

# Phoenix sues FAA over flight path changes

Brenna Goth, The Republic | azcentral.com - June 1, 2015

Phoenix residents disrupted for months by noise from new flight paths at Phoenix Sky Harbor International Airport will have their complaints voiced in court because the city on Monday filed a lawsuit against the Federal Aviation Administration.

City legal staff filed the petition in the U.S. Court of Appeals D.C. Circuit, said Dan Brown, acting city attorney. The City Council never voted on filing the suit but provided legal direction in executive sessions over the past several months, he said.

The litigation follows a series of negotiations and heated public meetings since the FAA changed the paths for Phoenix Sky Harbor International Airport in September as part of the national NextGen program for airway safety and efficiency.

The airport has since logged thousands of noise complaints from people who say their quality of life has decreased drastically as a result of the new paths.

The FAA says the new paths are safer,<sup>1</sup> more precise<sup>2</sup> and save fuel.<sup>3</sup>

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City leaders said negotiations to mitigate the impacts once again failed after Phoenix City Manager Ed Zuercher received a letter from FAA Regional Administrator Glen Martin addressing short-term path adjustments, but no major changes. The city filed the petition soon after.

Mayor Greg Stanton said litigation is the last option for the city in working with the FAA. A lack of public input and false premises of community impact mean the process used to implement the new paths has "serious legal flaws," he said.

"Our request for relief is 'Let's go back and do this right,'" Stanton said.

DOCUMENT: [FAA letter](#)

DOCUMENT: [Phoenix letter](#)

A spokesman for the FAA said the agency has not seen the lawsuit and does not comment on pending litigation.

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<sup>1</sup> Safer? (Q: are there ANY accidents in the history of Phoenix airspace that these departure procedures would have prevented?)

<sup>2</sup> More precise? Actually, that is the heart of the problem with NextGen, as the focused routes are subjected residents to intense, repetitive noise impacts.

<sup>3</sup> Saves fuel? Not a significant amount, and those same savings would likely be achieved with proper use of the technologies on departure procedures that incorporate noise abatement best practices, such as climbing straight out and no turns until reaching a minimal altitude (e.g., 8,000 feet).

Council members called for legal action against the agency as early as last year. Instead, a working group was formed to find compromises while the city held public outreach meetings and collected noise data.

Negotiations continued last month as several meetings brought together officials from the city and the FAA as well as airline representatives and technical staff. The letter Monday from the FAA's Martin said the agency supported adjustments that could be completed within six months and some within a year that could provide noise relief.

But Zuercher wrote in his response that the FAA has been "stringing the city along." The city has suggested modest modifications that were discounted, he wrote.

"[The FAA] has not considered measures that would significantly reduce noise and, in fact has now made a final decision that such measures are not open for consideration," Zuercher wrote.

City leaders said they have an obligation not only to advocate for Phoenix but to set a precedent for the right way to work with the community on similar changes elsewhere.

Councilman Michael Nowakowski, who said he supported filing a lawsuit as early as December, said he will now unite with leaders in other cities that have been affected by NextGen changes.

"Something's wrong," Nowakowski said. "The government shouldn't have that type of power."

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