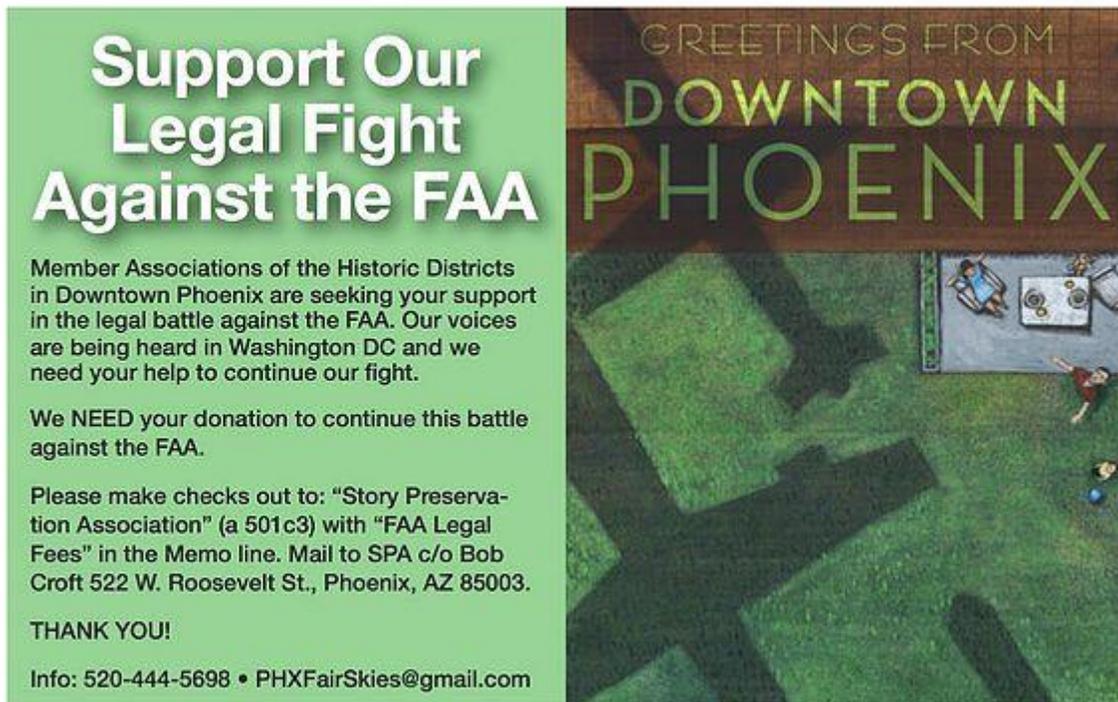


# TEAM

*Together Everyone Achieves More.*



**Support Our Legal Fight Against the FAA**

Member Associations of the Historic Districts in Downtown Phoenix are seeking your support in the legal battle against the FAA. Our voices are being heard in Washington DC and we need your help to continue our fight.

We NEED your donation to continue this battle against the FAA.

Please make checks out to: "Story Preservation Association" (a 501c3) with "FAA Legal Fees" in the Memo line. Mail to SPA c/o Bob Croft 522 W. Roosevelt St., Phoenix, AZ 85003.

THANK YOU!

Info: 520-444-5698 • PHXFairSkies@gmail.com

## Sep 20, 2014

- Initial Call to Action
- Alarm bells raised by several neighbors concerned about change in airspace.
- Door hangers made and distributed.
- Asked neighbors for representatives from each neighborhood affected. Meeting Scheduled to plan distribution of information.

## Sep 28, 2014

- First Gathering of Neighborhood leaders, and concerned citizens
- Leaders from Palmcroft, Encanto, Fairview Place attended as well as SPA Committee members from FQ Story, Congressmen Gallego (elected, but not yet sworn in), and residents from Del Norte, Fairview, and Story.

## Oct 16, 2014

- Meeting the Mayor and Meeting Called with City
- Over 500 concerned citizens in attendance.

