

NEWS LETTER

SOUTH METRO AIRPORT ACTION COUNCIL

Minneapolis, MN

Summer 2007

SMAAC versus MAC on Runway 17-35 Noise Issues July 30

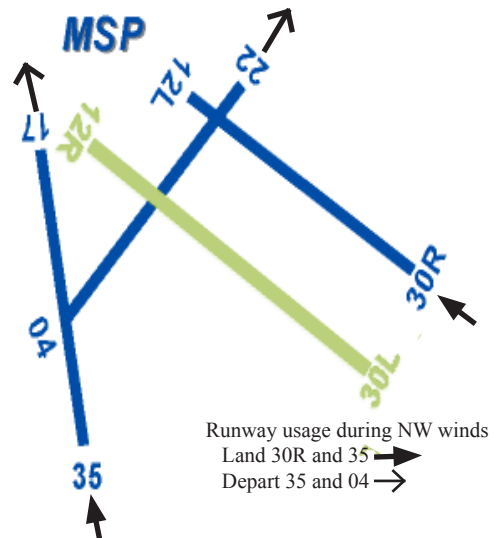
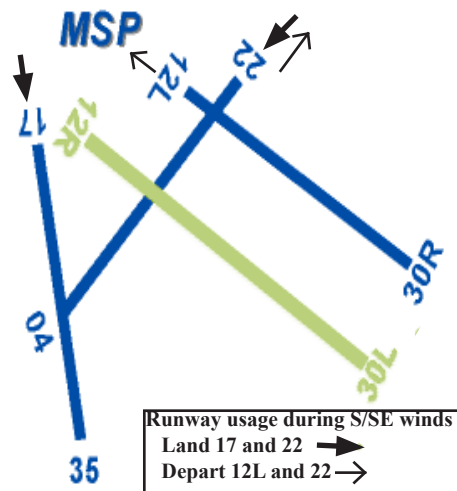
The South Metro Airport Action Council (SMAAC) is changing up its semi-annual Forum format by holding a “truth squad” session. Citizens attending a simultaneous Metropolitan Airports Commission (MAC) presentation on new runway air traffic route changes can get more information and check on noise impacts during runway closings. The parallel runways will be re-constructed, one from mid-August to mid-October in 2007 and the other in 2008.

The runway meetings will be held in separate rooms at the Nokomis Community Center, 2401 East Minnehaha Creek Parkway, at 6:30 p.m. Monday, July 30. SMAAC also will hold its annual meeting, featuring the election of directors for terms ending in 2008, 2009 and 2010. Any dues-paying member of SMAAC is eligible to vote, be nominated, and stand for election.

Upwards of 300 flights a day, or 18,000 over the two months, will be redirected while the center section of the south parallel runway is under reconstruction this year. With south, southeast, or calm winds, redirected flights will arrive over downtown Minneapolis to land on the north end of new Runway 17-35. Departures would use the North parallel.

With south and southeast winds, redirected flights depart over downtown Minneapolis from the north end of new Runway 17-35. Inbound flights will arrive from the southeast and land on the North parallel runway. More flights than usual will approach or depart over St. Paul using cross-wind runway 4-22.

Citizens were told that Runway 17-35 would be used over Minneapolis in emergency conditions only—not reconstruction work-- under the 1996 law to expand Minneapolis-St. Paul International Airport (Contd on page 7)



Hard Decisions

By Jim Spensley

Minneapolis City Hall focused on the homeowners' class action over the Extended Sound Insulation Program (ESIP) and how a less-than-adequate settlement there might affect the parallel lawsuit filed by Eagan, Minneapolis, and Richfield. According to Mayor Rybak, the district court ordered the cities to coordinate a settlement with the class action case. Mediation is required in these kinds of cases, and I can see why Judge Aldrich would like settlements. That would end the

litigations somewhat fairly this year, without a long trial and likely appeals.

IN MY OPINION

Ah, but there's the rub: somewhat fairly. If I were the judge, I would have a problem with eligibility for treatment or levels of treatment being determined house by house by the court: Some homes will be left out and others will have to wait several years, best case. Noise will get worse, and it is a no-win deal for any administrator. I'd want the MAC and legislators and mayors, who together made bad decisions and complicated deals years ago, to have that headache and leave me out.

When the legislature, spurred on by Northwest Airlines lobbyists, aborted the Dual-Track Studies in 1996, the Airport Commission was making progress with the SIP for over-65 DNL residential units, with treatment funded through the Part 150 Noise Compatibility Program (NCP). The NCP included real programs to abate airport noise directly (less noisy planes) and indirectly (flying less often over densely populated neighborhoods). MAC may have been serious and objective about reducing noise to reduce mitigation costs.

