



November 26, 2007

The Honorable Richard Bloom
Mayor, City of Santa Monica
1685 Main Street, # 209
Santa Monica, CA 90401

Dear Mayor Bloom and Members of the Council:

As you remember, I spoke before the Council on August 28 of this year. At that time, I outlined the FAA's determination that it would be possible to install an effective safety enhancement (an EMAS system) at each end of the runway, without significantly affecting use of the airport. Such an enhancement is still available, and that there is no justification for further limitation on the use of the airport for safety reasons. My testimony was in furtherance of my commitment to you and the management of your airport to keep the lines of communication open and to take personal ownership of addressing your concerns.

Your proposed revision to Section 10.04/06/150, however, changes the conversation altogether. It shifts from what we heretofore accepted as your good faith concerns about safety to one about unreasonable denial of access to an important, federally-obligated reliever airport in our national system.

The proposed ordinance would ban category C and D aircraft at SMO. The preamble to the ordinance and other statements by city officials suggest several reasons for the ban. These include:

- The airport was designed as a B-II airport and was designed for small general aviation aircraft.
- The runway is not safe for operation of category C and D aircraft, because of the nonstandard runway safety areas (RSAs) and because the runway is "too short" for these aircraft.
- Current FAA standards require an RSA at Santa Monica Airport, and this requirement can't be modified or waived.
- The location of residential communities near the runway ends creates an unusual risk for these communities.
- The "conformance plan" banning category C and D aircraft is consistent with the 1984 Settlement Agreement and federal law.
- The FAA proposed runway end enhancements do not meet the RSA standards for category C and D operations.

As I made clear in my testimony in August, the airport was not designed for small general aviation aircraft. The runway was built specifically for the large, multi-engine aircraft being manufactured by Douglas and has always been used by some number of general aviation aircraft larger than the B category.

The runway is safe for any operation permitted by the aircraft certification manual for that aircraft type. Accordingly, the runway may be too short for certain operations but will not be too short for any operation that requires less runway length than the runway available. The RSA standard is part of FAA's airport design standards and is not an operating requirement of condition. No FAA aircraft operating rule requires a standard RSA, and there is no basis in FAA regulations for prohibition of any operation based on the status of the RSA.

Having a residential community close to the end of the runway does not affect the safety of normal operations. Rather, it increases the potential for injury from an aircraft accident off the end of the runway. For that reason, FAA standards define a runway protection zone (RPZ), an area off the end of a runway end that is free of incompatible land uses, including residential areas. Many communities have undertaken to buy out homes and other incompatible uses in RPZs, often with financial assistance from the FAA. To our knowledge, Santa Monica has not seriously considered this option, even though it is the only certain way to remove all risk of harm to persons or property on the ground in those areas. You will recall that I reiterated in my August testimony the FAA's willingness to help SMO establish RPZs and to fund the project, just as we have across the country.

The proposed ban on category C and D aircraft is not consistent with the Settlement Agreement or the city's other obligations for reasonable access to the airport. The safety of an aircraft's operation is a function of the requirements for that operation in the aircraft certification manual. If the runway meets those requirements, there is no safety basis for prohibition of that operation. The airport's design category is not relevant to a safety determination for that operation. Accordingly, the city has not provided a reasonable basis for the restriction of aircraft types that are using the airport in full compliance with FAA safety regulations.

If the FAA determines that a restriction on the use of SMO is unreasonable and unjustly discriminatory, that restriction would be in violation of the city's grant assurances, its surplus property deed restrictions, the Settlement Agreement, various U.S. Constitution provisions, and quite possibly the Airport Noise and Capacity Act of 1990. Let me speak very frankly, ladies and gentlemen. What you are considering by this proposed ordinance is flatly illegal as drafted.

The FAA is responsible, as you know, for the enforcement of each of these requirements. The city should expect the agency to expeditiously use its authority and all available means, if the ordinance is adopted as proposed, to insure that all federal rights, investments, and obligations are protected and that no aircraft is denied access to SMO.

That route is definitely not the Federal Aviation Administration's preference. As I stated in August, the FAA's preference is the use of an engineered material arresting system at each end of the runway. This would be a substantial safety enhancement for SMO, which can be obtained with the minimum loss of runway necessary for an EMAS bed that meets FAA design standards. That safety enhancement would be of equal benefit to aircraft crews and the communities near the runway ends. It would be a federal investment of millions of dollars in the safety of your citizens. It is where our money and yours should be spent. If the city desires further protection for citizens living near the end of the runway, it should also consider implementation of the FAA standard for a runway protection zone, which is designed specifically for that purpose.

I hope that you will keep the lines of communication open with a view toward implementing the safety enhancements I have reiterated above. I am at your disposal in that regard and am willing to meet with you on short notice to make them happen. I encourage you to pick that course of action, rather than the ill-considered ordinance that is before you presently.

Sincerely,

A handwritten signature in cursive script, reading "D. Kirk Shaffer". The signature is written in dark ink and is positioned above the typed name and title.

D. Kirk Shaffer
Associate Administrator
for Airports