

REGIONAL COMMISSION ON AIRPORT AFFAIRS
21630 11th Ave. So., Des Moines, WA 98198
(206) 878-4595

September 1, 1992

Mr. Thomas C. Richards
Administrator

Federal Aviation Administration
800 Independence Ave. SW
Washington, DC 20591

Re: Approval of Passenger Facility Charges of Seattle-Tacoma International
Airport

Dear Mr. Richards:

The Regional Commission on Airport Affairs (RCAA) is comprised of elected and appointed officials of the cities of Des Moines, Normandy Park, Tukwila and Federal Way, as well as various citizen groups from our respective communities which are located near the Seattle-Tacoma International Airport (SEA) and are significantly affected by noise generated by aircraft from SEA.

We understand that the Port of Seattle (POS) has applied to the FAA for approval to impose Passenger Facility Charges (PFCs) on passengers at SEA. Such charges are permitted by the Aviation Safety and Capacity Expansion Act of 1990, Pub. L. 101-508 and by implementing regulations found at Part 158 of Title 14 of the Code of Federal Regulations.

Pursuant to regulation, a qualifying airport may apply to the FAA to impose PFCs of up to \$3.00 on enplaning passengers. Such funds may only be spent on qualifying projects. To be eligible, projects must meet one of three criteria, i.e. projects which 1) "preserve or enhance safety, security, or capacity of the national air transportation system"; 2) "reduce or mitigate noise impacts resulting from an airport"; or 3) "furnish opportunities for enhanced competition between or among air carriers". 14 CFR 158.15(a). No criteria are established as to how the FAA will balance or choose between these three policy considerations.

As communities near the airport, we have serious concerns for our residents who are adversely affected by the noise generated by SEA operations. Indeed, over the past several months, we have been involved in discussions with the Port and other interested jurisdictions concerning revisions to the current noise compatibility program. As you know, the purpose of this planning effort (as authorized under Part 150 of the 14 CFR) is to not only analyze noise impacts from airports, but also to consider "alternative noise reduction techniques". Appendix B to Part 150. Part 150 noise planning continues and is reaching a critical stage.

One of the key purposes of the legislation authorizing PFCs was to fund ongoing efforts to reduce or mitigate airport noise impacts. In the experience for SEA, this includes the Part 150 planning process. Obviously the financial feasibility of the various alternatives available for "noise abatement" options is dependent on the availability of funding, some of which may be available from PFCs. We note the various "noise abatement" options considered may include land acquisition, development rights and the possible "construction of barriers and acoustic shielding". Section B150.7. Obviously, each of these options must meet financial as well as technical feasibility.

Because the use of PFC financing is a key element in ongoing financing for noise control, we would have expected that the POS would include the consideration of PFCs in the Part 150 planning. However, not only did the POS not include such discussion in the Part 150, it did not even inform us of its application for approval to use PFCs, which was apparently filed in April, 1992. This was despite the fact that we were engaged in regular meetings with them on noise compatibility planning. Indeed, the POS did not even provide local notice of the PFC application as is authorized in 14 CFR 158.27. Because of this lack of notice (and because this is a brand new program), none of the local governments knew of the comment period for the PFC application and as a result there were no comments from affected local governments.

We further note that the PFC program is new and it is entirely appropriate to allow the fullest possible consideration of local views. As this program is in the early stages of implementation, and there is no body of administrative interpretation established, thorough review of policy considerations is in the public interest.

Because of the importance of the allocation of these monies and because they vitally affect the Part 150 noise mitigation process, we formally request that you reconsider your August 14, 1992 decision which granted authority to the POS to collect PFCs. Our request is limited to a reconsideration of the authorized projects for expenditure of PFC funds, not the authority to impose PFCs.

We will provide, in due course, a full submission concerning our requested reallocation of funds. However, we believe that reconsideration is necessary to examine several issues relating to the expenditure of PFC funding at SEA. Among other issues are the following.

1. Additional Funding for Noise Mitigation.

The August 14, 1992 decision authorized the expenditure of \$10,430,000 for the noise remedy program at SEA. However, not all of these funds represent new noise mitigation work; some \$3,523,000 is for "back funding" of noise mitigation work already completed or contracted for by the POS in 1991 and 1992.

We believe that the record will support a substantial increase in PFC funds devoted to noise mitigation. The POS has underfunded noise mitigation for many years and the time has come to devote significant portions of PFC funding to this purpose. We will request that your decision be modified in the first instance to disallow the back funding of completed projects and that the \$3,523,000 be used to increase the

amount of new noise mitigation efforts. In addition, the funding levels for noise mitigation should be materially increased such that at least \$18,000,000 of the PFC funds collected over the current collection period be devoted to noise mitigation.

Given the important role given to local governments in the Part 150 program, we believe that it is essential that you consider the views of affected local governments in your decision.

2. Funding for "SASA" Preliminary Work Inappropriate.

Your approval allowed the use of \$850,000 of the PFC collections to be used for environmental and other studies on the POS proposal for construction of maintenance facilities at SEA. We believe in reconsideration you will find that the use of PFC funds for this project is inappropriate.

14 CFR 158.25(c) provides that PFC revenue can only be spent on projects for which an airport layout plan has been approved by the FAA and for which "all environmental reviews" under NEPA have been completed. No approvals for the SASA proposal have been given and environmental review is still underway (indeed the funds are to complete a joint NEPA EIS with the POS). It is inappropriate to approve PFC funding for projects that have not been approved by the FAA. In fact, according to 14 CFR 158.29(b) "approval to use PFC revenue to finance a project shall be construed as approval of that project". Accordingly, this funding is premature. Once all approvals for such projects have been secured, then PFC funding may be considered, but not before. In any event, using PFCs for such a speculative and nonessential project seems inconsistent with the intent of the legislation authorizing PFCs.

Accordingly, we ask that the funding for the SASA environmental studies be canceled and that these funds be allocated to approved noise remedy programs.

3. Funding for Security Improvements Should Not Be Granted.

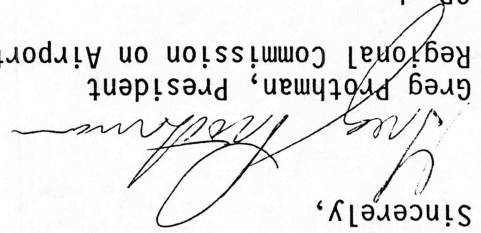
The POS has requested some \$2,438,000 for "security improvements" at SEA. This is another "back funding" situation to rebate costs already incurred or obligated.

A number of the carriers have indicated that it was their view that these security improvements were excessive. Alaska Airlines says that it has "serious concerns about the scope of the project going well beyond that work which is reasonably necessary to accomplish the required level of protection". Horizon and TWA concur. Northwest says that the project is "over designed and excessive".

We also believe that this project should be reconsidered. There is serious and immediate need for funding noise relief measures in the community and discretionary funds should not be spent on projects that are "over designed and excessive". If the POS wants to fund such an over design they should use their own revenues for such efforts, not funds which can be applied to the noise remedy program.

In summary, we request that you reconsider your decision and modify the projects eligible for PFC funding. We further request the opportunity to provide further elaboration and information in support of our petition. Thank you in advance for your consideration of our views.

Sincerely,



Greg Prothman, President
Regional Commission on Airport Affairs
GP:sb

cc: Congressman Rod Chandler
Congressman Jim McDermott