Although the legislature gave some guidance and details had to be worked out with various federal agencies, local governments and airlines, the MAC was put in charge. Although important details were memorialized in agreements with agencies, and even though there originally were citizen advisory committees, annual opportunities for municipal review, and the intention of legislative oversight, Northwest's goal of an even bigger and more subsidized fortress hub became, step-by-step, MAC's goal. It was an unethical, if not

illegal sequence.

MAC hasn't officially re-done the contour lines or honestly tried to reflect actual operations in updates to the NCP. We know there were 540,000 operations at MSP in 2000, and that they flew over untreated neighborhoods. We know that changes were made that allow aircraft to spread out at low altitudes on more routes over our neighborhoods than ever before. For all we or the city officials know, a realistic noise exposure map for 2010 might extend the 65 DNL contour beyond the projected-for-2005 60 DNL contour. What then, a do-over of the settlement? Pshaw!

MAC didn't get MSP noise abatement and mitigation right, and they certainly can't for over 600,000 operations per year. Either FAA and the airlines (NWA in particular) need to back off on the bigger hub or Minnesota needs to start planning for a second or much larger replacement airport. The legislature needs to re-set MAC's authorities and priorities, admitting the 1996 law was ill-advised or poorly implemented.

SMAAC Newsletter

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# MAC Offers Low-Ball Settlement in Class Action Suit

The MAC's offer of \$65 million in noise mitigation benefits to some 4,413 single-family homes in the 64-60 DNL noise contour projected for 2007 creates a dilemma for homeowners participating in the class action suit.

"One one hand, some of us are looking at receiving about \$8,500 in home improvements now versus having to wait for an unknown settlement when and if the three-city suit is settled," said one Minneapolis resident. "It's difficult to know what to do," he said.

Contained in the MAC offer are the following elements:

1) Homes without central air conditioning would receive a free installation, including ducting and finishing work;

2) In addition, they would receive a \$1,750 value for the installation of acoustic products or cash reimbursement for eligible improvements made in the last five years;

3) Homes with central air conditioning would receive \$9,250 for the installation of noise mitigation products or cash reimbursement for eligible improvements made within the past five years.

City officials and case-watchers were generally disappointed in the June 1 MAC offer, contending that the

proposed agreement "doesn't come close" to the demands made by Minneapolis, Eagan and Richfield in a separate suit for the same 5 DB noise reduction package received by homeowners in the 70-65 DNL zones between 1992 and 2006. Such packages ranged from \$20,000 to \$100,000 depending on such variations as number of windows and type of heating/cooling system.

An estimated 900 homeowners turned out at a city-called meeting June 27 to offer suggestions to Mayor R. T. Rybak. Most citizens called for the city to continue to seek the full 5 DB package. Others said acoustic work was more important than air conditioning.

MAC said it intends to use federal airport improvement grants and passenger facility charges or other airport revenues to fund the settlement agreement, pending FAA approval. In the original 1996 noise agreement with the cities, MAC proposed to pay the full amount out of its own pocket, that is without federal grants.

The cities have until July 23 to submit a settlement proposal to MAC.

At least \$400 million would be needed to extend the 5 db insulation program to the homes identified as 'DNL 64-60' twelve years ago. Even that amount would leave out areas that today have more over-flights than most homes insulated in 1986-96 had when the Sound Insulation Program was first begun.

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## SMAAC Weighs In on Mediation Proposal

The settlement proposed by (MAC ) attorneys during mediation talks in the Class Action is not even close to fair or reasonable. Mayor R. T. Rybak voiced strong opposition

Three Minnesota cities are also suing the MAC over MSP noise, and now their case likely will proceed differently. The Court hoped similar complaints might stimulate quick resolution of both cases through mediation, rather than a jury trial and endless appeals.

SMAAC has been following the airport noise controversy for many years. Our long-standing position is: Increased airport use must be offset by avoiding adverse impacts on neighbors, air travelers, and the environment.

In the proposed settlement, benefits unjustly flow to the airlines and the attorneys. Implicit in the proposed settlement is funding airline fee concessions and revenue sharing instead of noise mitigation.

SMAAC doubts that a few dollars per home now is preferable to continued litigation. Legitimate claims of breach of contract and unjust enrichment (of Northwest and other airlines) by the MAC, raised in both lawsuits, should be adjudicated as well as examined by the Legislature.

