



October 12, 2022

SENT ELECTRONICALLY

Honorable Mayor Chen and City Council Members:

RE: UPCOMING COUNCIL AGENDA ITEM – UPDATE ON AIRPORT NOISE

We are asking you to consider this input in connection with the staff report you have requested for an upcoming Council agenda.

Riviera Homeowners Association residents have been plagued in recent years by noise from low flying aircraft using Torrance Airport. In talking to residents from other HOA's we have found they are also impacted. Our Association has taken the lead in bringing residents together, asking the City for relief, and proposing ways to resolve these problems.

Attachment 1 is a petition signed by over 666 individuals who are petitioning the City to take action to reduce Torrance Airport's impacts. You can also find the petition online (at <https://www.ipetitions.com/petition/petition-to-reduce-torrance-airport-impacts-now>) with names of the signers and their comments. In addition, Attachment 2 is hard copies of the petition with 124 additional supporters. Altogether, there are 790 supporters, so far.

We believe the City should hire independent outside legal counsel with expertise in aviation law to help the City identify and evaluate its legal options.

Voluntary measures have proven to be ineffective. Moreover, we need comprehensive, not piecemeal solutions. We have identified several options discussed below and we urge you to consider all of them. We have grouped them into two categories – Options to Address Training Impacts, and Options to Reduce General Impacts.

Options to Address Training Impacts

Repetitive training flights have greatly increased negative impacts on residents on all sides of the airport. The number of operations has increased rapidly. The airport is on pace to reach 180,000 operations by the end of this calendar year and 60% (over 109,000) of them will be for training in and around the airport itself. Below are a range of options to help mitigate the impacts. The City should consider adopting one or more of these options to address the problem.

1. Reduce numbers of training operations

There are several options that could be considered. For example, limiting the number of flight schools that can be based at the airport; requiring flight schools to comply with the City's recommended noise abatement practices as a condition of their lease; and limiting the number of training flights by each flight school. As with other options, the City should ask counsel if these options are legally permissible.

2. Landing fees

Currently, the airport charges no landing fees. Non-based aircraft are allowed to use the airport free of charge. They are, in effect, being subsidized by airport leaseholders who rent hangars, tie downs, and other airport property. In October, 2020, City staff estimated that landing fees could produce a net gain of \$257,000 to \$642,000 annually. These funds could help defray airport costs, including legal fees, if necessary. Funds not needed by the airport could be transferred to the City's General Fund, as is the current practice. Landing fees would spread the cost of the airport more fairly among all users. They might also have the added benefit of discouraging touch-and-go type training, especially aircraft that come from other airports to train in Torrance. The City should consider this option. This might need legal analysis before implementation.

3. Enforce no-left-turn rule for training operations

The City's Code states, when taking off to the west, no left turn until reaching the ocean or an altitude of 1500 feet. At one time, the City's Noise Abatement brochure stated that the no-left-turn rule applied to training operations. Recently, staff has stated that the rule does not apply to training. There has been no explanation as to why the staff changed its interpretation of the rule. If the City resumes enforcement of its no-left-turn rule for departures (discussed below), it should also apply the rule to aircraft taking off to train in the south pattern. This would greatly reduce the number of training operations in the south pattern.

4. Immediately improve operations in the north pattern

At one time, the City's noise abatement program recommended that pilots training in the north pattern stay as close to the airport as possible, over commercial/industrial areas along Lomita Blvd, and not over residential areas such as New Horizons and Marble Estates. However, more recently that provision has been overlooked and now there are large numbers of flights that do not follow that practice. This provision should be reinstated and required, if possible, or at least strongly recommended. As a recommendation, this practice could be reinstated immediately without the need for legal analysis.

5. Close south runway

The City owns the airport. We are not proposing it, but the City has the authority to close the airport. If training operations cannot be controlled any other way, the City should consider closing the south runway. With only one runway, fewer training operations could be accommodated, thereby reducing the number of training flights. The City's legal authority to close the south runway should be confirmed by outside counsel.

Options to Reduce General Impacts

1. Resume enforcing no-left-turn law

The City's no-left-turn law was adopted to protect residents on higher ground south of the airport. Letters from the FAA express their opinion that the City does not have legal authority to enforce its law. However, the FAA's letters do not constitute a "ruling" or "final determination." They are not binding on the City. Moreover, the FAA has historically taken the side of the aviation industry rather than the general public. For two years the FAA failed to respond to the City's requests for clarification. They finally responded with a half-page letter that only referred to their previous letter. Furthermore, they completely ignored the fact that the City's laws are "grandfathered" in place. Finally, the FAA states the City cannot control aircraft "in flight." However, pilots often make the decision to turn left (knowing they will violate the City's rule) while still on the ground, before they ever take off. The City is not directing aircraft "while in flight." Therefore, we do not accept the FAA's opinion. We respectfully request that the City seek a thorough written opinion from qualified independent outside legal counsel. And, if there is a reasonable chance the City's law can prevail against a legal challenge, the City should resume enforcing this provision.

2. Contract out operation of the control tower

The FAA control tower provides virtually no assistance with conformance to the City's noise abatement rules. Their primary mission is safely sequencing flight operations. Some operations, such as training in the south pattern, could be effectively controlled if the tower cooperated. The tower could simply not approve pilot requests to train in the south pattern. We believe the City has the right to choose non-FAA controllers. If the City contracted for tower operations, the contractor might be more receptive to assisting the City with compliance to noise abatement rules. Outside counsel should be asked to evaluate and report on the City's ability to contract for non-FAA tower services.

