



Minutes Tempe Aviation Commission December 13, 2016

Minutes of the Tempe Aviation Commission meeting held on December 13, 2016, 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 (Chair)
Shannon Dutton
Gordon Gauss (Vice-Chair)
Mark Garrigan
David Naugle
John Q. Nunes

Guests Present

Anne Kurtenbach, *Airspace & Noise Program Manager, City of Phoenix*
Brett Nadler, *Airspace & Noise Planner II, City of Phoenix*
Joel Navarro, *Councilmember, City of Tempe*

(MEMBERS) Absent:

Robert Dixon (Excused)
Mike Sonenberg (Excused)

Citizens Present

Alz Ahmad
Deb Gain-Braleay
Darlene Justus
Micah Slezak

City Staff Present:

Cassandra Mac, *Management Assistant I*
Parrish Spisz, *City Council Aide II+*
Oddvar Tveit, *Environmental Quality Specialist*
Marge Zylla, *Government Relations Officer*

Meeting convened at 6:26 p.m.

Chair Lane Carraway called the meeting to order.

Agenda Item 1 – Public Appearances

Deb Gain-Braleay appealed the members:

- Be cognizant of not taking steps that may weaken or jeopardize the IGA with Phoenix, specifically in regards to altering the carefully negotiated 4-DME noise mitigation instrument departure procedure.
- Support continued efforts to regulate drone use, and encourage the City to find an appropriate place for recreational users of drones and unmanned aerial vehicles (UAVs) outside the five mile radius of the airport.

Darlene Justus:

- The FAA respects the IGA, which was proven in 2014 when the FAA changed departure headings on the west side of the airport causing planes to fan out on departure from PHX, but it did not occur on the east side because of the IGA and the commitment not to make changes to 4-DME flight procedure.
- Drones in Papago Park are a concern because of the proximity to the final approach for north runway, and the potential of a drone flown at higher altitudes entering the flightpath. It is hard to distinguish those who use a drone as a toy and more sophisticated users that have smaller, less detectable drones or drones with night vision cameras.

Micah Slezak:

- Discussed developments in the drone (UAV) industry. For example, today's drones are equipped with geo

fencing, which prevents them from being launched in specific geographic zones, such as within close proximity to an airport, and with double up safety features. With regards to privacy concerns, drones produce a high frequency noise that should be easy to detect.

Agenda Item 2 – Consideration of Meeting Minutes (November 8, 2016 and November 16, 2016)

Chair Lane Carraway asked for comments to the drafted minutes, and a motion to approve.

Motion: Mr. John Q. Nunes moved to approve the drafted minutes. The motion was seconded by Ms. Shannon Dutton.

Action: The minutes from the November 8 and November 16 meetings were approved by a unanimous vote.

Agenda Item 3 – Unmanned Aerial Vehicle Regulations

- Tempe City Council Aide Parrish Spisz updated the members on the working group that was created to discuss recreational use of UAVs with representatives that included the TAVCO chair and members of the UAV industry. Commissioner John Q. Nunes was also contacted to provide a UAV demonstration to the group. SB1449 limited the scope of regulations that local communities could implement, which limited the working group to a recommendation to the City Council Committee of the Whole (COW) to prohibit UAVs from landing or taking off inside city parks north of E. Rio Salado Parkway. The COW recommended the group take a second look at the issue and include TAVCO and host community meetings. With or without a city ordinance that regulates recreational UAVs specifically, use of UAVs that endanger the public by reckless flying and criminal offenses remain enforceable violations under the current City Code.
- Tempe Government Relations Officer Marge Zylla talked about the federal regulations and the state initiative SB1449 which does not regulate commercial use of UAVs and would be superseded by any future federal regulations regarding the private operation of smaller UAVs. SB1449 regulates use over critical infrastructure in the state, and delegates regulation of use in parks, law enforcement, and any public endangerment issues caused by UAV use to local jurisdictions.
- Tempe Councilmember Joel Navarro mentioned that the working group also discussed establishing a permit system for commercial UAV users to keep track of when and in which parks or other city owned public infrastructure UAV service providers are scheduled to launch UAV activities. The focus areas of the working group were around Tempe Town Lake, because of the events and the close proximity to PHX flight paths.

Discussions: Arguments made by the members:

- The recreational use of drones should be considered a city-wide issue that affects both north and south Tempe.
- Any areas prohibited or recommended for recreational drone use should be disclosed on a map made available to the public.
- Tempe does not have remote areas where model aircraft and UAV hobbyists can operate.
- The proposed recommendation from the working group does not distinguish between government, commercial, and recreational use of UAVs. The proposed ordinance does not exempt fire or law enforcement UAVs. Its purpose needs to be clarified.
- Local regulations about operation of UAVs are preempted by SB1449 and federal regulations. The city should not add to any confusion about UAV regulations by introducing their own.¹
- Paradise Valley has passed local UAV restrictions, but state preemption restricts enforcement.
- Public endangerment caused by reckless drone use is subject to local law enforcement. No additional city regulations of UAVs are needed for police enforcement action against unlawful use of UAVs.

Motion: Commissioner John Q Nunes moved to return the proposal for reconsideration by the working group. Commissioner Shannon Dutton seconded the motion.

¹ Comment submitted by e-mail from absent member prior to the meeting.

Action: The motion carried by a unanimous vote.

Agenda Item 4 – Noise Abatement Issues

Environmental Quality Specialist Oddvar Tveit explained issues that have been raised by the commission in the past and new noise abatement measures that potentially could be considered by TAVCO that were proposed by the commission's noise abatement subcommittee.

1. Outreach to the airlines:
 - a. Increase noise abatement awareness among airlines, e.g. post noise abatement flight procedures, the 4-DME, on taxiways.
 - b. Investigate the extent to which NBAA noise abatement procedures are in use by aviation businesses that operate at PHX
 - c. Investigate the extent to which the larger airlines make use of ICAO Noise Abatement Departure Procedures at PHX.
2. Proposed by the noise abatement subcommittee:
 - a. Noise mitigation intended to keep planes on predictable paths for descent approach to PHX, at all times irrespective of weather and air traffic volumes.
 - b. Improve noise protection by extending the runway heading for west flow departures out to 10 DME and the headings to a single point of departure east of the airport from 4 to 6 DME or, as an alternative measure for steeper climbs with reduced power, restrict turns to when a minimum altitude above ground has been reached.
 - c. Be prepared to jointly address further airspace actions under a future Metroplex by considering the establishment of a noise office that has representation from communities immediately impacted by PHX operations.

Discussions and Action: The members discussed the list and agreed to defer further discussion and action on how to proceed to the January meeting. Phoenix will formally respond after TAVCO makes their formal recommendation.

Agenda Item 5 – Commissioners' business

- Continue the discussion of noise abatement issues, and what issues to bring forward in a formal recommendation.
- Elections of officers

Agenda Item 6 – Schedule Next TAVCO Meeting

Action: Next meeting was scheduled to January 10, 2016 at 6:30 p.m.

Agenda Item 7 – Adjournment

Motion: Mr. David Naugle moved to adjourn the meeting. Mr. Mark Garrigan seconded the motion.

Action: The meeting was adjourned at 7:39 p.m. by a unanimous vote.

Prepared by: Oddvar Tveit and Cassandra Mac

Reviewed by: David McNeil