**VOLUNTEERS NEEDED**  
**If you have an interest in airport noise issues, or any skills with publicity, research, or newsletter publication,**  
**Please call Jim Spensley**  
**612-824-9988**  
**[mpds@visi.com](mailto:mpds@visi.com)**

## SMAAC Urges Community Action on Overflights

The SMAAC Board of Directors voted unanimously to send letters to public officials in communities surrounding MSP about plans by MAC and FAA to change flight patterns during August-October in 2007 and 2008. Vice President Gerry D'Amour proposed the letters as a survey about consultations, or a lack thereof, since the changes affect thousands of citizens as well as local government.

The letters will solicit comments in support of modifying the Metropolitan Airports Commission's and the Federal Aviation Administration's planned use of Runway 17-35 during the reconstruction of the main runways.

The SMAAC Board thinks extended and unexpected use of the new MSP Runway (R17-35) over Minneapolis during maintenance of the parallel runways violates various intra-governmental agreements in process, if not in fact.

MAC and the FAA only recently announced their decision to use Runway 17-35 to extensively for arrivals/departures from/to the North. Details are uncertain at best. The changes also will increase R17-35 use and flight dispersions over Apple Valley, Burnsville, Eagan and other residential neighborhoods. In the evenings and early mornings, flights may be routed over St. Paul and Bloomington, using Runway 4-22 (the cross-wind runway).

The first runway repair project is scheduled to intermittently close the South parallel runway (R12R-30L) for 2 or 3 months. MAC staff claimed the changes are not subject to state or local review because they are "temporary" under FAA rules.

SMAAC directors are considering seeking a temporary restraining order until safety, security, emergency response and environmental issues and alternative plans can be evaluated and public hearings held. However, if elected officials ask questions and raise questions, it was thought, this might clarify if and how the temporary changes affect ongoing litigations, emergency response, security (monitoring of flights nearing downtown) or other cooperative activities.

## Pawlenty Appoints 3 New Commissioners, Re-appoints 4

Gov. Pawlenty appointed three new MAC commissioners and re-appointed four others to new terms June 21.

The new commissioners are:

**Robert Nelson**, of Woodbury (District F), owner of a management consulting firm and chairman of Ballistic Recovery, Inc. He also was a commercial loan officer for American National Bank of St. Paul who earlier worked for aerospace firms such as Grumman, Rockwell, Cessna and McDonnell. He also is a private pilot. He succeeds John Lanners, now MAC chairman.

**Lisa Lebedoff Peilen**, of St. Louis Park (District C), has served on numerous community development and service boards, including Conservation Minnesota, the trustee candidate advisory council of the Minnesota State Colleges and Universities system, the Hennepin County Library Foundation board, the Hennepin County Park Reserve District, the Minneapolis Jewish Federation board and the Children's Health Care Foundation board. She is a former Minnesota Tourism director, and was previously employed by First Bank System and General Mills. Peilen replaces Kari Berman to complete a four-year term expiring Jan. 5, 2009.

**Andy Westerberg**, of Blaine (District E), is a former four-term member of the Minnesota House of Representatives, and was chair of the House Gaming Division. Owner of a Farmers Insurance Agency in Coon Rapids, he is past president of the North Metro Association of Life Underwriters, a past member of the Minnesota Amateur Sports Commission and the North Metro Chamber of Commerce government affairs committee. Westerberg fills a seat occupied by Sherry Stenerson to complete a four-year term ending Jan. 5, 2009.

Reappointed by Pawlenty were:

**Bert McKasy**, of Inver Grove Heights (District 11), a commissioner since 1999 and currently vice chair, who takes another four-year term ending Jan. 3, 2011.

*(contd on page 8)*

# MSP Traffic Continues Flat vs. Year Ago

Commercial flights serving Minneapolis-St. Paul International Airport remained in a MAC-predicted slump during the first five months of 2007 due largely to cutbacks in service by bankrupt airlines.

The number of passengers using MSP was virtually unchanged at 14.36 million through May 2007, a decline of 0.4 percent from the year-ago total of 14.42 million. Major carriers had an 0.6 percent rise to 12.1 million passengers, regional carriers showed a 0.9 percent dip to 1.7 million and charter customers dropped 50 percent to 116,685.

The number of flights dropped 4.4 percent to 188,596 in 2007 from 197,260 last year. Major carriers were down 3.5 percent, regional carriers were of 0.9 percent, and charters declined 59 per cent.

