Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Consider an Appeal of an Airport Noise Hearing Board Determination that the Airport Noise Limits were Exceeded on December 8, 2013, by Aircraft N706JJ, piloted by Hitomi Jinda.

RECOMMENDATION:

Recommendation of the Community Development Director and the Airport Noise Hearing Board that the determination by the Airport Noise Hearing Board that a violation of the Airport Noise limits was committed on December 8, 2013 by Aircraft N706JJ, piloted by Hitomi Jinda be upheld.

Expenditure: None

BACKGROUND AND ANALYSIS:

Sections 46.8.8 and 46.8.9 of the Torrance Municipal Code (TMC) establish noise limits for aircraft taking off from or landing at the Torrance Airport (TOA). The daytime limits are set at 82 decibels maximum, which is the single loudest sound measurement generated by the aircraft, and 88 decibels Single Event Sound Exposure Level (SENEL), which is a weighted measurement taking the sound generated by the aircraft over the full period of time the noise is measured. Exceeding either limit is sufficient to constitute a noise violation. The noise limits were established by ordinance in October of 1977 as a result of extensive noise monitoring and study and have been in effect since that time. However, section 5070(a) of the California Code of Regulations requires a margin of error for noise monitoring systems of plus or minus 1.5 decibels. Therefore, any violation brought before a Hearing Board must be at least 1.6 decibels over the noise limits established in the TMC.
The Airport Noise Hearing Board is composed of three City employees who are charged with hearing complaints regarding violations of the TMC regarding aircraft noise. These hearings are held in accordance with requirements of due process of law, and the decisions of the Hearing Board may be appealed to the City Council.

Pursuant to Section 7.7 of the Council Rules of Order, the City Council's review is based upon the administrative record and the Board's findings in support of its decision and is not de novo. Except with the permission of the City Council for good cause shown, no new oral or written testimony or other evidence or material may be presented to the City Council. The administrative record and the Hearing Board's decision are contained in the audio recording and transcription of that recording by a legal transcriptionist. In addition, the decision is formally presented in written findings of fact and conclusions of law from the Hearing Board. Both items are part of the record and in the package before the Council this evening.

Pursuant to Code of Civil Procedure Section 1094.5, the scope of the City Council's review is limited to whether the Hearing Board proceeded without, or in excess of, jurisdiction; whether there was a fair hearing; and whether there was any prejudicial abuse of discretion. If the Hearing Board's adjudicatory decision is challenged on the basis that the decision-making body has abused its discretion because the findings are not supported by the evidence, the standard of review in a matter such as this is the substantial evidence test. In resolving this appeal, the City Council will determine whether the record is supported by substantial evidence. In making that determination, the Council will employ three rules. First, the evidence is viewed in favor of the prevailing party, here the City. Second, the decision of the Hearing Board is presumed to be correct. Finally, every reasonable inference and any conflict in evidence will be resolved in favor of the respondent, here again the City.

On January 16, 2014, a Hearing Board was held to determine whether a violation of the Noise limits had occurred during a landing on December 8, 2013, by aircraft N706JJ, a Robinson R22 helicopter piloted by Hitomi Jinda. Based on the information presented at the hearing, which is included in attachment C, the Hearing Board found that Robinson N706JJ, piloted by Hitomi Jinda, landed at Torrance Airport on December 8, 2013 at 10:28 a.m. and registered noise levels of 89.7 SENEL and 79.9 Maximum sound level at Remote Monitor Site 5 in violation of the TMC section 46.8.8. The SENEL noise levels recorded exceeded those established in the TMC by 1.7 decibels.

According to the FAA tower transcript, N706JJ contacted the tower at 10:25:24 from Harbor Hospital and requested a northeast arrival. At 10:25:53 N706JJ was instructed to enter right base for runway 29L and was given clearance to land. The violation occurred on monitor 5 at 10:28:51. The pilot indicated that there was an aircraft departing as well as an aircraft on approach, and that, for safety, she chose to alter her normal route to ensure maximum separation between the operations. However, given the history of violations for N706JJ, the fact that helicopter violations of the noise levels are not a common occurrence, and the Board's belief that there was not substantial
evidence as to unusual circumstances that would have justified the violation, the Board found that the pilot and aircraft were guilty of violating the noise ordinance.

