



NEWS LETTER

SOUTH METRO AIRPORT ACTION COUNCIL

Minneapolis, MN

Fall 2005

Class Action Attorneys to Speak at Fall Forum

SMAAC's Board of Directors is pleased that Robert C. Moilanen and Carolyn G. Anderson, Attorneys for the Plaintiffs, accepted our invitation to speak at our Fall Forum 2005: Litigation At Last: Two at a Time. Their firm, Zimmerman Reed, is a nationally recognized leader in complex and class action litigation and has been appointed as lead attorneys in some of the largest and most complex cases in federal and state courts across the country. Mr. Moilanen and Ms. Anderson have received numerous awards from their peers, have obtained meaningful recoveries for thousands of people and enjoy extensive experience in both the public and private sectors. Most recently, Zimmerman Reed is representing homeowners in Minneapolis and Richfield that are likely to make waves – and attain relief – by suing the Airports Commission over its failures to properly limit or mitigate noise as legally promised.

On September 1 this year, homeowners in neighborhoods near MSP complained in Hennepin County District Court that the Metropolitan Airports Commission had promised them five decibels of noise attenuation if flights were increased over their homes during or after expansion. On their behalf, the Complaint says in effect, binding agreements were made with the Cities of Minneapolis and Richfield but MAC unilaterally delayed and modified these agreements.

The Cities' lawsuit makes environmental claims, while the class complaint asserts that MAC breached their contract to insulate homes out to the 60 DNL contour. The class action introduces claims of damage, such as interfering with real estate development or sales, and reducing their rights to use

and enjoy their homes (to the same extent as nearby neighbors). The case is being hotly contested with a considerable amount of discovery being exchanged. More information about the case can be found at Zimmerman Reed's website at www.zimmreed.com.

Mr. Moilanen and Ms. Anderson will report on the status of the litigation and answer questions about how class actions work and how members of the class join in awards or settlements of damage claims as well as attaining sound insulation if the action is successful.

Class Action Lawsuit Begun

Litigation At Last:
Two at a Time.

SMAAC Fall Forum 2005

7-9 P.M. Thursday, Nov. 17, 2005
Washburn High Schol Cafeteria
201 W. 49th St., Minneapolis

All Are Welcome

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IN MY OPINION

Public Needs Ignored in Airport Governance

By Jim Spensley, SMAAC President

It is time for a look backward. More than 10 years ago, political manipulations in the Legislature led to aborting the dual-track studies.

Awhile before that, MAC used an airline-packed technical advisory committee to revise the report of their own consultant and rejected the Minnesota Public Lobby's well-advised remote runways proposal. Remote runways' advantages included the least noise, pollution, and the least traffic. The Legislature directed State Planning and MAC to do the study, but no public-Committee hearing was held to review the report.

In 1983, various Legislators, including a few still serving from south Minneapolis, touted the dual-track studies as a long-term, multipurpose solution to transportation, noise and environmental problems.

Lobbyists Rule. So, why is it that both noise and pollution increased at MSP annually? It seems to me, the very same reason the noise-mitigation part of the 1996 deal unraveled: Airline (and energy) lobbyists and campaign contributors pay more attention to their own economic interests at MSP than most elected officials give to airport issues.

Years ago, SMAAC and airport-area legislators listed airport issues in priority order as: noise, high fares, and traffic (access to MSP, parking). The dual-track studies emphasized economic growth and environmental protection, and millions of dollars were spent for analyses that showed about 30% higher capital costs for a new airport (with double the safe capacity of an expanded MSP) – but less than 5% of the environmental mitigation cost. Northwest's lobbyists won that contest in the Legislature with these three assertions: 1] economic growth through 2020 will not require more than a 25% increase in annual flights; 2] operations at MSP will generate funds for noise mitigation; and 3] the capital cost of environmental protection will be less because of existing MSP facilities and equipment. They lied.

SMAAC's Priorities Today, SMAAC's issues in priority order are: governance (reforming the airports commission), safety, environmental protection, high fares, noise, and traffic. Don't get the idea the Board and President spend less time or money on airport noise than before; we stimulated the litigations by being the first

to realize there was not going to be a cooperative solution or a political compromise with this Commission, this Governor, or the Legislature. In spite of hand-wringing by environmentalists over de-watering, air pollution, fuel leaks, and glycol emissions, nothing was even proposed by long-time Legislators to close MAC-specific loopholes in State environmental law.

MAC escapes from revealing most airport environmental impacts under the Assessment of Environmental Effects statute. MAC can lawfully keep environmental compliance clauses in their leases and contracts confidential. As the responsible governmental unit for State environmental regulation and the applicant for Federal permits at the same time (a conflict of interest, since many projects and operations are supposedly regulated by both.) MAC can pick the lesser-cost or least-restrictive conditions.

Many thanks to our members and supporters, including Senator Mark Dayton, who know and appreciate our work. Thanks also to Representatives Paul Thissen and Dan Larson and Senators Scott Dibble and Wes Skoglund, who realize legislative oversight of MAC has been ineffective at best, and began the change-in-governance process in St. Paul.

Volunteers Welcome! How You Can Help . . .

