

**TEMPE AVIATION COMMISSION (TAVCO) POSITION LETTER WITH
RECOMMENDATIONS TO MAYOR AND COUNCIL ON THE QED AIRPORTS
AND AVIATION CONSULTANTS REPORT DATED FEBRUARY 22, 2009**

SUMMARY: The history is incorrect as described in the Report; There are inaccurate statements made in the Report that must be addressed; The conclusion reached that “[b]y most measures the intent of the IGA is achieved”, lacks harmony with the facts; The Report has some meritorious recommendations with which TAVCO concurs; TAVCO recommends that the Report not be circulated by the City of Tempe without this letter.

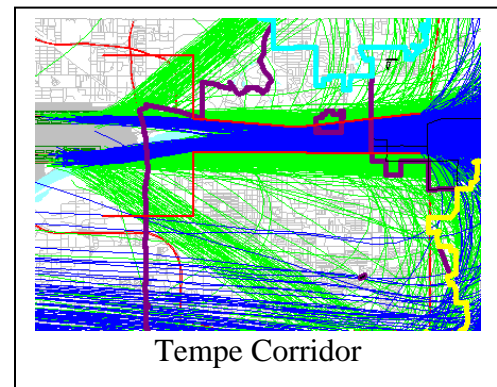
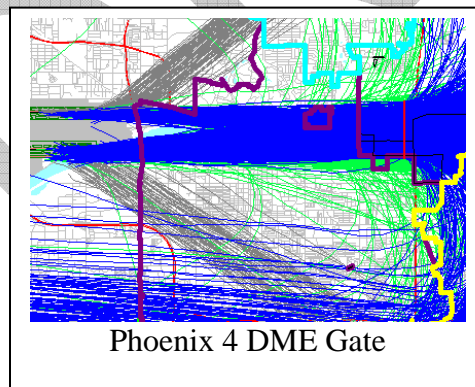
While members of TAVCO (“the Commission”) accept the QED Final Report (“the Report”), the Commission respectfully reports the following concerns regarding the content of the Report. The Commission recommends that the City of Tempe accept this Report with the following clarifications:

- 1. The history is incorrect as described in the INTRODUCTION, pages 1-2 of the Report.**
 - The history portion of the document as it relates to “the gate” is not correct. The City of Tempe and the City of Phoenix negotiated and entered into an Intergovernmental Agreement (“IGA”) in September of 1994. The IGA is referred to in the Report.
 - Following the signing of the IGA, the Commission developed and proposed the “corridor” concept to the City of Tempe Mayor and Council. The “corridor” concept was supported by the City Council in December of 1996, and subsequently promoted. The use of a “corridor” concept to contain departure traffic over the Salt Riverbed is a continuation of the noise mitigation procedure used for departures to the east from PSH since 1973. The Commission suggests that references to the “gate” in the Report are references to an aviation term used by the City of Phoenix, and that the “gate” is not a concept developed in the negotiation process that resulted in the IGA. In fact the City of Tempe never agreed to a concept of the Phoenix “gate.”
 - In addition, the history portion of the Report is not correct because it fails to note that since 1973 there has been a single point of departure over the Salt River riverbed for planes departing to the east from Phoenix Sky Harbor International Airport (“PSH”). Using the single point of departure procedure, all aircraft would overfly the Salt River riverbed for a specified distance before executing any necessary turns. Instead, the Report assumes that the Phoenix “gate” has been the procedure implemented to protect Tempe residents all along. The Report’s premise is that the “gate” provides some protection to Tempe residents. However, the “gate” is an unacceptable and inadequate measure and is no replacement for

the original riverbed overflight procedure or for the headings established and known as “the corridor.”

