within the corridor. James mentioned that under the "4-DME gate" the focus is on containing the departures, however with arrivals coming in on both sides of the riverbed, the problem of flights over residential areas is today more about how arriving planes are fed into the final approaches to the PHX runways under predominantly visual conditions throughout the year. Staff explained about the cancellation of the "side-step" noise mitigation measure for arrivals to the third runway and how arrival operations during congested times of the day periodically result in approaches being aborted and go-arounds occasionally occurring at the airport. He explained about the positive trends in monthly departure compliance after 2010 measured by using the 1997 TAVCO corridor, the gradual decline in average noise energy levels registered by the PHX fixed noise monitors in Tempe and the gradual decline in aircraft noise complaints received by the city. The latest monthly noise reports show that American's planes with the America West three letter designator code, is over 80% in compliance with the corridor.

Barbara expressed her concerns over the review made by staff of the IGA. Missing from staff's

review is the historic lack of honoring the purpose of the IGA shown by the City of Phoenix. The protection detailed in the IGA restricts flights to the airspace over the Salt River riverbed. The "4-DME gate" compliance measure clearly does not provide protection for Tempe neighborhoods. Vice Mayor expressed her understanding of Barbara's concerns, and she asked if the commission has any objections over the suggested way forward in dealing with these concerns. Considering the difference between the departure compliance measures have been reduced to about 20%, the timing might be right. The intent is not to reopen the IGA. Karyn moved that the commission endorse a suggestion to COW that the city write a letter to the City of Phoenix Council proposing that the city councils have a discussion of concerns Tempe has regarding the 1994 IGA including how east departure compliance is measured by the airport and about arrival operations over Tempe. The motion was seconded by Shannon and approved by a unanimous vote.

Agenda Item 5 – Update on FAA policy initiative to include OEI in Part 77 aeronautical studies

Staff had been asked by the chair to make the commission aware of the April 28, 2014 notice in the Federal Register about FAA policy change to consider the Impact of One Engine Inoperative (OEI) procedures in FAR Part 77 obstruction evaluation aeronautical studies. In a letter to council dated April 4, 2013, the commission had raised the potential impact of the change on high density developments in Tempe, supporting the city in working with other cities in a similar situation to oppose a change. This was after the Summit Group had been addressing the proposed change at the commission's meetings. The chair had asked for a discussion of need to remind the council about the issue; the hearing of the proposed policy change ends on June 27, 2014. Statements in the public notice indicate that the FAA does not see the need to amend FAR Part 77, and that airports would evaluate the need for establishing airport OEI surfaces locally in consultation with users, operators and the local community. Staff also mentioned that the controversy of establishing OEI surfaces by policy change, in addition to requiring airlines to have OEI procedures, has resulted in a bill proposed in the House of Representatives. The bill would require the FAA to put the policy change through a standard rulemaking procedure, including a cost-benefit analysis and other studies before taking effect. The members agreed that no further action on the matter appeared to be necessary at this time.

Agenda Item 6 – Commissioners' Business (topics for future discussion)

Barbara asked the members to review the information pamphlet about the IGA staff had drafted.

Agenda Item 7 – Schedule next TAVCO meeting

The next meeting was scheduled for July 8, 2014.

Agenda Item 8 – Adjournment

The meeting was adjourned at 8:37 p.m.

Prepared by: Oddvar Tveit

Reviewed by: Marilyn DeRosa



for Jeffrey Kulaga

Authorized Signature

Deputy Public Works Director – Water Utilities