If you can spare a few hours per month, SMAAC can use your help in a variety of ways.

Especially welcome are those with backgrounds in news writing, publicity, e-mail management, graphic design, event promotion, legal affairs, and non-profit board participation.

**SMAAC Newsletter
Published intermittently by the
South Metro Airport
Action Council
PO Box 19036
Minneapolis, MN 55419-0036**

<http://www.quiettheskies.com>

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## Noted Class Action Firm Zimmerman-Reed Engaged By Noise-Annoyed Homeowners.

On September 1, 2005, Richfield and Minneapolis homeowners filed suit against the Metropolitan Airports Commission (MAC). The action alleges many facts in common with the Cities' case, and the proposed class action was since assigned to the same Court: Hennepin County District Court Judge Stephen Aldrich will hear the case. The homeowners, considered class representatives, are working with Robert C. Moilanen and Carolyn Glass Anderson of the Zimmerman-Reed law firm, Minneapolis. Their plan is have the case certified as a class action.

Expansion of MSP through a new runway and other capacity-increasing construction required zoning changes for compatible land use and avoidance or mitigation of noise and other adverse environmental impacts. To obtain approval from communities surrounding the airport, MAC entered into negotiations with the Cities of Richfield and Minneapolis and their homeowners about increased

commercial flights at MSP and more noise over nearby neighborhoods. The complaint centers on MAC's promise to extend its 5 db sound insulation program, scheduled for completion by 2004, to properties within the 60 DNL contour expected after airport expansion was complete.

Noise in Richfield and Minneapolis neighborhoods was believed likely to increase more than MAC expected before and after construction of the new runway. The cities' belief was based on different views of how busy the main runways would be as use increased. According to the Attorneys, the Cities "...entered into contracts with the MAC, which memorialized that the MAC would provide a sound insulation program to the 60 DNL noise contour. Since that time, homeowners have waited for the promised remediation. But the promised remediation never happened".

For additional information, you can attend our Fall Forum. Or, visit: [www.zimmreed.com/Airport\\_Noise.htm](http://www.zimmreed.com/Airport_Noise.htm)

## Cities Sue Metropolitan Airports Commission Over Residential Noise Mitigation

The City of Minneapolis, Eagan and Richfield, are suing the Metropolitan Airports Commission (MAC) over the commission's decision not to implement promised residential sound insulation programs.

The Cities say the MAC committed to full noise insulation at no cost for residents in 1996, including all homes impacted by noise resulting from MSP expansion. MAC publicly committed funding for the Extended insulation program in 2000, but all noise mitigation programs were cut back by MAC in 2002.

In a public announcement, Minneapolis officials stated that as MAC had adopted a smaller program "with owners paying up to half of the cost and completely excluding multi-family units," Eagan, Minneapolis, the Minneapolis Public Housing Authority, and Richfield sued MAC under the Minnesota Environmental Rights Act and the Mandamus Statute (MS586.01). They are seeking an order by Hennepin District Court requiring MAC to "fully ... insulate homes within the 60 to 65 (DNL) contours.

The Minneapolis City Council voted to sue the MAC in November 2004, the same month MAC commissioners voted to adopt these new noise mitigation standards. The other entities joined in filing the suit, which was accepted and assigned to Judge Stephen Aldrich. The case is slowly wending its way through motions challenging various legal intricacies.

A somewhat similar claim was made by Bloomington October 27 as the new runway opened with flights over neighborhoods south of MSP for the first time. It is believed that Bloomington is seeking to delay use of new runway 17-35 pending reconsideration and final approval of pending noise mitigation and environmental protection programs by State and Federal agencies.

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### Spring Forum 2005

#### Sen. Dayton Charged MAC with Bad Faith

U.S. Senator Mark Dayton charged the Metropolitan Airports Commission and Northwest Airlines with bad faith in negotiations for noise insulation for homes in the 64-60 DNL noise zone around MSP Airport.

Dayton was the keynote speaker at the SMAAC Spring Forum at Richfield City Hall May 23, 2005. Dayton spoke eloquently of his concerns about the direction of American government. He said that democracy works best when citizens are well-informed, including being well-informed by government itself. "Candidates who believe government is 'bad' have been elected." Dayton said. "Then, they prove the point by running government badly."

## Safety Resolution Dismissed by MAC

By Gerry D'Amour

The SMAAC Board presented the Membership's Safety Resolution in July. It made the MAC's Finance, Development and Environment Committee, October 5, 2005 agenda. Chad Leque, MAC Manager - Aviation Noise, presented the staff's response to the Safety Resolution and dismissed it as unwarranted. The report was then adopted unanimously. Included in the vote was Dan Boivin, the Minneapolis Mayor's representative.

The Resolution called for MAC to indefinitely suspend planning for further expansion at MSP pending the NTSB report on the May airliner collision at MSP. It called for an immediate review all MSP ground traffic systems, procedures and emergency facilities compared to peak use and new runway use. It asked that maximum flight operations be set at 45 per runway per hour. It suggested removing airlines being investigated from MAC committees to avoid the appearance of a conflict of interest.