The 2007 trend extends a slump in air traffic that began in mid-2005 as financially strapped carriers began reducing excess capacity. The trend is expected to continue until at least the end of 2007, with a modest recovery beginning in 2008, according to MAC forecasts. Both Delta and Northwest emerged from bankruptcy in April and May, respectively, the last two carriers to do so. At one point, some 80 percent of MSP passengers were flying on bankrupt airlines.

## MAC to Spend \$34 Million on Additional Parking Spaces

With car parking demand running well ahead of capacity targets, the MAC voted at its June 2007 meeting to spend \$34 million on two additional levels to the Humphrey Terminal Orange Ramp now under construction.

This job will provide an additional 978 stalls on top of the 4,575 stalls being built on the first eight levels of the Orange Ramp. The new work will delay the enlarged ramp's opening until early 2009, and will bring the expanded ramp's total cost to about \$84 million. The project will not delay, however, the reopening of the Humphrey LRT station.

The growth rate of parking demand is on the surface surprising, in view of the slump in passenger traffic over the past two years and the opening of the

light rail transit system from downtown Minneapolis. When started, the Orange Ramp was thought to have sufficient capacity to last until 2013.

MAC staff believes it can handle peak 2008-2009 winter travel season demand by using the recently acquired NWA Building B parking ramp, as was done this year.

## MSP Drops to 11th Among Largest U. S. Airports

Meanwhile, Minneapolis-St. Paul dropped from 10th to 11th among the 17 largest North American airports in 2006, according to Airports Council International. And MSP dipped from 19th to 20th largest in the world. In both instances, it was surpassed by Detroit. MSP also showed the largest decline in passengers last year at 3.9 percent, while Denver experienced the largest percentage gain for the year at 9.1 percent.

### RANKINGS OF NORTH AMERICAN AIRPORTS—2006

|                                 | Total<br>Passengers<br>(in millions) | %<br>Change |
|---------------------------------|--------------------------------------|-------------|
| 1. Atlanta                      | 84.8                                 | -1.2        |
| 2. Chicago                      | 76.2                                 | -0.3        |
| 3. Los Angeles                  | 61.0                                 | -0.7        |
| 4. Dallas-Ft. Worth             | 60.0                                 | 1.3         |
| 5. Denver                       | 47.3                                 | 9.1         |
| 6. Las Vegas                    | 46.1                                 | 4.3         |
| 7. Houston                      | 42.6                                 | 7.4         |
| 8. New York (JFK)               | 42.6                                 | 4.2         |
| 9. Phoenix                      | 41.4                                 | 0.5         |
| 10. Detroit                     | 36.3                                 | --          |
| <b>11. Minneapolis-St. Paul</b> | <b>35.6</b>                          | <b>-3.9</b> |
| 12. Newark                      | 35.4                                 | 7.4         |
| 13. Orlando                     | 34.8                                 | 2.1         |
| 14. San Francisco               | 33.5                                 | 0.4         |
| 15. Miami                       | 32.5                                 | 4.5         |
| 16. Philadelphia                | 31.7                                 | 0.3         |
| 17. Toronto                     | 30.9                                 | 3.5         |

Source: Airports Council International

## NTSB Findings Leaves Questions About Ground Safety at MSP

The National Transportation Safety Board on April 25 posted its preliminary findings of the cause of a ground collision between two Northwest airliners on May 10, 2005.

The facts are this: On May 10, 2005, at 7:30 PM, a McDonnell Douglas DC-9-51 collided with an Airbus A-319-114 near gate G10 at MSP, resulting in substantial damage to both airplanes.

The pilot of the DC-9 noted a loss of hydraulic pressure just after take-off from Columbus, Ohio. He conferred with Northwest maintenance here and it was decided to proceed to MSP.

On approach, still concerned about hydraulics, the captain declared an emergency. Emergency vehicles and crews were deployed to Runway 4-22 and all other operations were suspended.

The NTSB preliminary report stated that the landing was made without incident. The DC-9 pilot consulted with a NWA maintenance chief and then, no longer concerned about hydraulics, decided the plane could taxi on its own. He “canceled” the emergency.

Nearing the gate, the captain lost brakes and steering, called Northwest ground crews for help, and could not stop the aircraft with thrust reversers. Both aircraft skins were opened; the A-319 wing fuel tank was ruptured and jet fuel “poured” into the DC-9 (power-on) cockpit. The DC-9 captain was seriously injured.

Passengers reported “wading ankle-deep in fuel” in the DC-9 aisles to evacuate. The accident was reported by MAC employees who only happened to be in the terminal near Gate G10, not by Northwest.

