

*City of Brisbane  
Staff Report*

To: City Council via City Manager  
From: Maria Saguisag-Sid  
Senior Management Analyst  
Subject: Response to Grand Jury Report on Aircraft Noise  
Date: Meeting of September 19, 2011

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**Purpose:** To review response to recent Grand Jury Report, "County Officials Need to Make Noise about Aircraft Noise" and provide direction to staff

**Recommendation:** Staff recommends approving the draft response and directing staff to submit to Grand Jury on behalf of the City.

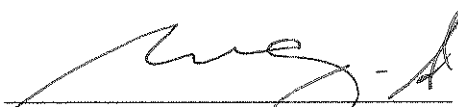
**Background and Discussion:** On July 6, 2011, the San Mateo County Grand Jury filed the above mentioned report which contained findings and recommendations pertaining to the City. At the Grand Jury's request, the City of Brisbane is asked to submit comments on the report to the Hon. Joseph E. Bergeron by October 4, 2011. Staff has reviewed the findings and recommendations as requested and has prepared the attached letter of response for the Council to review. The Council may direct staff to submit the report as prepared, or may make revisions to the letter at their discretion.

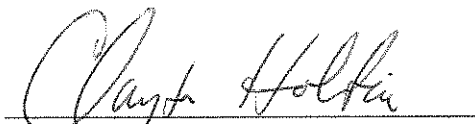
**Fiscal Impact:** None

**Measure of Success:** Successfully submitting a response to the Grand Jury by the deadline of October 4, 2011.

**Attachments:**

Grand Jury transmittal letter and report dated July 6, 2011  
Draft response letter to Grand Jury

  
Senior Management Analyst

  
City Manager

## DRAFT

September 19, 2011

Honorable Joseph E. Bergeron  
Judge of the Superior Court  
Hall of Justice  
400 County Center; 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

RE: Response to the Grand Jury Report "County Officials Need to Make Noise about Aircraft Noise"

Dear Judge Bergeron:

On behalf of the City Council of the City of Brisbane, I would like to thank you for the opportunity to review and comment on the above mentioned Grand Jury Report dated July 6, 2011. Our response to the findings and recommendations that follow were reviewed and approved by the City Council at their regular meeting on September 19, 2011.

### Findings:

The City of Brisbane has reviewed and agrees with the majority of the findings. The City disagrees partially with findings number 2 and 6.

- Finding 2: *Noise data collected by SFO and monitored by the SFO Roundtable address noise averages and do not focus on single events. No data is collected on individual night-time events, which can be the most distressing to residents. The City agrees that data is reviewed based on averages rather than single events. The City's understanding is that data is collected on night-time events as well as daytime. The City also notes that single events can be distressing not only at night but during the early morning and daytime for Brisbane residents.*
- Finding 6: *The Roundtable membership does not include any individual residents, nor do they have any citizen representation on any subcommittees. The City notes that representatives appointed to the Roundtable are residents of their jurisdictions whose job is specifically to provide their citizen's representation on community issues.*

## DRAFT

### Recommendations:

Several of the recommendations in the report have already been implemented by the City of Brisbane, including:

- Working with the SFO Noise Abatement Office in deploying additional noise monitors to measure and track current departure flight paths that occur over Brisbane. (Recommendation 1 and 2 for member cities)
- Reviewing actual noise data from recent additional noise monitor placements by the SFO Noise Abatement Office and providing data to interested citizens to allow for additional transparency. (Recommendation 3 and 4)
- Supporting an ad-hoc citizens committee formed to promote mitigating noise issues in the City of Brisbane. Recent actions include coordinating through the SFO Noise Abatement Office, meetings with FAA flight tower operations at SFO and TRACON in Mather, California, as well as having a group meeting with Congresswoman Jackie Speier, Council Member A. Sepi Richardson, city staff, SFO staff and FAA staff to address noise issues. (Recommendation 1 for City Council of Brisbane)
- Councilmember A. Sepi Richardson continues to regularly attend the SFO Roundtable. (Recommendation 2 for City Councils of Brisbane)

Recommendations 5-8 for the member cities of the SFO Roundtable are supported by the City. We hope with the cooperation with our surrounding affected cities, we will be able to work together to address and implement these recommendations.