The FD&E agenda items were switched at the last moment, placing the SMAAC Resolution last instead of 13th. Committee Chair McGee's meeting was not kept on schedule, and President Jim Spensley was allowed less than five minutes to state his response to the staff report. When attempting to make the SMAAC's case he was talked over by the Chair and told to "Stop".

SMAAC used only MAC and FFA numbers to make the point that current operations and planned operations have exceeded the original EIS approval, and that FAA monies, air traffic monitoring equipment and staff have not been allocated to meet the current operations, let alone the increase in operations from the new runway.

The MAC reacted irritably to President Spensley's statement. MAC Executive Director Hamiel said "You

are acting as if you are an expert, and you are not. Constant talk about safety, fuel leaks, and water pollution is causing you to lose your (noise) credibility."

Hamiel did admit that planned operational rates rely on aircraft separated by 2,500 ft, instead of the current 5,000 feet, and, delays expected for 1 of every 3 flights instead of the current 1 of 5. Delays often result from safety concerns.

### More Transparency and Citizen Involvement Needed at MAC on Environmental Issues.

As this edition goes to press, Commissioner Tammy McGee, Chair of the Finance, Development and Environment (FDE) Committee and senior staff just agreed to meet with SMAAC November 1st. on better ways for MAC to handle environmental reviews, permit applications, and reports. The meeting follows several exchanges concerning the "public hearing" of the once-a-year Assessment of Environmental Effects (AOEE). SMAAC says more transparency and citizen involvement is needed in the Commission's best interest as a public agency.

As Chair, Ms. McGee decided to allow on-topic public comment at FDE meetings during committee discussions. We applaud her decision. Before, and at full Commission meetings still, public comment was last on the agenda, *after all decisions were made*. In May, Chair McGee agreed to meet with SMAAC about environmental review processes at MAC. For some reason, MAC staff delayed the meeting until now, a few days before the 2006-2012 AOEE Hearing. Before a January 2005 re-organization, the Planning and Environment Committee (P&E) did environmental business.

In the Spring 2005 Newsletter we questioned how MAC did environmental reviews and the extent MAC complied with environmental regulations. That article related the ugly way MAC dealt with the discovery that

they had conducted a public hearing without considering all of the testimony submitted.

The now-FDE committee convenes, in November, as the "Hearing Officer(s)" for the 2005-2012 AOEE public hearing. MAC staff prepared draft CIP and AOEE reports as the basis for the public hearing report sent to the State Environmental Quality Board (EQB). An AOEE for each Long-Range Capital Improvement Plan (CIP) identifies projects beginning or continuing in the next year that require preparation of an EAW (environmental assessment worksheet) or EIS (environmental impact statement or study).

Major project budget forecasts logically would include environmental review and compliance costs; costs being a critical part of the long-range CIP. Although last year's work included 2005 projects we think are environmentally significant, no EAW or EIS was suggested by staff. As usual, MAC found no capital projects with significant environmental impact.

When expanding MSP was one of three (or four) alternatives being reviewed for environmental impacts in the Dual-Track Study, MAC was allowed by a 1985 law to prepare the AOEE rather than EAWs for each large project. At the time, construction projects were limited at MSP pending dual-track completion.

MAC was busy with the EIS for the "expand MSP" track, and after the dual-track studies were aborted in 1996, that EIS continued under Federal rules and was approved in 1998. The 1998 to 2003 CIP projects coincided with the EIS, and minimized the AOEE reports until 2004.

MAC capital budgets are based in 5-year planning steps. Expansion was to be completed by 2005, and the 2010 Plan begun.

(contd. on Page 8)

# Mayoral and City Council Candidates (South Minneapolis Wards) Asked About MSP Issues and Solutions

## Airport Issues Survey: Introduction

SMAAC's question for City office-seekers a few weeks before the General Election was "Where do you stand on MSP Airport issues?" It figures that our Members – and voters in the near-airport wards -- would like to know if candidates would be willing to spend tax dollars on the noise insulation lawsuit. But SMAAC is hearing from voters about, and working on, other airport issues. How many campaign pieces mention the serious accident at MSP last May? See any candidate letters to the Editor about the massive fuel leaks? You would think job losses and flight cancellations and high fares from the Northwest bankruptcy affect Minneapolis, right?

And, Mr. Mayor, is your MAC appointee watching out for South Minneapolis neighborhoods and the City's economic and transportation needs? If not, well, a new Mayor appoints a new Commissioner.

**Hey! We're not taking sides. We just want to know who's paying attention and what they intend to do if elected. So we asked.**

Realistically, we know campaigns and candidates cover a lot of ground and work a lot on endorsements and fundraising. So we added notes – you can see the actual survey at [www.quiettheskies.org](http://www.quiettheskies.org) along with numerous other materials about MSP, MAC, Northwest, ... There are links there to FAA and MAC web-sites; there are many references and links to newspapers and publications and libraries.

It is easy to find out what SMAAC concerns are, and almost as easy to learn MAC's position, or Northwest's. So why didn't every candidate respond? We don't know. But, those who did, we're publishing. By necessity, we condensed answers. The more detailed and straightforward answers, by Mayoral candidates and Eighth Ward candidates, are reported below. In these contests, both candidates consider airport issues important and competitive. Perhaps because re-apportionment moved the Ward closer and made it an open seat, both Marie Hauser and Elizabeth Glidden weighed in.