SMAAC formally asked MAC to investigate the accident in July 2005. We had four

questions that we doubted NTSB investigators would ask or answer: Was there a rush to resume operations after the landing? Might the DC-9 passengers have been removed on the runway and the aircraft towed? How much did airport officials know about the hydraulics problem before the emergency was canceled? Were ground traffic conditions or communications procedures possible contributing factors?

Our request was rejected after it was denounced by the MAC Noise Manager. He said that SMAAC was wrong to question MAC procedures or to suggest that MAC and FAA rushed to resume operations at NWA’s request. [SMAAC has since been told by MAC staff that declaring and ending an emergency is solely the captain’s decision.]

NTSB determined the probable cause was the captain’s decision to shutdown the left engine during taxi with no hydraulic pressure on the right side hydraulic system to effectively operate the brakes, steering or thrust reversers. A factor was the fatigue fracture of the rudder shutoff valve which resulted in the loss of right side hydraulic pressure.

The investigators seized on the hydraulic valve seal that failed and an aircrew error, shutting down (the wrong) engine. At the same time, the report notes that essentially all communications about the DC-9 hydraulics problems were among NWA personnel, and that the hydraulic valves that failed had known reliability problems. This raises questions about the cockpit/maintenance discussions.

[According to a MAC operations manager, Northwest has replaced all valves of this type with valves of an improved design.]

## SMAAC Forum

(contd. from page 1)

(MSP) rather than build a new airport in Dakota County was passed. The MAC's Noise Compatibility Program, that defined airport noise exposure to be mitigated by sound insulation, projected this would be less than one percent of daily flights. Testimony at the Legislature in 1996, and furnished to the FAA five times in MAC submittals, predicted less than 10 such operations per year.

MAC has stated that its several agreements with Minneapolis do not legally limit Runway 17-35 being used as may be "needed" during maintenance periods, and the noise impacts are "temporary" (as defined by FAA) and therefore require no noise mitigation updates, environmental impact statements or environmental worksheets

SMAAC's Board of Directors believes this "extended and unexpected use" of 17-35 over Minneapolis this year and next violates various intra-governmental agreements in process, if not

in fact," said Jim Spensley, president of SMAAC. "And this usage seemingly exceeds the authority granted the MAC by the 1996 legislature.

"Therefore, we are asking elected officials to agree that the MAC and the Federal Aviation Agency (FAA) arbitrarily decided in 2006 to allow 17-35 to be used for southern arrivals and northern departures during reconstruction and maintenance work on the two parallels. The decision was inadequately coordinated with other agencies and municipalities and without due consideration of another alternative: reducing runway use rates (operations per hour)," Spensley added.

"The changes should be delayed, by a temporary restraining order if necessary, until safety and environmental issues and alternative plans can be evaluated and public hearings held," Spensley declared

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## SMAAC Enrollment Form

Send to SMAAC

P.O. Box 19036

Minneapolis, MN 55419-0036

General (\$15)

Supporting (\$25)

Contributing (\$50)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

I am willing to serve on a SMAAC committee.

Please renew your membership if not current. SMAAC is a volunteer citizens' group and your participation is vital. Your dues provides the funds to inform elected leaders in the government, SMAAC membership and the general public on airport matters.

## ***Oops! Holman Field Sewer Misplaced***

*A \$6.1-million sewer system built earlier this year to control waste water near Holman Field was found to have been placed in the wrong spot.*

*The annoyed St. Paul City Council voted 4-3 on June 20 to demand that the MAC remove the sewer to avert damage to wetlands and affect the proposed \$40-million floodwall along the Mississippi River.*

*Mayor Chris Coleman vetoed the council decision June 29, saying “this would be an unacceptable waste of taxpayer dollars, and I cannot allow this action of proceed.”*

*A year ago, the floodwall design caused an uproar among opponents. A more decorative design is understood to be under consideration by the city.*

*And there are reports that unhappy citizens are raising funds to stop the floodwall project.*

## **Pawlenty Appoints**

*(contd. from page 4)*

**Paul Rehkamp**, of Marshall (representing a county with an intermediate airport), has been a commissioner since 1993.

**Sherry Stenerson** of Maple Grove, a MAC commissioner from 2005 until earlier this year, moves in to represent District A, replacing Tammy McGee.

**Molly Sigel** of Deephaven (District B), a commissioner since 2005, was renewed for a four-year term ending Jan. 3, 2011.

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