In addition, the following is a timeline of actions that the City of Brisbane has taken to address the ongoing aircraft noise issue affecting our community:

- October 20, 2010 – Councilmember Richardson and City Staff meet with SFO Airport Director John Martin to discuss the issue of increase aircraft noise over the City of Brisbane.
- October 26, 2010 – SFO Noise Abatement Office meet with City Staff to place two additional noise monitors in other areas of Brisbane to gather additional actual noise data.
- December 9, 2010 – Councilmember Richardson and City Staff meet with SFO Staff to review data collected from October study.
- January 18, 2011 – SFO Noise Abatement office presents findings from data collection to the City Council and community at regular City Council meeting.
- January 26 and February 3, 2011 – Councilmember Richardson, Councilmember Clift Lentz, City Staff and five Brisbane residents attend SFO Tower Site Visits with FAA and SFO staff to review operations and discuss departure routes and procedures.

## DRAFT

- March 14, 2011 – Councilmember Richardson attends N.O.I.S.E. conference in Washington, D.C., a think tank group that addresses similar aircraft noise issues across the country.
- March 31, 2011 - Councilmember Richardson, Councilmember Clift Lentz, City Staff and five Brisbane residents attend a FAA TRACON Tower Site Visits with SFO staff and representatives from Virgin America Airlines to discuss departure routes and procedures at SFO and the effects on the City of Brisbane.
- April 2011 – Additional study initiated to review changes in departure procedure by Virgin America Airlines. SFO Noise Abatement again place two additional noise monitors the collect data.
- August 2011 – SFO Noise Abatement office delivers the data from the April study for the City’s perusal.
- September 2011 – Councilmember Richardson, City Staff and four Brisbane residents attend a meeting with U.S. Congresswoman Jackie Speier along SFO and FAA staff.

The City also would like to note that we will be hosting an SFO Roundtable Community Workshop, currently scheduled for October 5, 2011, to discuss issues related to aircraft noise. FAA staff, SFO staff and airline staff will be in attendance to meet with our citizens. This is an important issue in our community and we will continue to work with all parties to resolve this ongoing concern.

Thank you for the opportunity to respond to this important issue.

Sincerely,

Maria Saguisag-Sid  
Senior Management Analyst

Cc: City Clerk



Superior Court of California, County of San Mateo

Hall of Justice and Records  
400 County Center  
Redwood City, CA 94063-1655

COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

(650) 599-1200  
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[www.sanmateocourt.org](http://www.sanmateocourt.org)

July 6, 2011

City Council  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: County Officials Need to Make Noise about Aircraft Noise

Dear Councilmembers:

The 2010-2011 Grand Jury filed a report on July 6, 2011 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Joseph E. Bergeron. Your agency's response is due no later than October 4, 2011. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.
  - Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Bergeron.

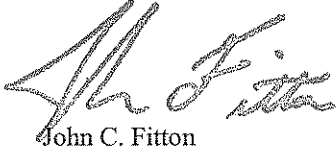
Hon. Joseph E. Bergeron  
Judge of the Superior Court  
Hall of Justice  
400 County Center; 2nd Floor  
Redwood City, CA 94063-1655.

2. Responses to be placed at the Grand Jury website.
  - Copy response and send by e-mail to: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org). (Insert agency name if it is not indicated at the top of your response.)
3. Responses to be placed with the clerk of your agency.
  - File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1200.

If you have any questions regarding these procedures, please do not hesitate to contact Paul Okada, Deputy County Counsel, at (650) 363-4761.