3. Follow TMC Section 51.7.3 - Ban violation-prone aircraft

Torrance does not follow its Municipal Code Section 51.7.3. This Section states that aircraft that exceed the noise limit three times in a three-year period shall be presumed to be violation-prone and will be banned from the airport for three years. Violations are appealable to the Airport Manager. Instead of following this procedure, staff has been using Hearing Boards which were intended to determine the "guilt or innocence" of "persons" not "aircraft." Hearing Boards are cumbersome, time-consuming, and ineffective. The City should immediately start enforcing aircraft noise violations as prescribed in Code Section 51.7.3.

4. Use monetary fines

Torrance Airport and Santa Monica Airport have similar noise limits and both use monitors to detect violations. Both have laws that are grandfathered under federal law. However, the enforcement is different. Torrance uses hearing boards with no monetary fines. Santa Monica uses progressive monetary fines ranging from \$2,000 for a second offense to \$10,000 for a fourth offense, followed by suspension or revocation of privileges or permits. A comparison, will show that Santa Monica has a much lower violation rate than Torrance (even though Santa Monica has more jet operations than Torrance). For example, in 2018, Torrance's violation rate was four times higher than that of Santa Monica. Santa Monica's enforcement is more effective and Torrance should consider using a similar approach. The City should adopt progressive

monetary fines starting with the second violation (after first issuing a written warning). Furthermore, fines would be a source of revenue for the airport as opposed to hearing boards which are a drag on City resources. Outside legal counsel should be asked to analyze and report on the City's legal authority to change its enforcement method to monetary fines (without undergoing the FAA's costly approval process with little chance of receiving FAA approval).

5. Close gaps between noise monitors

The City's Code limits aircraft noise (above 82 dB maximum or 88 dB SENEL) anywhere outside the airport boundaries, In other words, it applies throughout all residential areas. But the City only has seven noise monitors and they are spread out around the airport with gaps of about one-half mile between monitors. Large numbers of aircraft fly through the gaps, sometimes as much as a quarter mile from the nearest monitor. The noise on the ground directly below an aircraft could be up to 6-7 dB higher than the reading on the noise monitor one-quarter mile away. So, the City's system misses large numbers of violations which are not picked up by any of the monitors. To detect more violations, the City needs to place monitors in the gaps, especially at the ends of the runways where aircraft are often loudest and noise is most concentrated. The City would not necessarily have to buy additional monitors. It could relocate some of its existing underutilized monitors.

6. Close the public airport and reopen as a private airport

Recently, the Town of East Hampton, NY, was advised by its outside legal counsel they could close their public airport for three days and reopen as a new private airport with authority to enact restrictions. (See Attachment 3.) This option would restore the City's ability to control local noise. For example, under this option, the City could restrict training operations. The City should ask its outside legal counsel for advice on the City's ability to pursue this option.

7. Ban the sale of leaded fuel

Many of the aircraft that use the airport still use leaded fuel. Decades ago, lead was determined to have negative health impacts, especially among children. Leaded automobile gas was outlawed. Leaded paint has been outlawed. Yet, aircraft are still allowed to use leaded fuel. The FAA and EPA recognize lead has health impacts, yet they refuse to take action. The FAA's current "goal" is to eliminate lead from aviation gas by 2030. Their failure to take more aggressive action is unacceptable. Meanwhile, aircraft continue to dump lead on our homes, schools, churches, parks and everywhere else. Last year, a study commissioned by County of Santa Clara found increased lead levels in children living near Reid-Hillview Airport. (See Attachment 4.) Last year, the County of Santa Clara acted to ban the sale of leaded fuel at its airports, effective January 1, 2022. On September 17, 2022, the Daily Breeze reported that EPA data shows Torrance Airport is one of the top 100 lead-polluting airports out of 20,000 airports nationwide. Instead of waiting for others to act, the City should ban the sale of leaded fuel, effective as soon as feasible.

8. Legal costs

Residents want the City to fight, if necessary, to restore and retain our health, safety, and quality of life. To do so, the City may incur legal costs. There is also the possibility that City measures may bring legal action from pilot groups. As with other airport expenses, the City's airport related legal costs should be paid from the Airport Fund and not the City's General Fund. The FAA, in a final Agency Decision and Order in 2020, ruled that even an airport that has received

federal grants can use them for airport related legal costs. (See Attachment 5.) Torrance has no federal grant obligations so there should be little doubt it can do so as well. Outside legal counsel should be asked to confirm this use of funds. New revenue sources, such as landing fees and monetary fines should help offset any legal expenses the airport may incur.

We urge you to take a comprehensive approach to resolving airport impacts and adopt the best combination of legally available options.

Respectfully,



Judy Brunetti
Co-President,
Riviera Homeowners Association



Richard Root,
Riviera Resident

Attachments: 1) Petition to Reduce Torrance Airport Impacts Now
With Online Signers' Names (666 as of 10/9/2022 AM)
2) Hard Copy Petitions with 124 Names
3) East Hampton News Release 1/18/2022
4) Santa Clara County News Release 8/4/2021
5) East Hampton Star Article 8/6/2020

cc: A Chaparyan, City Manager,
D Santana, Assistant City Manager
M Ramirez, Director of Community Development
S Megerdichian, General Services Director
R Porier, City Clerk