2. There are inaccurate statements in the Report that must be addressed

- In its first description of the “4 DME” procedure,” the Report makes a substantive error. The 4 DME procedure is written as if the “gate” was an integral part of the 4 DME procedure. The “gate” is a concept that appeared long after the 4 DME procedure was initiated and after the IGA had been signed by the Cities of Phoenix and Tempe. The Commission believes that the “gate” is the term that is used by the City of Phoenix to measure compliance, but the “gate” is not part of the IGA.
- The Report fails to note the fact that the “gate” actually reduces the effectiveness of the Salt River riverbed “corridor.”
- The Report refers to the “enforcement of the 4 DME gate” when it should state that the “gate” is used by PSH to enforce the 4 DME Standard Instrument Departure procedure agreed upon with the City of Tempe in the IGA. See page 4 of the Report: “In practice under the earlier two parallel runway layout, air carrier aircraft compliance with the 4 DME procedure was generally favorable and helped limit low altitude jet aircraft overflights of Tempe residential areas.”
- The Commission wishes to point out that compliance with the 4 DME procedure is measured differently by the Cities of Phoenix and Tempe. Tempe uses the “corridor” to measure compliance, while Phoenix uses a “gate.”
- The Report actually confuses the 4 DME procedure with the “gate.”



- Discussion on page 15 of the Report regarding “every other noise source” seems to suggest that it would be logically inconsistent for the City of Tempe to press for reducing PSH noise without also reducing every other noise source in the City. The Commission believes this argument should be rejected. The Commission sees no inconsistency for the City to have different noise programs applicable to different noise sources.

- Discussion on page 15, second full paragraph that states “The aircraft noise monitoring system has been functioning reliably...” presents an inaccuracy. The Report drafters do not in fact know if the aircraft noise monitoring system has been functioning reliably because that determination was beyond the scope of their work. This statement in the Report must not be used at any time as evidence that the noise monitor measurements are reliable.

3. The Report conclusion that “By most measures, the intent of the intergovernmental agreement has been achieved” is not supported by facts.

- The above statement on page 6 of the Report is not a logical conclusion based on preceding Report text. The consultants clearly did not fully grasp the principles outlined in the IGA. Based upon their confusion between the “gate” and the 4 DME procedure, and their total lack of reference to the “corridor” within the Report, the conclusion reached by the consultants is incongruous, capricious and arbitrary.

4. The Report has some meritorious recommendations with which the Commission concurs.

- The key Report recommendation is that some noise monitoring sites in current use by PSH are not producing useful information due to poor location.
- The Report also alludes to the possibility that the current equipment is under-estimating aircraft noise and over-estimating community noise. Tempe should make sure a further study is undertaken to verify that quality of collected data, which as mentioned in the report should include, “examination of actual event records or ... manned field observations and measurements, so the accuracy of the discrimination algorithm can be assessed and the reported DNL level for aircraft proven to be correct and reliable.”
- The Report finds a significant (66%) reduction in the size of the 65 DNL from the base year as well as in the projected Noise Exposure Map contour years included in the PSH Part 150 Study to 2007. This will likely mean that in a new Part 150 Study, all or close to all residential areas in Tempe would become compatible, and that the opportunity for PSH to apply for federal funding for new Noise Compatibility Program elements such as sound attenuation of multi-family homes in Tempe, would be limited. The Commission recommends that the City addresses this issue with the City of Phoenix toward the goal of financing attenuation of multi-family homes in Tempe in areas that have previously been offered single family home upgrades through the PSH Residential Sound Mitigation Services program.
- The Report, on page 16, recommends that when the City of Phoenix replaces the noise monitoring equipment, noise monitors should be positioned at Laird

Elementary School, Scales School and within the residential area near East Henry Drive.

- The Report goes on to say that because gathering non-productive information is wasteful, “(T)he City of Tempe should convey these recommendations to the City of Phoenix so that the City of Phoenix may consider the recommendations in their ongoing plans to replace the existing NFTMS. This would serve to maximize the investment in the facilities and yield an improved monitoring and response program to aircraft noise impacts.”
- The Report recommends that noise and flight tract monitoring systems could be better used “actively” rather than “passively” as they are used by PSH. The Commission supports the use of the system to reach community goals.
- No bibliographic information is provided in the Report. For example, on page 14, the Report refers to various studies which “have documented adverse effects on educational goals even at levels as low as DNL 50 to DNL 55.” It would be helpful if the City of Tempe could receive a bibliography of such studies and other sources cited in the Report.
- The Commission recommends that the Report should not be circulated by the City of Tempe without this Position Letter.

Sincerely,

Gloria Regensberg
Chair, Tempe Aviation Committee