



Docket Operations
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
Routing Symbol M-30
1200 New Jersey Avenue S.E.
Washington, DC 20590

July 25, 2014

Subject: Comments on Docket No. FAA-2014-0134

The California Airports Council (CAC), a policy and legislative advocacy group representing the more than 30 commercial airports in California, is pleased to submit the following comments on the subject docket.

The CAC strongly supports FAA adoption of the proposed policy to include consideration of one engine inoperative (OEI) protection as part of the FAR Part 77 obstruction evaluation process for the reasons cited in the docket. The proposed protection of OEI procedures through Part 77 is long overdue and can be critical to the retention and expansion of airline service at many hub airports across the country, including in California.

However, overall, the CAC believes that the FAA has the fundamental responsibility for the management and integrity of the national air space. Requiring local government to accept part of that responsibility, as would be required by this policy proposal, will reduce the FAA's regulatory responsibility in a critical area and will significantly complicate the management of the national air space. This reduction in the FAA's regulatory ability will, over time, create an unnecessary degree of risk to air safety – and by extension, to the traveling public.

The national policy on aircraft noise offers potential lessons to be learned for the proposed OEI policy. Until 1990, the FAA allowed local jurisdictions to set their own noise standards. The result was a patchwork of regulations that made it increasingly difficult for aircraft to operate in a way that made sense for the traveling public. In the case of noise, the FAA asserted its responsibility for managing the national air space and led the effort to encourage Congress to pass the Airport Noise and Capacity Act of 1990 (ANCA). The passage of ANCA set clear national baseline parameters for noise management and significantly reduced the complications caused by the previous patchwork system of local noise regulation. We believe the FAA should take the same kind of approach for establish OEI flight paths and not leave this critical element of air safety to the fate of local government politics.

The FAA already has Part 77 policy and procedures established. We believe the FAA should add OEI to its Part 77 policy and procedures review. Instead of requiring local government to take on part of its regulatory authority, the CAC believes that FAA should use its regulatory authority to at least set parameters for OEI flight paths – similar to what was done for managing noise.

However, if the FAA is determined to head down the path of devolving part of its regulatory authority for setting OEI flight paths to local government, the CAC urges the following suggested guidelines in formulating the implementation process for the policy:

- First, allow for airport flexibility in defining up to two OEI surfaces per runway given the various OEI procedures utilized by airlines and the fact that existing high-rise development may already effectively preclude certain standard OEI procedures. The FAA should consider mandating a single straight-out 62.5:1 OEI surface (based on ICAO standards) for runways only if such a surface is currently devoid of obstructions. If existing conditions do not permit such a standard surface, the FAA should instead allow for two surfaces, one being straight out at whatever minimum slope is currently feasible, and one being a turn procedure of up to 15 degrees in a direction that would currently provide for a standard (or close to it) 62.5:1 slope. This recommendation supports a goal of not making existing conditions any worse.
- Second, the implementation process should be streamlined. References in the docket to “approval by all stakeholders”, “master planning process”, and “NEPA review”, may unnecessarily create bureaucratic hurdles that fail airports needing OEI protection. Certainly in cases where airport-proposed OEI surfaces are determined to be less restrictive than current Part 77 obstruction surfaces, automatic FAA approval should be warranted. This recommendation is based on the fact that FAA always has the discretion under Part 77 to declare any proposed penetration of an obstruction surface to be a hazard. Only in cases where an airport is proposing an OEI surface that is more restrictive than Part 77 obstruction surfaces should the FAA consider requiring a local consultation/approval process.
- Third, giving priority to large hub airports in review of proposed OEI surfaces is certainly reasonable; however, there are also medium hub airports that have had serious OEI issues for years and deserve timely attention as well.

The CAC looks forward to the adoption of an OEI protection policy in Part 77 obstruction evaluation process in the most timely and expedient manner possible.

Sincerely,



Thella Bowens
President