Very truly yours,



John C. Fitton  
Court Executive Officer

JCF:ck  
Enclosure

cc: Hon. Joseph E. Bergeron  
Paul Okada

Information Copy: City Manager



# County Officials Need to Make Noise about Aircraft Noise

## Issue

Is the San Francisco International Airport Roundtable (SFO Roundtable) operating effectively to ensure that San Mateo County residents are not unduly impacted by aircraft noise?

## Summary

The San Francisco International Airport (SFO), one of the busiest airports in the world, is experiencing significant expansion and an increase in both domestic and international flight traffic. While SFO is wholly owned and operated by the City and County of San Francisco, it is located entirely within the boundaries of San Mateo County. Many communities in close proximity to SFO and those located under departure flight paths are increasingly impacted by aircraft noise and vibration, especially from night departures.

The San Francisco Airport Roundtable serves as the primary forum to address the impact of aircraft noise on communities in San Mateo County. Comprised of elected officials from 17 San Mateo County cities along with representatives of San Francisco and SFO, the Airport Roundtable is tasked with monitoring noise and complaint data and interfacing with the public, local governments, state agencies, the FAA, the airline industry and SFO administrators on behalf of San Mateo County. The Grand Jury conducted an inquiry to determine if the Airport Roundtable was effectively representing those San Mateo County residents being impacted by aircraft noise and vibration.

The Grand Jury found that the effectiveness of the Airport Roundtable was diminishing, and that participation and enthusiasm for the SFO Roundtable was in decline. The City of Daly City, one of the communities most severely impacted by aircraft noise and night departures, has withdrawn from the Airport Roundtable. Monthly meetings of the Roundtable have been reduced to quarterly meetings. The Grand Jury recommended that the San Mateo County Board of Supervisors become actively involved in revitalizing the Airport Roundtable and recommended that Daly City renew their membership and appoint a fully engaged representative.

The Grand Jury further found that noise monitoring and mitigation efforts are primarily based on compliance with the federal standard of 65dbCNEL, which is an average noise level over a 24 hour period, and therefore does not address single aircraft noise events. They also determined that there is no mechanism in place to measure structural vibration. The Grand Jury recommended that the Roundtable expand their focus to include single aircraft noise events, particularly night departures, and request that the Noise Abatement Office deploy equipment to measure and monitor both single events and structural vibration.

The Grand Jury further found that the bylaws of the SFO Roundtable do not require that the Chair or Vice-chair be an elected representative of a member city, nor does it allow for any membership or committee representation by individual members of the community. It was also noted that there was no representation from the State of California, Division of Aeronautics. The Grand Jury recommends that the bylaws be amended to require the Chair and Vice-chair to be an elected official from a member city and expand membership to include a representative of the State of California, Division of Aeronautics. The Grand Jury also recommends that severely impacted cities form citizen advisory groups to work with their appointed representative on the Airport Roundtable to identify and mitigate aircraft noise in their communities.

## Background

The San Francisco International Airport (SFO), is one of the busiest airports in the United States, serving as the gateway to Europe, Asia and Australia. In 2010 SFO served over 39 million passengers on some 387,000 flights. SFO serves as a major hub for United Airlines (now merged with Continental), and as the primary hub for Virgin Airlines. SFO is experiencing significant airport expansion and an increase in both domestic and international flight traffic into and out of SFO.

SFO is wholly owned and operated by the City and County of San Francisco, yet its 2300 acre operation is located entirely within the boundaries of unincorporated San Mateo County and in immediate proximity to numerous residential communities. While San Mateo County undoubtedly benefits economically from the presence of SFO within its borders, it also bears the brunt of the traffic congestion, pollution, and the vibration and noise generated by aircraft and related airport activities.