Should the Hearing Board decision be upheld by the Council this will be the first determination of a noise violation for N706JJ and Ms. Jinda. If there are a second and a third finding within a three year period, the aircraft and pilot will be banned from Torrance Airport for a period of three years.

The Community Development Department recommends that the Hearing Board determination that Robinson N706JJ piloted by Hitomi Jinda exceeded the airport noise limits on December 8, 2013 be upheld and that Ms. Jinda’s appeal be denied.

Respectfully submitted,

AIRPORT NOISE HEARING BOARD

Craig Bilezerian, Chair

CONCUR:

JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By Linda Cessna
Deputy Community Development Director

NOTED:

LeRoy J. Jackson
City Manager

Attachments:
A. Appeal form
B. Notices of Hearing
C. Hearing Board Packet
D. Hearing Transcript
E. Hearing Board Findings of Fact
F. Mayor’s Script (limited distribution)
G. Correspondence
CITY OF TORRANCE
INTEROFFICE COMMUNICATION

DATE: February 11, 2014

TO: Environmental Quality Control

FROM: City Clerk’s Office

SUBJECT: Appeal 2014-01

Attached is Appeal 2014-01 received in this office on February 11, 2014 from Hitomi Jinda / Aircraft N706JJ Robinson R22, 3405 Airport Drive, Torrance, CA 90505. This appeal is of the Administrative Board Hearing decision made on January 22, 2014 regarding Finding of Aircraft Noise Violation of Aircraft Robinson R22 N706JJ.

The appeal fee of $271.00, paid by check, was accepted by the City Clerk.

SECTION 11.5.3. PROCEDURE AFTER FILING.

a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.

b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

Sue Herbers
City Clerk

cc: City Council
City Manager
Environmental Quality
CITY OF TORRANCE

APPEAL FORM

AN APPEAL TO:

☑ City Council
☑ Planning Commission
☐ ____________________________

RETURN TO:

Office of the City Clerk
3031 Torrance Boulevard
Torrance CA 90509-2970
310/618-2870

RE: Aircraft Noise Violation of Aircraft Robinson R22 N706JJ
(Case Number and Name)

Address/Location of Subject Property 3405 Airport Dr., Torrance, CA
(If applicable)

Decision of:
☑ Administrative Hearing Board
☐ Airport Commission
☐ Civil Service Commission
☐ Environmental Quality & Energy Conservation Commission
☑ License Review Board
☐ Planning Commission
☐ Community Development Director
☐ Special Development Permit
☐ Other ____________________________

Date of decision: 1/22/2014

Appealing: ☐ APPROVAL ☐ DENIAL
☑ OTHER Finding of noise violation

Reason for Appeal: Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.

See attached correspondence from Stan M. Barankiewicz II, attorney for Appellant, dated February 9, 2014.

Name of Appellant Hitomi Jinda / Aircraft N706JJ Robinson R22

Address of Appellant 3405 Airport Dr., Torrance, CA

Telephone Number (310) 502-3666

Signature ____________________________

Appeal Fee paid $271.00

Notice to: Community Development Department: ☐ Planning ☐ Building & Safety
☐ City Council ☐ City Manager ☐ City Attorney ☐ Other Department(s) A) REPORT

City Clerk x:\word\forms\Form Appeal R 03-2011

rev 3/11
SECTION 11.5.2. CONTENTS OF NOTICE OF APPEAL, FEES.
(Amended by O-3416)

a) The notice of appeal shall contain the following information in addition to the information given by the applicant thereon or reasonably required by the City Clerk therefor:
   1) The name, address, and telephone number of the applicant.
   2) The type of permit desired or action requested.
   3) The date on which said permit was issued or refused or the decision was made and the name of the City officer, body, or department taking such action.
   4) The grounds on which the appeal is taken.

b) A fee for filing an appeal shall be charged as provided by resolution of the City Council.
February 9, 2014