## **Phoenix flight path, FAA, and NextGen: What we've accomplished so far!**

- Media frenzy

### **Nov 01, 2014**

- November implosion
- SHPO letter found
- Prep for release of information gleaned from City Meetings
- Sub-Committee Meeting to add FAA
- Mayor/Aviation Meeting - discussion on what can be done. Implication of Aviation having full knowledge
- Volunteers working issue split due to different objectives- transparency on SHPO.
- Exposed SHPO Letter

### **Dec 15, 2014**

- City Meeting December
- Council woman Pastor meeting
- We asked City Council for full transparency from Aviation as we had found out that Mr. Davies knew more than admitted.
- We explained that we had a tech friend who had been tracking altitudes and was in test phase of writing an APP to make submissions easier for noise complaints that would detail altitude, sound etc.
- Aviation took this to mean they were to make one. As a result, his project was scrapped. Sky Harbor spent its own money to make their own APP.
- Media coverages from all major networks
- SHPO Letter was held on to and known about in October by experienced neighborhood leaders. Volunteers to whom the letter was forwarded were told not to share under any circumstance in order to save face, despite the apparent need of its release.
- Social media blitz
- Launched YouTube presence with video's collected from residents impacted
- Twitter Campaign started
- Discussions with CBS regarding National coverage of Story- HUGE contribution from G. Hammond

### **Dec 30, 2014**

- Launch of DFACT Phoenix Quiet Skies- January
- New task force and group meetings regarding Flightpath Fight.
- This segment was spent researching all aspects of NextGen, FAA and Sky Harbor ties, who knew what when and how it applied to our situation.
- Second attempt asking leader to come together to rally community. Team mates asked for more involvement from neighborhood leadership, to come together in unity and put personal issues aside.
- This was the timeframe of N.O.I.S.E conference took place in Dallas, TX. Request from participating neighborhoods to share information.

## **Phoenix flight path, FAA, and NextGen: What we've accomplished so far!**

- Telecon with national group organizing about FAA flightpath. Prospect Park, MSP fair skies, Queens, Boulder, Denver, CLT, Santa Monica, Seattle, Sky Posse PA, Boston, Chicago, MA and the National collation data base OSNC.
- Three Team members participating.
- Developed press contacts with all major news groups.
- Social Media Blitz
- Twitter Campaign
- Telephone calling campaign to all districts, email campaign
- [CBS Morning Show National Coverage](#)

### **Jan 31, 2015 *Flight path in February***

- We met with and vetted two Legal teams in order to qualify our stand on Flightpath impact, and resolution. Steven Taber FAA experienced and Michael Nixon Environmental experience.
- Taber Law group was researched in depth. Sent out letter to all neighborhood leadership requesting review of legal teams, fee's, and contact information of legal, so they could vet for themselves.
- Team members planned to participate in Noise conference in Palm Springs CA.
- Team members started email, social media, and telephone campaign requesting meetings with Council members, Senators, and City Staff.
- Discussed PR and possible campaign for Flightpath fight.
- We were successful in scheduling several meetings with Council in which we asked that Sky Harbor provide more information to public, that requested documents from Aviation in Dec 2014 be submitted for public record and review. We also asked about noise monitoring, and brought concerns to the table.
- Pressed for Legal stay from City
- Media coverage

### **Mar 02, 2015 *Marching on March***

- Three residents from our area attended UC Davis Noise Symposium.
- J Ross attended and went to dinner with two of the three attending.
- J Ross on Camera with FAA official about James Davies contribution to Flightpath re draw.
- Inconsistency pointed out regarding Aviation Staffers stating false information Chad and Landrum and Brown.
- Researched J Ross participation, and alerted Pastor.
- Met with Senator Flake's Chief
- Met with McCain Staff in Office to discuss Flightpath
- Met with Mayor Stanton
- Met with Mayor's Chief
- Met with Pastor
- Continued looking for legal representation, and called on Terry Goddard.
- Media coverage
- Met with State Member to discuss possible campaign assist

## **Phoenix flight path, FAA, and NextGen: What we've accomplished so far!**

- Met with notable Campaign management team
- Met with Mayor Chief to discuss Holland and Knight Lobby and what actions City can do regarding 6 prong approach.
- PR Firm Meetings
- Contacted HUD FHA second time regarding Loan funding
- Maricopa County Air Quality contacted
- Pressured neighborhoods to sue FAA for Stay