The other story, Page 9, is spiced up by quotes from other City Council candidates, and codifies how most candidates view MAC and MSP and Northwest Airlines in the political scheme of things. Their opponents either don't understand or they are abandoning the field.. – SMAAC.

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## Mayor Candidate Survey Responses.

Space limitations require compactly reporting the sense of survey responses. The actual responses are posted on our web-site.

1. How would you rate the Metropolitan Airports Commission's performance in balancing economic growth needs and environmental regulations? What changes are needed?

Peter McLaughlin: *MAC and the Legislature made a fundamental mistake in 1995: not foreseeing the economic benefits of a new airport. Now, in a period of economic chaos for the airline industry generally, and specifically for Northwest, MSP's biggest user, it is extremely difficult to make economic progress. Still, MAC must be a scrupulous environmental steward. Tougher internal controls and more community oversight are essential.*

(contd. on page 6)

## Eighth Ward City Council Responses.

Space limitations required editing these survey responses for brevity. The editors believe the candidates intentions were faithfully reported.

1. How would you rate the Metropolitan Airports Commission's performance in balancing economic growth needs and environmental regulations? What changes are needed?

Elizabeth Glidden: *To ensure the MAC is adhering to existing environmental regulations – I will be vigilant. The City Council should advocate a transparent process for environmental review with time for public consideration and input. I would continue work with the Minnehaha Creek Watershed District and other regulators as in past de-watering projects threatening City lakes, groundwater, and structures.*

(contd. on page 7)  
Page-5

## Mayor Candidate Survey Responses.

*(contd. from page 3)*

*RT Rybak: An environmental and airport activist for many years ... before I was elected I led neighborhood opposition to the de-watering projects that could have lowered Lake Nokomis or adversely affected other lakes or ground water. My opponent, a long-time elected official representing affected neighborhoods, was not a part of the team that defeated this proposal. I have serious concerns about the MAC's environmental stewardship. The airport's environmental footprint significantly exceeds the airport proper and in an environmentally fragile area – abutting two rivers and a wetland. Recent violations -- including a significant fuel leak and glycol emissions – have caused environmental damage. We must hold the MAC to a higher environmental standard.*

2. What economic benefits do you foresee as a result of MSP expansion to date? To be realized in the future?

*Rybak: MSP is an important economic gateway, and we need a strong airport and airlines to serve our citizens and business community. However, I am concerned about MSP expansion beyond projected economic need and what this bodes for the future. Sixteen years ahead of schedule, MSP had passenger and operations activity in 2004 near what was expected in 2020. This is why my coalition of Mayors supports a statewide airport strategy – divert some flights to an expanded second airport in greater Minnesota. The bill passed both houses of the legislature as part of a bill vetoed by Governor Pawlenty. We'll be back.*

*McLaughlin: Given the chaos in the airline industry “all bets are off.” The region and state need to weather this storm, preserving whatever environmental protection and economic advantages are possible. When possible, MAC, the airlines, businesses, other users of the airport and nearby communities must strike a new deal. Any realistic economic plan involves the interests of large businesses: the airport is an important asset. These businesses successfully opposed a new airport and cannot be ignored.*

*Missing is the active involvement of the Mayor; his direct contact with the MAC has been meager. The Mayor's negotiation attempts may have been limited by demonstrations seen as disrespectful. As Mayor I will re-engage and fight hard to protect our economy and our environment. I will work with SMAAC, MAC, other local, state and federal officials, business interests and other stakeholders.*

3. Is further expansion, the 20/20 Plan, in the public interest? Do you expect local airfares would decrease and service would improve if this were allowed? Do you think a larger hub will increase or decrease noise and pollution?

*McLaughlin: I think the impact of these changes on competition is an open question. The whole Sky Team hub strategy may be going out the window. Some airlines see an advantage in a move to the Humphrey Terminal and others do not. The effects on customer services, fares and overall competition are unclear and should not be pre-judged. As this evolves, we need to continue pursuing tighter regulations on the airplanes and their takeoff and landing patterns.*

*Rybak: I vigorously oppose Northwest's plan to monopolize the main terminal and shuffle their competitors to the smaller terminal, it is not good for citizens economically or environmentally. The activity level would compare to present day Dallas-Fort Worth, an airport six times larger than MSP. Significantly increased noise and pollution levels are of serious concern. I'm also concerned about the financial effect on the state of Minnesota of the expansion – especially with an airline in bankruptcy. A default by NWA could leave the state holding the bag.*

4A. Extended Sound Insulation Program lawsuit: Will you fund and pursue this lawsuit vigorously? Why or why not?

*Rybak: The Cities for the first time took legal action against the MAC. I personally lobbied Richfield and Eagan to join the lawsuit. Nearly 6,000 homeowners were promised, and deserve to receive, the full mitigation their neighbors received. I made sure we retained the top airport litigation firm in the country to file this lawsuit.*

*McLaughlin: Yes. The lawsuit is the only option now, given the City's failures at MAC, and I will pursue it vigorously as part of a broader redefinition of the City's relationship with the MAC. Unfortunately, the lawsuit costs our city a ton of money, and its objectives are not certain to be achieved.*



## Mayor Candidate Survey Responses.

(contd. from page 6)

4B. How would have your MAC Rep voted on the limited plans?