Although all air traffic control and flight patterns are under the sole jurisdiction of the Federal Aviation Administration, SFO operates under a permit issued by the State of California and is regulated by the State of California Department of Transportation, Division of Aeronautics. The California Public Utilities Code requires that "the department shall adopt noise standards governing the operation of aircraft and aircraft engines for airports operating under a valid permit issued by the department to an extent not prohibited by federal law. The standards shall be based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport".<sup>1</sup>

California law further provides that, "The violation of the noise standards by any aircraft shall be deemed a misdemeanor and the operator thereof shall be punished by a fine of one thousand dollars (\$1000) for each infraction,"<sup>2</sup> and that "It shall be the function of the county wherein an airport is situated to enforce the noise regulations established by the department."<sup>3</sup>

In 1971, pursuant to California regulation, San Mateo County designated SFO as a "Noise Problem Airport."<sup>4</sup> The preamble to the regulations states that "the regulations are designed to cause the airport proprietor, aircraft operator, local governments, pilots, and the department to

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<sup>1</sup> Public Utilities Code Section 21669

<sup>2</sup> Public Utilities Code Section 21669.4 (a)

<sup>3</sup> Public Utilities Code Section 21669.4 (b)

<sup>4</sup> California Code of Regulations, Title 21, Article 2, section 5020



work cooperatively to diminish noise problems. The regulations accomplish these ends by controlling and reducing the noise impact area in communities in the vicinity of airports."<sup>5</sup>

In response, the San Francisco International Airport/Community Roundtable (SFO Roundtable) was created by a Memorandum of Understanding between the County and the cities of San Mateo County in 1981 as a forum to address the impacts of aircraft noise on communities in San Mateo County. Participation by the Cities is voluntary. The San Mateo County Board of Supervisors delegated responsibility for the aircraft noise issue to the SFO Roundtable comprised of local elected representatives from 17 San Mateo County communities along with officials from SFO, San Francisco, San Mateo County and the County Airport Land Use Committee (ALUC). The SFO Roundtable remains the primary agency charged with the responsibility for monitoring aircraft noise data and noise mitigation programs, as well as interfacing with the public, local governments, state agencies, the FAA, the airline industry and SFO administrators on behalf of San Mateo County.

Pursuant to state law, SFO established a Noise Abatement Office. This office operates 31 noise monitors in San Mateo County to measure noise and track ambient noise. These include 29 permanent locations and 2 portable units presently deployed in Brisbane. There is currently no mechanism in place to measure or track structural vibration. The SFO Noise Abatement Office also fields and tracks resident complaints about aircraft noise.

The Grand Jury assessed whether the SFO Roundtable is operating effectively to mitigate aircraft noise impacts on San Mateo County residents.

## **Discussion**

While it is recognized that the Federal Aviation Administration (FAA) regulates the operation of aircraft and controls the use of airspace, there may be significant opportunities for the elected officials in San Mateo County to mitigate the impacts on its residents.

SFO expansion and the increase in air traffic, especially departing night flights, has raised strong objections from some northern San Mateo County communities. Issues also continue to be raised by southern and mid San Mateo County communities regarding aircraft noise from arriving flights coming into SFO.

The Roundtable has maintained a good relationship with SFO, and can claim many successes including the establishment of a state of the art Noise Abatement Office funded by and located at SFO. The role of the Noise Abatement Office is to monitor aircraft noise activity and to compile data and prepare reports. These reports are used by the SFO Airport Roundtable to analyze and mitigate noise impacts in San Mateo County.

In 1983 the FAA and SFO invested \$153,000,000 in a major noise insulation program to soundproof more than 15,000 homes located within the 1983 noise contour map in which it was determined that aircraft noise exceeded the federal standard of 65dbCNEL.<sup>6</sup> The 65dbCNEL

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<sup>5</sup> California Code of Regulations, Title 21, Article 2, section 5000

<sup>6</sup> 65 decibels Community Noise Equivalent Level

noise standard represents the average noise level over a 24 hour period rather than the noise level of any individual event. Single event aircraft flyovers need to occur frequently and at very high volumes in order to bring the average noise level to 65dbCNEL. A community or residence could therefore experience numerous severe noise events in a day, but unless the average noise level over a 24 hour period exceeded the standard, it would not be considered a problem.