### **Apr 16, 2015: *Oh April***

- Met with Pastor office
- Met with Mayor Chief
- Met with Flake's Chief
- Pressed McCain from every front to send letter to FAA. Hit with social media, letter, email, phone campaign in which he finally sent a letter.
- FAA shut out Congressmen Pastor and broke the process.
- Pushed for Goddard. Team members worked to find Yost/ Goddard team.
- Meeting with Dentons/ consult ?
- Media coverage
- Follow through from March meeting on strategy to Ruben Alonzo, Mayor, and Pastor on behalf of the community:
- Empowerment of residents
- Outreach to Airlines (in their best interest)
- Build City Coalition of Other Cities offering direct contacts with City officials from other states.
- Use our existing Lobby H& K to advocate on our behalf with Airlines,
- Call in favors with Senators
- Pressure Congress to require FAA to fix it.
- Began to Air Quality campaign
- Pressure put on City to Sue FAA

### **May 15, 2015: *May with McCain***

- Mike Broomhead 2 hour show with Senator McCain with call-in available.
- Team member asks if McCain and Flake will bring issue to Senate Floor.
- After multiple meetings with McCain staff over winter 2014/2015 we finally ask the question on everyone's mind.
- Media coverage
- Met with Film/commercial Print media to discuss ad's for campaign, Debra Ostriecher communication begins
- Pressured City to provide findings on internal investigation to public due to knowns.
- Pressure to sue FAA continued via team

### **Jun 01, 2015: *June with Ruben Gallego***

- After countless requests to the FAA by the City of Phoenix to reevaluate its flight paths and provide adequate public process, environmental review and fair consideration of

## **Phoenix flight path, FAA, and NextGen: What we've accomplished so far!**

alternatives that would reduce noise, the City filed suit. The City of Phoenix filed a **petition for review** against the FAA for implementation of new flight paths without any process for public input. A petition for review is a formal request to a U.S. Court of Appeals to review the legality of an agency's administrative decision. It's a special form of litigation that Congress requires for challenges to the legality of most FAA decisions. It seeks a declaration from the Court that FAA's decision is invalid.

### **June 22, 2015**

- Addressed Ruben Gallego, City, and residents in this meeting to inform all in attendance that we had Terry Goddard, and Mr. Yost (the man who in part wrote catex) that Dentons, and Terry was willing to take part in our cause.
- We did so knowing that no one other than Mr. Goddard could unite all residents, groups, and neighborhoods.
- We pitched our campaign.
- Media coverage.
- Found out infiltration to community groups by Aviation Staff members posing as concerned citizens in order to find out what citizen action groups knew.
- Call for Aviation Staff to fess up and asked City for stronger punishment.
- Met with Debra Ostreicher and staff for first discussion on how she could help as new director.
- Off the cuff suggestion that in order to help, she needed to understand what neighborhoods were affected, and thus it was suggested that she visit Woodland meets some neighbors there and grab a couple folks to sit and experience what they were, maybe have a coffee, Then head into the Triangle meet some neighbors, hang out in the area, maybe grab coffee, rinse, repeat. Somehow that turned into coffee chats.

### **Jul 01, 2015: *Oh so slick July***

- Team attended a privately held meeting whereby a small faction of residents attempted coup to subvert efforts bringing Catex Lawyer "Yost", and Terry Goodard to the fight.
- Thankfully Monica Goddard was in attendance of that meeting and re-iterated the work already established with Dentons, Yost, and Goddard.
- As a result, Goddard, Yost, and Dentons filed suit.

### **July 17, 2015**

The Federal Aviation Administration **filed a motion** with the Court of Appeals for the District of Columbia Circuit requesting that the Court dismiss the City's case. FAA argued that the City should have challenged the September 18, 2014, implementation of RNAV routes and procedures within sixty days. FAA also argued that the City's lawsuit is too early to challenge its failure to modify the RNAV routes.

### **July 30, 2015**

The City of Phoenix **filed a response** that requested that the Court deny the **Motion to Dismiss and deny the FAA's motion** to delay preparing the administrative record until the motion to dismiss is resolved. The new flight paths have been affecting tens of thousands of Phoenix area residents who have previously not experienced regular aircraft noise.

## **Phoenix flight path, FAA, and NextGen: What we've accomplished so far!**

### **July 31, 2015**

Several historic Phoenix neighborhoods announced the filing of a **Petition for Review** against the Federal Aviation Administration (FAA). The legal action was filed on behalf of residents adversely affected by the new flight paths. Petitioners include the Story Preservation Association, Willo Neighborhood Association, Encanto-Palmcroft Historic Preservation Association, and Roosevelt Action Association, together with residents of Woodland Historic District.

