

Response to Torrance City Council agenda (as of 20-July 2023) scheduled for 23-July 2023 - Written By Gary Palmer CFI

(Reference <https://www.torranceca.gov/home/showpublisheddocument/83675/638252197007030000>)
(Noise reco:: https://torrance.granicus.com/MetaViewer.php?view_id=8&event_id=7472&meta_id=361295)

In reference to item 9A Transportation Committee Recommendations

#2 Please DO NOT “Approve implementation of landing fees”.

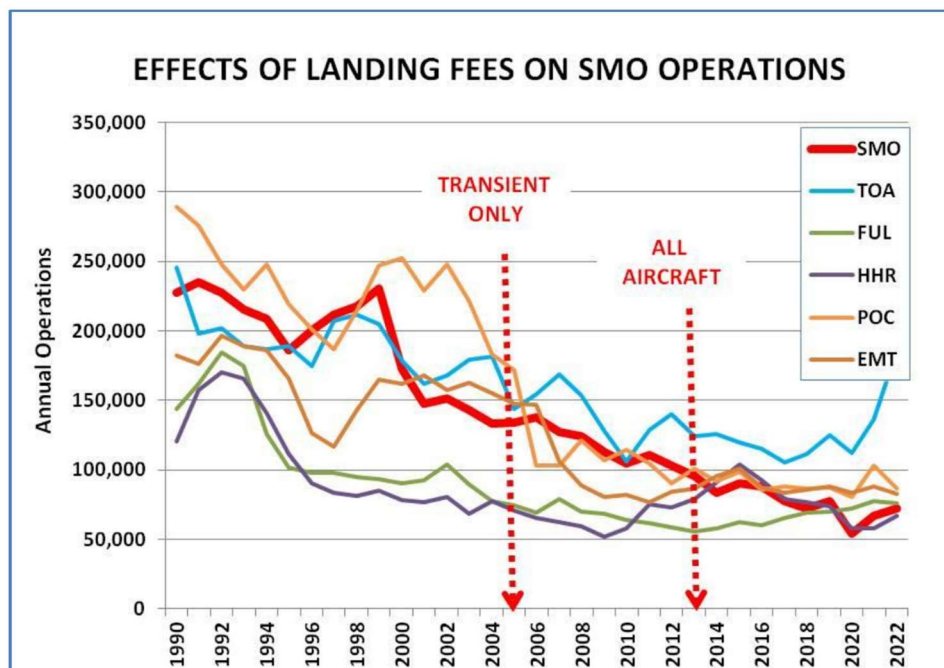
The Torrance Airport Commission voted unanimously to NOT CHARGE LANDING FEES.

The Transportation Committees’ estimated revenue includes helicopters, but the proposed fees exclude helicopters. Given that Robinson conducts many helicopter flights, testing each helicopter, the estimated revenue will be significantly less than the small \$368,133 projected.

Local-based companies being punished also contribute over \$200 MILLION per year to the Torrance economy, are Landing Fees the action of a “business friendly” company?

The following graph of airport operations at 6 local airports between 1990 and 2022 shows that when Santa Monica implemented landing fees in 2005 for transient aircraft only (as proposed at Torrance) there was no identifiable change in the number of flights at the airport. In 2013, when Santa Monica changed to charge all aircraft, the trend which was already established continued, also without noticeable change.

This indicates that LANDING FEES AT SANTA MONICA DID NOT AFFECT the flights in or out of the airport.



(source: <https://torranceairport.org/pdfs/Do%20landing%20fees%20reduce%20flight%20operations%20at%20an%20airport.pdf>)

Establishing landing fees for fixed-wing and not helicopter can be challenged as discriminatory. Has the city staff provided any verification from the federal government that charging fees for one type of aircraft and not another is not discriminating? If not the city could be subject to a legal challenge.

A similar discrimination could easily be sought as the “proposed” landing fees would discriminate against schools with more than 3 aircraft, providing an unfair advantage to smaller flight schools. Also, consider that some flight schools have multiple aircraft available for training but are actually now owned by the school; this could become a gray zone. Additionally, there are flying clubs (by definition, not schools) some of which have in excess of three aircraft used for training; these, by not being a “flight school” would be exempt from fees.

These points should make the city staff aware that multiple basis exists to challenge the city for discriminatory and unfair practice that could occur.