PERSONAL DELIVERY ONLY

Sue Herbers, City Clerk
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503

Re: Appeal of Aircraft Noise Violation of Aircraft Robinson R22 N706JJ

Dear Ms. Herbers:

Per City of Torrance ("City") Municipal Code ("TMC") § 11.5.1 et seq., on behalf of Ms. Hitomi Jinda and Aircraft N706JJ (collectively, "Appellant"), we hereby file this appeal of the Airport Noise Administrative Hearing Board of the City of Torrance’s ("Board") January 22, 2014 findings and conclusions of law determining Appellant guilty of violating TMC § 46.8.8. Appellant’s alleged exceedance of the Single Event Noise Exposure Level ("SENEL") for Noise Monitor # 5 under TMC § 46.8.8 solely occurred, not because of carelessness or disregard for the community, but for most important reason of all—safety. Specifically, Appellant operated the Aircraft in accordance with Federal Aviation Regulations, the November 1, 2009 Letter of Agreement, Federal Aviation Administration, Torrance Airport Traffic Control Tower Torrance Municipal Airport Helicopter Operators ("2009 Route Agreement"), and the Robinson R22 Pilot’s Operating Handbook to avoid the overflight of a taxiing airplane and to maintain separation from a departing helicopter that put her closer to the Noise Monitor # 5. The Board’s determination of a noise violation under these circumstances is a prejudicial abuse of discretion. Accordingly, City Council should vacate the Board’s findings and conclusions of law and to separately determine that Appellant did not commit a violation of TMC § 46.8.8.

Although these issues may not have been fully presented to the Board, as authorized by Section 7.7 of the Council Rules of Order, good cause under exists to consider them. Subsequent to the Board hearing, Ms. Jinda has tried to put noise considerations first and foremost in her training
of students and has found that focusing too much on noise confuses students on how to safely operate the Aircraft. She has concluded that safety must be first and foremost and once that is satisfied, attention to noise considerations comes next. In good conscious, Ms. Jinda cannot advocate a trade off in safety for noise abatement. For these reasons, additional points, authorities, and evidence should be allowed to resolve this critical issue.¹

1. BACKGROUND.

Appellant owns JJ Helicopters, Inc., which is a thriving helicopter training facility solely using Robinson helicopters that is anchored on Torrance Airport at 3405 Airport Drive. JJ Helicopters, Inc. came to Torrance 11 years ago in 2003. Mrs. Jinda is the Chief Pilot with over 7,500 hours in helicopters and has trained thousands of helicopter students from across the United States and 26 counties. As such, JJ Helicopters, Inc. and the City has gained worldwide recognition in the helicopter industry.

Appellant actively participates in community meetings concerning aircraft noise. She has participated in numerous noise meetings, most recently in October 2013 LAAHOA (Los Angeles Area Helicopter Operators Association), November 2013 LAAHOA (Los Angeles Area Helicopter Operators Association), and January 2014 City of Lomita (Helicopter Noise).

On Sunday, December 8, 2013, at approximately 10:23 a.m., Appellant approached Torrance Airport from the northeast and at Harbor General, requested to land at Torrance Airport using the “Northeast Arrival.” The tower responded that the Northeast Arrival was approved and that Appellant was cleared to land on runway 29L. Appellant followed the Northeast Arrival route along the determined path and proscribed altitude of 600’ MSL. Nearing the runways, Appellant moved closer to Noise Monitor # 5 in order to maintain a safe distance from an airplane moving on the ground between runways 29L and 29R and from a helicopter departing alongside runway 29L. Unfortunately, this put Appellant closer to Noise Monitor # 5 for a longer than normal time as Appellant turned to land. Appellant’s approach to landing was entered at 60 knots and began at 600 feet MSL.

On January 16, 2014, the Board conducted a hearing on the alleged noise violations.

On January 22, 2014, the Board issued Finding of Fact and Conclusions of Law determining that Appellant violated TMC § 46.8.8.

By letter dated January 23, 2014, City provided Appellant with a copy of the Board’s Finding of Fact and Conclusions of Law and informed of the appeal process.