McLaughlin: *We would have assured that the downsized sound insulation package was not the option before the MAC. The original deal for insulation was struck through hard negotiations and watchful engagement. We have not seen that from the current Mayor or his appointed Commissioner. You will when I am the Mayor. The City needed to re-establish the community's negotiating position – tough and realistic – posture. A goal must be to adjust eligibility contours to current operations and reason. Leaving people just outside the 65 DNL lines, but just as much noise, without insulation is not reasonable.* [Editor's Note: The challenger probably refers to the agreements made in 1998, now the basis of the Cities' lawsuit.]

4B. How did your MAC Rep vote on the limited plans?

Rybak: *My MAC representative spoke against and voted against the MAC's plan to limit Phase II of the Sound Insulation Program. The MAC's Chair's paltry substitute plan unfortunately passed 10-4.* [Editor's Note: The Mayor refers to a motion to substitute the Chair's "air-conditioning if needed and co-payments required" plan for the Noise Oversight Committee's recommendation for full insulation to the projected 2007 62 DNL with less treatment beyond that.]

5. Safety at MSP: Do you think planned peak-rate increases are feasible? Do you think this is as safe as it should be?

Rybak: *I am concerned that MAC's capital projects cater to increased demand, beyond the inherent capacity of MSP's small site. The number-one concern of the airport must be passenger safety. My understanding is that the FAA governs aircraft separation distances, operations levels and runway uses.*

McLaughlin: *Safety beneath the flight paths must be a top airport priority for any Mayor, and it will be for me. We know the frequency of flights affects not only safety but also noise and the environment. From my layperson's vantage, almost doubling the number of operations per hour seems a very high goal. As technological improvements are put in place safely allowing more flights, there must be more mitigation of noise and environmental impacts.*

[Editor's Note. FAA is experimenting with reduced separations to increase runway use rates here and at O'Hare. Senator Dayton over two years ago posed this question to FAA: Are the operational rates (used in

planning for systems and facilities matching anticipated flight demand projected for MSP after expansion safe and feasible? Feasible means when the site modifications (runways, taxiways, gates, etc) are completed as budgeted or sufficient funds are added for that purpose, will necessary FAA staff and systems also be in place for safe operations at the planned rates and acceptable delays? Both gentlemen possibly need more education, if not about airport operations, then about how and when Congress funds FAA, including technology programs in R&D and deployment. FAA requests for training replacement air controllers, funding R&D, and deploying new technology were cut back again in the President's budget.]

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## Eighth Ward City Council Responses.

(contd. from page 5)

Marie Hauser: *A poor job. MAC concentrated on growth, but sidestepped environmental. As I walk around south Minneapolis, I can smell the jet fuel notice, more low-flying planes and noise over the neighborhood. Public reviews, necessary to make sure environmental regulations are followed, have not been planned. Environmental assessments need to be documented and reviewed regularly. Larger issues of public policy at MSP need to be addressed as well.*

*Pollution control agencies have comparatively scientific standards. MAC has no apparent standards and is not accountable on environmental or economic policies. Noise levels continue to rise, air pollution increases, money is drained from our economy.*

2. What economic benefits do you foresee as a result of MSP expansion to date? To be realized in the future?

Hauser: *Any economic benefits are shaky at best. The airline that MAC has favored in all decisions is bankrupt, leaving Minnesota financially drained as well! The expansions to date has brought more traffic, but not lower fares or airline competition. The future is unpredictable and Northwest's financial difficulties expose State to huge economic liability. Minnesotans continue to pay record air fares to Northwest. There is a high risk of losing the benefit of \$ 3 billion in airport bonding and an equal or greater amount in highway and transit funds.*

*MAC even misrepresents such details as "Minority Enterprise" guidelines. To make it appear as if they are meeting minority business goals, MAC included "Smart Cart" drivers as business owners?*

Glidden: *The dual track planning was abandoned in 1996, we must deal with what we have, and ensure neighborhoods have a voice.*

(contd. on page 8) Page-7

## Eighth Ward City Council Responses.

(contd. from page 6)

Particularly now that Northwest has downsized its workforce and filed for bankruptcy, on balance economic benefits from expansion are unlikely.

3. Is further expansion, the 20/20 Plan, in the public interest? Do you expect local airfares would decrease and service would improve if this were allowed? Do you think a larger hub will increase or decrease noise and pollution?