Eligible homes were noise insulated with the installation of noise resistant doors and windows in return for owners waiving their future vertical air rights and their legal rights to engage in noise litigation against SFO. Funds for the insulation program have been exhausted, and there are no current efforts to seek additional funding for expansion of the program to insulate areas that were not originally included, but may now suffer significant aircraft noise impacts.

The impact of structural vibration created by aircraft departures is not measured or tracked, but represents another impact on northern San Mateo County communities, particularly with night departures of heavy aircraft with international destinations.

While the efforts of the Roundtable and SFO have successfully mitigated the impact of aircraft noise in many areas of San Mateo County, there are individuals and communities that continue to suffer significant adverse impacts from aircraft noise who believe that their concerns are not being adequately addressed. For example, changes in departure patterns over Brisbane have generated strong protests from residents who assert that their quality of life is being adversely impacted. Increased night flights over San Bruno, South San Francisco and Daly City are also of major concern to those communities, especially when the flights depart directly over residential areas that did not participate or were not eligible for the noise insulation program.

The SFO Noise Abatement Office and SFO Roundtable sponsor a cooperative "Fly Quiet" program that monitors departure noise and acknowledges airlines that operate within recommended noise reduction guidelines. Neither the County of San Mateo nor the San Francisco Airport Commission exercise their authority to issue fines and sanctions for noise violations despite frequent and repetitive failures to comply with standards.

## **Investigation**

The 2010-2011 San Mateo Grand Jury conducted an extensive investigation into aircraft noise issues at SFO which included interviews with the following:

- Current and former members of the SFO Roundtable
- Key personnel at SFO and the SFO Noise Abatement Office
- San Mateo County Officials and Staff
- San Mateo County Counsel and Staff
- Elected officials from impacted San Mateo County communities
- Residents in communities impacted by aircraft noise and vibration

In addition, the Grand Jury reviewed numerous current and historic documents that included:

- Bylaws and meeting minutes of the SFO Roundtable

- Federal and state noise standards and regulations applicable to SFO
- Extensive data on SFO flight paths, noise complaints and violations of noise standards
- CNEL Noise Contour Maps (attachment)
- Minutes of the City of San Francisco Airport Commission.

The Grand Jury also toured the San Francisco International Airport and visited the SFO Noise Abatement Office to observe their noise monitoring and tracking systems.

## Findings

1. There has been an increase in both total departures and night departures from SFO. Increased volume and changed flight patterns have had an adverse impact on some northern San Mateo County communities including Brisbane and parts of Daly City and South San Francisco. Some of the areas currently experiencing the most severe impacts either declined to participate or were deemed ineligible for the original noise insulation program.
2. Noise data collected by SFO and monitored by the SFO Roundtable address noise averages and do not focus on single events. No data is collected on individual night-time events, which can be the most distressing to residents.
3. The violation of noise standards by any aircraft is deemed a misdemeanor and is punishable by a fine of \$1000. Under California law, San Mateo County has the authority to impose fines and sanctions for violations of noise regulations established by the State of California, Division of Aeronautics. San Mateo County does not impose fines or sanctions on offending airlines as a matter of policy.
4. The State of California, which issues the airport operating permit, is not represented as an advisory member of the SFO Roundtable.
5. Reports received by the SFO Roundtable, prepared by the SFO Noise Abatement Office, are not easily accessible to the public on the website ([www.SFORoundtable.org](http://www.SFORoundtable.org)). Information on the website was not current and a message stating that the website is "under construction" was displayed for the approximately one year duration of this investigation.
6. The Roundtable membership does not include any individual residents, nor do they have any citizen representation on any subcommittees.
7. The bylaws of the SFO Roundtable do not require that the Chairperson and Vice-Chairperson be elected representatives from the participating San Mateo County communities who are accountable to their constituencies. The current Chairperson of the SFO Roundtable is not an elected official.
8. The level of attendance by SFO Roundtable members varies widely and is declining overall. Daly City has withdrawn from membership entirely, and the San Francisco Board of Supervisors representative has not appeared since February of 2009. The SFO Roundtable recently decided to reduce their meeting schedule from monthly to quarterly.
9. Public participation at SFO Roundtable meetings is minimal. With one exception, all of the elected members of the SFO Roundtable and all of the residents interviewed stated that noise complaints were not a reliable source of feedback because people had either "given up" or did not believe that complaining was effective.