### **August 10, 2015**

The FAA filed two legal documents, **one, the reply brief**, contained additional arguments in support of the FAA's motion to dismiss the City's lawsuit and **another** included arguments supporting the FAA's motion to delay compiling all of the required records until the motion to dismiss is resolved. The City of Phoenix previously filed two documents **1** and **2** in response to the FAA's two original motions. The FAA's reply filings are the last filings on this issue permitted under the Court rules; the Court will now rule on the FAA's motion to dismiss or request additional information.

### **September 2, 2015**

The FAA filed a motion to consolidate the two cases filed by the City of Phoenix and by the Phoenix neighborhoods into one case. Neither the neighborhoods nor the City of Phoenix objected to the FAA's motion.

### **October 2, 2015**

The Court of Appeals granted the FAA's motion to stay deadline for filing the certified index to the record, and suspended the deadline for filing the certified index pending further order of the court. The FAA has already delayed preparing the record in this case, pending the Court's decision regarding the FAA's motions to dismiss both the City of Phoenix and Neighborhoods' petitions for review. The Court's decision on that motion is expected in the upcoming months.

### **October 19, 2015**

The FAA filed a reply brief in support of its motion to dismiss the petition for review brought by the Neighborhoods. The FAA has argued that the Neighborhoods' petition was filed too late and, therefore, cannot be considered by the Court. FAA's filing of its reply brief completes the briefing on the motion to dismiss. Now, the Court will consider all of the briefs and make a decision on the motions to dismiss both the City and Neighborhood petitions. The City expects the court to make such a ruling in the upcoming months.

### **November 9, 2015**

The D.C. Court of Appeals granted a motion by the Federal Aviation Administration to consolidate the challenge to the Phoenix-area flight tracks brought by a group of Phoenix neighborhoods and individuals with the earlier lawsuit filed by the City of Phoenix. This consolidation order was expected, because neither the City nor the neighborhood petitioners opposed FAA's motion to consolidate. FAA's motions to dismiss the City's and neighborhood groups' are still pending, with a decision by the Court expected in the next couple of months.

## **Phoenix flight path, FAA, and NextGen: What we've accomplished so far!**

Assuming the Court denies the FAA's motions to dismiss, the consolidation order means that the parties will brief the merits of the case and argue it to the Court at the same time.

### **December 4, 2015**

The United States Court of Appeals for the District of Columbia Circuit decided to **defer a decision** regarding the FAA's motions to dismiss the petitions for review filed by the City of Phoenix and the coalition of neighborhoods in Phoenix. Instead, the Court directed that the City, neighborhoods and FAA brief all of the issues in the case, so that the Court can make a decision regarding the entirety of the case. As a result, the case will proceed with FAA's filing of the administrative record and briefing by the parties in the upcoming months.

### **December 9, 2015**

The US Court of Appeals, DC Circuit **issued an order** laying out a briefing schedule for the court case against the FAA. Here are the main milestones for the order:

- **Certified Index to the Record December 23, 2015** -- This is FAA's index of all of the materials that were before FAA before it made its flight track decisions that were appealed by the City of Phoenix on June 1, 2015.
- **Petitioners' Brief January 19, 2016** -- This is the main brief that will be filed by the City of Phoenix identifying the FAA's violations of law in its implementation of the flight tracks.
- **Respondents' Brief February 18, 2016** -- This is FAA's response to the City's brief.
- **Petitioners' Reply Brief March 3, 2016** -- The City has a chance to file a short reply to the FAA's brief.
- **Deferred Appendix March 10, 2016** -- After all of the parties' briefs are in, a deferred appendix collects all of the materials from the administrative record that are cited in the brief, for the use of the Court.
- **Final Briefs March 24, 2016** -- After the deferred appendix is filed, the parties file final versions of the briefs above that contains page citations to the deferred appendix, for the use of the Court.

There is no current deadline for response by the Court.

*\*NOTE: Underlined information is available in detail, at [Skyharbor.com](http://Skyharbor.com)*

***SO many hours, months, days, put in by residents to fight this.***

***Thank you to Team D.FACT, Phoenix Quiet Skies Crew,  
Citizens of Laveen, Historic Neighborhoods of Phoenix, and others.***