Glidden: *No. I am concerned that this will decrease airline competition and increase fares for Minnesota air travelers, who also pay fees toward the cost of expansion. Increase noise and pollution, without remediation. Consider MAC's failure to provide noise mitigation for homeowners, subjecting it to suit by Minneapolis and other municipalities.*

Hauser: *No, I do not think that this is in the public interest. Local airfares would increase, and we are already paying high fares due to the lack of competition. Northwest's service record has not been great up until now, so I doubt service would be improved by more operations at the same time.. A larger hub would surely increase noise and pollution and degrade collection and containment systems exceeding current permit limits. Then MAC usually asks for higher discharge volumes and emission rates.*

4. Extended Sound Insulation Program lawsuit: Will you fund and pursue this lawsuit vigorously? Why or why not?

Hauser: *I will pursue this lawsuit vigorously. MAC did not follow the sound insulation agreement. Even with the extended insulation program, Minneapolis residents have been and will be exposed to increasing flights noise due to the expansion, decreasing their enjoyment of decks, lawns and parks. MAC must be held accountable to the people of Minneapolis. As MAC our adversary, treat as such. The City must also challenge the standard for airport noise "compatible" with residential land use.*

Editor's Note: The candidate refers to the DNL formulae, which has been abandoned in Europe and Australia.

Glidden: *As a plaintiff to this lawsuit, the city's ethical duty is to pursue it fully and vigorously to resolution. As a practicing attorney, I know the importance of vigorously pursuing this lawsuit commenced by the city and would ensure its duty is fulfilled. Of course this includes appropriate funding.*

5. Safety at MSP: Do you think planned peak-rate increases are feasible? Do you think this is as safe as it should be?

Glidden: *While new technology might play a role in determining safety of the proposed peak-rate increases, MSP, an urban airport, is not a good place to test this technology. Safety must come first.*

Hauser: *No, this spacing leaves no room for pilot error, mechanical failure, or other unforeseen circumstances. The recent collision at MSP involving a taxiing plane demonstrates this problem. Accidents around the world also argue against this spacing. These increases correspond to far higher annual flight capacity than was agreed upon for expansion. MSP can more readily tolerate more annual operations on three runways if use is more balanced over the day (de-peaking). Not likely for a larger hub, which increases peak flight demand. Investing in a larger hub – to capture a higher share of the connecting market – is too risky for the public and the investors.*

*State and Federal existing policy is to expand MSP to an annual capacity of 640,000 operations, based on projected 2020 local passenger demand and total passenger use corresponding to the 1996 hubbing factor. Use patterns then suggest a 120-operations per hour peak in 2020 using three active runways and visual flight rules. Suddenly MAC is reporting 156+ operations per hour are planned. A higher hourly rate than needed for local passenger capacity is not a safe as it should be.*

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## Citizen Involvement

(Contd. from Page 4)

Construction of the new runway, delayed in 2001, and various other capital projects in the several-times-revised 2010 plan differ in scope, schedule, or location compared to the FEIS; projects were also added for 2004-05 build. The revised plans increased use (capacity) compared to the prior plans. One suggestion is that an EAW should automatically be prepared for any projects not included in the assessment if they were added, accelerated, or increased in scope afterward as the CIP program was adopted or amended.



# SMAAC Survey Shows Office-seekers Agree on Most Airport Issues

SMAAC contacted candidates for Mayor of Minneapolis and for City Council in the Wards nearest the airport (8, 10-13). We asked five questions. {See Page 3.} Many responses were similar, and when candidates agreed on an answer, they usually agreed with SMAAC. [See Table]. Most answers were similar, so we chose to quote statements that showed conviction or passion about the issues.

| QUESTION                                                                            | SMAAC's POSITION                                                                                                                                                                                                                                                                      | RESPONSES                                  |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. Is MAC properly balancing economic growth and environmental protection?          | No. Environmental reviews are inadequate and too many permit violations occurred.                                                                                                                                                                                                     | 100% Agree                                 |
| 2. Will Minnesota realize the expected economic benefits from MSP expansion?        | Unlikely. With a near-monopoly, high local fares and expansion costs slow business growth; but Northwest's shrinkage and bankruptcy limit its contributions to the Minnesota economy.                                                                                                 | 57% Agree<br>43% Neither Agree or Disagree |
| 3. Is a larger hub, the 2020 Plan, in the public interest?                          | No. It would be inefficient, anti-competitive, polluting, and noisy compared to other schemes offering more local capacity and service.                                                                                                                                               | 86% Agree<br>14% Neither Agree or Disagree |
| 4. Should the City vigorously pursue the Extended Sound Insulation Program lawsuit? | Yes. Insist on full 5 db residential sound-proofing where agreed upon as a condition of expansion.                                                                                                                                                                                    | 100% Agree                                 |
| 5. Are planned high peak-hour rates safe and feasible?                              | No. Add safety to 3. above. In a more congested, at times cramped, site, safety in the air and on the ground demands high levels of FAA staffing – that are not budgeted – and advanced technology -- that is still in development or early stages of deployment – and also unfunded. | 71% Agree<br>29% Neither Agree or Disagree |

**Economic Growth.** Peter McLaughlin: *MAC and the Legislature made a fundamental mistake (underestimating the economic benefits of a new airport). Now, in a period of economic chaos for the airline industry generally, (and Northwest) specifically, it is extremely difficult to make real progress.*

Scott Persons: *As a consumer I am aware Twin Cities residents pay some of the highest average airfares in the country, as a direct result of limited competition at MSP.*