10. Daly City withdrew as a member of the SFO Roundtable in 2010, citing budget restraints as the reason. Membership fees for 2010 were \$750.

## Conclusions

1. While numerous San Mateo County communities are affected to various degrees by aircraft noise from SFO, the most severe impacts are created by departures over Brisbane, Colma, Daly City, San Bruno and South San Francisco. The increasing frequency and intensity of aircraft noise, particularly at night, represents a problem for the quality of life for the residents of those communities.
2. The San Mateo County Board of Supervisors has not recently taken an active role in addressing aircraft noise issues and has largely delegated this responsibility to the SFO Airport Roundtable.
3. It would be more effective to have elected officials serve as Chairperson and Vice-chairperson of the SFO Roundtable, as they are directly accountable to the citizens.
4. Including a representative of the State of California, Division of Aeronautics, on the SFO Roundtable would add an important dimension and enhance effectiveness.
5. The lack of effectiveness of the SFO Roundtable has caused a decline in attendance and enthusiasm for participation in the SFO Roundtable. Community participation is minimal and not encouraged.
6. The focus on average noise levels, rather than single events, can distort the extent and magnitude of the problem and foster the belief that complaining is futile.

## Recommendations

The 2010-2011 San Mateo Grand Jury recommends that the San Mateo County Board of Supervisors:

1. Take an active role in revitalizing the SFO Roundtable to make sure that the interests of San Mateo County and its residents are fully represented, and that every effort is being made to mitigate the severe and increasing impacts of SFO airport expansion on San Mateo County residents.

The Grand Jury recommends that the County Board of Supervisors and the member cities of the SFO Roundtable direct their representatives to take action that will:

1. Ensure that the locations of noise measuring and tracking equipment parallel current departure flight paths.
2. Request the SFO Noise Abatement Office to deploy equipment to measure and track the intensity of structural vibration on departure flight paths.
3. Change the focus of required data collection and reports to ACTUAL noise measurements rather than COMPLAINTS from residents about noise.
4. Increase the focus on single event noise violations and frequency, especially with night departures, rather than the 65dbCNEL which represents an average of noise experienced within a 24 hour period.
5. Adapt the "Fly Quiet" Program to include sanctions as well as rewards based on single event violations, particularly with night departures.

6. Create a sub-committee of the SFO Roundtable comprised of the elected representatives from the northern San Mateo County cities most impacted by aircraft departure noise to focus on mitigating the problems in those communities.
7. Modify the SFO Roundtable bylaws to require that both the Chair and Vice-Chair be elected officials from participating San Mateo County communities.
8. Expand SFO Roundtable membership to include a representative from the State of California, Division of Aeronautics, to serve as a liaison.

The 2010-2011 San Mateo County Grand Jury recommends that the City Council of Daly City:

1. Rejoin the SFO Roundtable and appoint a member who will actively participate and represent the interests of Daly City residents who are severely impacted by aircraft departure noise.

The 2010-2011 San Mateo County Grand Jury recommends that the City Councils of Brisbane, Daly City, Millbrae, San Bruno and South San Francisco:

1. Form local Citizens Advisory Committees to work with their respective elected members of the SFO Roundtable to promote efforts to identify and mitigate aircraft noise issues in their communities.
2. Maintain regular attendance and full participation in SFO Roundtable meetings and activities.