#3 “Request to approve a letter”. This request demonstrates a desire to have a more formal and enforceable statement to restrict flight schools. The schools have already voluntarily made changes which have resulted in a revenue loss. This “letter” is the city’s apparent attempt to force compliance. Right now the schools prohibit touch-and-go flights on the south runway out of goodwill. Once forced to accept this “letter”, the schools should be expected to only adhere to the exact AND LEGAL compliance of this letter (not available to the public at this time). If the letter tries to control any operations of aircraft in flight, it would “interfere with the FAA’s exclusive role in regulating aircraft safety.” Several times now, the FAA has stated this is not allowed. Even after being forced to sign such a letter, the enforceability would be at question and the FAA has already established precedence that the City cannot affect aircraft in flight. That means no enforcement of “no turn” policies, no enforcement of “no training flights”, and no enforcement of “keeping planes out of Torrance”.

The current voluntary agreement appears insufficient because a few residents demand punishment for offenders and penalties for non-compliance. If the city attempts to invoke jurisdiction over airplanes in flight (wheels are off the ground) there is another potential for litigation.

4. The current noise monitoring system is not fulfilling the intended task. Noise events that exceed the city’s noise limits are ignored with no follow-up action or resolution. Requests for noise tests are unanswered. Complaints are registered for causes such as “training” which is not only undefined, but as stated by city staff it means “breaking training curfew”, yet no one is aware of what that curfew is. This is one area where staff could help residents if they used terminology more generally understood or defined what their specific intent and use is. Or provided definitions.

The city should not be examining an expansion of the current noise monitoring system, it should identify alternate systems which might provide useful data related to resolving resident complaints.

Over the last 9 months (when Casper went operational), the number of aircraft which violated noise constraints is under 500. Has city staff done anything regarding these actual infractions?

5. Torrance pilots applaud the City’s desire to phase out lead fuel. Pilots want the same. Apparently, the Transportation Committee did not comprehend the pilot statement at their meeting when it was expressed that Torrance is high on the list to receive the already available drop-in unleaded fuel replacement. In fact, the potential time frame is a year or two, NOT 10 to 15. This simple fact demonstrates how the Transportation Committee would benefit from having actual subject matter experts (pilots) working with it. The lack of awareness does indicate that the committee did not have any of the necessary expertise.

6. Touch and go landings are a fact of flight. They happen in the interest of public safety and are useful when taught. By legally prohibiting them, the city could be liable should a possibly fatal accident occur. A simple example, an aircraft just touches down and a fox walks onto the runway, the airplane immediately takes off to avoid the fox. Has that pilot now violated this new law? In the interest of safety, a pilot should NOT feel compelled to always land, the go-around must always be a penalty-free option.

With the first “left turn penalty” the pilot has a legal basis to sue Torrance for trying to ignore Federal laws related to controlling airspace. The city has asked several times about the ability to mandate flights and each time the FAA legal counsel says “no”. Why does the city continue to ask? Is it in hopes that the FAA will change its mind and create a new precedence (thus overturning the U.S Government vs. the City of Blue Ash OH which was upheld in the Court of Appeals)?

The city has a historical regulation in the Torrance Municipal Code regulating “left turns” for departing aircraft.

Section 51.2.3(e) of the Torrance Municipal Code (TMC) states: "Aircraft taking off to the west shall not turn left until they have either reached the ocean or attained an altitude of fifteen hundred (1,500) feet."

The city has smartly avoided trying to enforce this because it contradicts federal airspace regulations. Due to a few people complaining many times the city has requested FAA clarification on the City’s ability to enforce this code. The FAA has said no.

The city did not like that answer so they asked the FAA multiple times. And each time they were told no for a total of 4 times asked! A history of these repetitive FAA failed challenges can be reviewed at <https://torranceairport.org/myth/myth-background.html> (Feb 2020, March 2022, Aug 2022, 16-Dec 2022).

Specifically, the Dec 2022 response from the FAA addressing TMC 51.2.3(e) states:

Although we appreciate that the city believes that enforcing this ordinance will protect the important interests of its citizens, the Federal Aviation Administration’s (FAA) view is that enforcement of the ordinance is not a legally valid way to accomplish the City’s goals. The position of the FAA remains unchanged from our February 18, 2020, letter to Mr. Jim Gates and August 9, 2022, letter to the City Attorney, Mr. Patrick Sullivan: the City’s airspace restriction is not consistent with the FAA’s statutory and regulatory framework.

The complete FAA letter is available at: <https://torranceairport.org/myth/PDFs/2022-12-16%20ltr%20to%20Gatzke,%20Dillon%20&%20Ballance%20fr%20FAA.pdf>

Thank you for your time,
Gary Palmer