Marie Hauser: *MAC's largest tenant, Northwest, is on financially unstable ground. (Airport) expansion to date has brought more traffic, but not lowered costs, not provided much needed competition. Any future economic benefit can be unpredictable and the financial collapse of Northwest already has exposed the state to huge economic liabilities, which possibly could get worse.*

**Environmental Protection.** RT Rybak: *I continue to have serious concerns about the MAC's environmental stewardship. The airport's environmental footprint significantly exceeds the airport campus and is located in an environmentally fragile area – abutting two rivers and a wetland.*

**More Expansion.** Elizabeth Glidden: *Certainly (the 2015/2020) plan will decrease airline competition (and unfairly) increase fares for Minnesota air travelers who will bear the cost of the expansion.*

Betsy Hodges. *NWA's dominance increases (fares) and decreases service, it increases noise and pollution, and it makes all of our fortunes rise and fall more closely with the rise and fall of Northwest Airlines. Increased competition among airlines would serve us better.*

**Safety.** Scott Benson: *The peak-rate increase is neither safe nor realistic. Even if the runways could accommodate the increased number of flight operations, ground control for this dramatic increase would be nearly impossible. The May accident at MSP (for which NTSB's report has not been produced) makes it clear the safety concerns at MSP are real. Increasing flight operations add to these concerns.*

## MSP Growth Rate Softens As Airlines Trim Flights

By Dick Saunders

Monthly operations at Minneapolis-St. Paul International Airport have softened in recent months as the burdens of bankruptcies by four carriers begin to accumulate.

September flights declined 2.4 percent to 43,173 from 44,234 in September 2004. Major carriers were down 3.6 percent, while general aviation was off 12.1 percent. Regional carriers increased 2.1 percent, far below the 20-30 percent increases seen in earlier months of 2005.

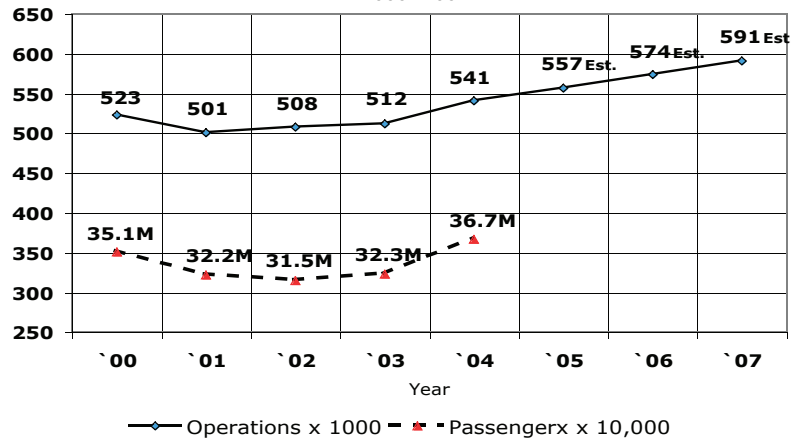
For the first nine months of 2005, MSP operations rose 0.6 percent to 409,082 inbound and outbound flights from 406,456 in the same 2004 period. Major carriers were down 2.9 percent, general aviation was off 3.1 percent. Regional flights climbed 9.9 percent and dedicated air freight flights, mostly at night, were up 3.3 percent over the comparable 2004 period.

Passengers rose 2.7 percent in September and 4.6 percent to 29.1 million this year from 27.8 million a year ago. Based on recent developments, Twin Cities operations appear likely to decline more rapidly in the fourth quarter. Northwest Airlines, the largest carrier at MSP, has announced plans to reduce service by 7 percent systemwide in the last three months and by 12-15 percent in 2006 as it copes with record high fuel costs and a Chapter 11 bankruptcy filing Oct. 14.

Mesaba Airlines, a regional feeder to Northwest and the airport's third most active carrier, has grounded more than two dozen aircraft as part of a bankruptcy action shortly after Northwest's. Two other bankrupt

### MSP Flights & Passengers

2000 -2007



Flights for 2005, 2006 and 2007 estimates based on 3.0% annual growth

national carriers--United and Delta—have cut back MSP flights by 21 and 27 percent respectively this year. US Airways, which just emerged from Chapter 11 via a merger with America West, had run 53 percent fewer flights here in the first nine months of 2005.

Unless this trend is broken for some unforeseen reason, it appears 2005 operations will fall well short of the 3 percent growth target established by MAC at the beginning of the year

With the opening of the north-south runway on Oct. 25, aircraft noise is expected to be more widely dispersed than previously, with Bloomington, Eagan, Burnsville, Apple Valley and Richfield bearing the brunt of the new flights.

The new runway, sending outbound and inbound flights to and from the south over the Minnesota River, is scheduled to assume about 25 percent of daily operations, or about 400 flights a day. However, the new Part 150 noise exposure map, for 2007, was based on 38 percent. In other words, Part 150 (65 DNL) noise mitigation will again be based on an incorrect, if not biased, model.

### New Runway Opens -- Another Lawsuit Over Noise.

Bloomington became the fourth city suing to enforce expansion agreements made with MAC years ago: *let's settle on the scope of the sound-proofing program first.* The cities knew noise maps were inherently inaccurate and based on disputed assumptions and unapproved operational plans. MAC refused Bloomington's request for a Supplemental EIS based on more flights than previously expected over Bloomington.

Media Reports. New MSP Runway 17-35 opened October 27, resulting a flurry of media coverage: *MAC is bracing for the reactions of residents under the new runway. And more noise in Bloomington, does it mean less noise elsewhere?* Not an unexpected slant, but the purpose of the new runway was increasing use, so more flights, more noise.

Neither Minneapolis nor any other city intended to escape airport noise. Even the FAA said that diverting noise from one runway area to another is unlawful unless mitigation of noise exposure is adequate and timely. MAC recently renounced plans to provide 5 db sound-proofing where the Commission had agreed with the Cities that is was appropriate.

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Homes in Bloomington, like many homes in Minneapolis and elsewhere under the main runway flight paths, are only near the newly-predicted (by MAC ) 65 DNL contour. They undoubtedly will be exposed to more noise than mapped because higher rates require more dispersion of flights.

SMAAC Reaction. The old saw that the new runway increased capacity by 25% was repeated, but that doesn't explain how daily use increased 33% and hourly use over 50% without the new runway. Prior noise maps were based on fewer flights and unlikely flight paths considering the just announced hourly rates. High rates meet the increased hourly demand created by adding Northwest/Sky Team gates over and above the 1996 plan. At the same time, new gates if used by competing airlines might cause more flight demand.

With more gates available, use was expanded from about 70 planes

meeting to exchange passengers twice a day to nearly 100 landing and taking off within a short time. Using the new runway at these rates safely, if it is possible at all, involves a) take-offs at mid-runway and turns that take flights over previously unused paths at low altitudes; b) more noise near the airport per flight (no longer requiring a brief reduction in the climb rate, a noise-reduction measure); and c) wider inbound corridors to keep up landing rates and avoid other traffic.

This also halves the emergency reaction time when less separation is noted. So, at best, there will be a lot more noise exposure and delay, or, at worst, a collision in the air, a neighborhood crash, or another collision on the ground near the Lindbergh Terminal.

Hub expansion, more than the new runway or airport expansion, limits economic growth and detracts from our use and enjoyment of our homes. If the demand numbers behind the 2020 Plan have any validity at

all, then the Legislature's decision to expand MSP instead of building a new airport at a larger, less developed site was monumentally stupid, benefitting only Northwest. Now public money loaned to Northwest, or spent on their behalf, may be gone. In any event, MAC is hoping to spend less for more noise exposure litigation, but that has nothing to do with congestion and safety. Hub expansion -- more than the new runway or airport expansion -- limits economic growth and detracts from our use and enjoyment of our homes.

If the demand numbers behind the 2020 Plan have any validity at all, then the Legislature's decision to expand MSP instead of building a new airport at a larger, less developed site was **monumentally stupid**, benefitting only Northwest. Now public money loaned to Northwest, or spent on their behalf, may be gone. In any event, MAC is hoping to spend millions less on sound-proofing. Neighbors are hoping: **Here comes the Judge!**

## SMAAC Enrollment/Renewal Form

Send to: SMAAC

P.O. Box 19036

Minneapolis, MN 55419-0036

General (\$15)

Group/Supporting (\$25)

Contributing (\$50)

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

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

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

E-mail address (optional): \_\_\_\_\_

I am willing to serve on a SMAAC committee: Yes \_\_\_\_\_, No \_\_\_\_\_

Contact me about Class Action eligibility possibilities: \_\_\_\_\_

**IN MEMORIAM**

**Alton J. (Joe) Gasper  
1944-2005**

**Wise and Faithful Friend**

**Former Airport Commissioner  
Joe Gasper Remembered**

By Jim Spensley

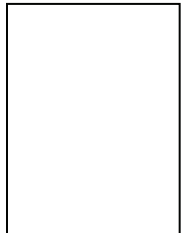
It is ironic that my old friend and ally, Joe Gasper, passed away October 27, the day the new runway at MSP opened. He fought against expanding MSP, and then he tried to make a bad decision as fair and sensible as possible. Joe was quoted in 1996, after doubting that more jetliners could, in any sense, make neighborhoods less noisy or more livable: "Now we are going to have to do something unique and creative or no one will want to live, or invest in housing, in South Minneapolis."

After Joe was appointed to MAC, he sent me the staff handouts for comment as soon as he got them. One time, I replied by email, "This had a lot of crap posing as information." He called and we had a typically long conversation. "After this, if you just noted 'Page 4, ALOC, call me' it would save a lot of time." Joe said. Later, the Part 150 Update was being discussed, and Joe forwarded a committee handout with this note: "Read it already; mostly BS; don't call."

Neither Joe or I gave up the fight after our homes were insulated. Neither of us believed insulating hundreds of buildings, when thousands lie under increasingly busy flight paths, was unique or creative. Now MAC argues that MSP has the world's largest and most expensive noise program, meeting all its obligations. That argument, Joe would say is "MBS" or "ALOC".

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SMAAC  
P.O. Box 19036  
Minneapolis, MN 55419-0036**



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