¹ Upon receipt of documents requested from the City, Appellant will submit additional corroborating evidence to the points made herein and will provide further points and authorities to refute any opposition advanced.
In accord with the City’s January 23, 2014 letter, Appellant filed its Notice of Appeal and paid the requisite fee.

2. APPELLANT OPERATED THE AIRCRAFT IN A SAFE & CONSCIENTIOUS MANNER.

   A. Appellant Complied with Federal Aviation Regulations Requiring Helicopters to Avoid the Flow of Fixed Wing Traffic and to Maintain Separation from other Aircraft.

Aviation safety is of prime importance to the federal government. As a result, FAA has promulgated numerous safety regulations governing aircraft flight. Pre Title 14 of the Code of Federal Regulations § 91.129, Operations in Class D airspace, subsection (f), Approaches, “[E]ach pilot must – [¶][¶]…[¶] (2) Avoid the flow of fixed-wing aircraft, if operating a helicopter.” (Emph. added.)

The Aeronautical Information Manual (“AIM”) is published by FAA and “contains the fundamentals required in order to fly in the United States [National Airspace System].” Per AIM Chapter 4-3-17(a)(2), “Insofar as possible, helicopter operations will be instructed to avoid the flow of fixed-wing aircraft…” (Emph. added.)

Further, AIM Ch. 4-3-17(a)(3), “Helicopters should avoid overflight of other aircraft, vehicles, and personnel during air-taxi operations.” An air-taxi operation is for expeditious movement of helicopters around an airport. It is expected to be up to 100’ AGL. “Unless otherwise instructed, pilots are expected to remain below 100 AGL.” (Ibid.) A helicopter landing along a runway is in part an air taxi that ends with the helicopter in a hover above the runway.

The Torrance Airport’s airspace is “Class D Airspace,” which has specific requirements for operating aircraft. Specific to this appeal, is that the tower does not ensure separation of aircraft. (AIM, Ch. 3-2-5(e).) Rather, it is the pilot’s sole responsibility to maintain a safe separation from other aircraft while operating in Class D airspace. “When metrolological conditions permit, regardless of the type of flight plan or whether or not under control of a radar facility, the pilot is responsible to see and avoid other traffic…. (Id., Ch. 5-5-8(a), emph. added.)

Torrance Tower instructed Appellant to enter a “right base,” and land on runway 29L. In traffic-pattern parlance, the “base leg” is the leg that is 90 degrees to the centerline of the runway. So for a right base, the aircraft approaches the runway on the left side of the runway and at a right angle some distance from the end of the runway. After descending and completing the base leg, the aircraft is then turned 90 degrees to the right onto the “final leg,” which is in line with the runway. One the final leg, the aircraft descends to the surface of the runway, or in the case of a helicopter, to hover just above the runway surface.
February 9, 2014
Page 4

Appellant flew the Northeast Arrival and positioned herself for the right-base leg. On entering the “right base” for runway 29L, Appellant observed an airplane taxiing between the ends of Runway 29L and 29R to the run-up area. To maintain a safe distance from the taxiing airplane, Appellant flew further toward Noise Monitor # 5. Appellant also heard the tower give a clearance for another helicopter to takeoff from Taxiway Alpha adjacent to runway 29L—the runway which Appellant was to land upon. Appellant further widened her base leg closer to Noise Monitor # 5 to maintain a safe distance from the departing helicopter. Once Appellant completed the base leg, she turned the Aircraft 90 degrees to the right to line up with runway 29L. This turn was also near Noise Monitor # 5.

The only reason why Appellant allegedly violated the SENEL at Noise Monitor # 5 was due to her conscientious attention to the safe operation of the Aircraft in compliance with federal laws and regulations.

B. Appellant Complied with the 2009 Route Agreement by Using the Northeast Arrival Route and Maintaining and Altitude of 600 feet Mean Sea Level.

The 2009 Route Agreement that is entered into between the City and aircraft operators at Torrance Airport set forth certain requirements for arriving helicopters. A copy of the 2009 Route Agreement is attached hereto as Exhibit “A.” The key provisions of the 2009 Route Agreement pertaining to this appeal are as follows:

- “Nothing in this agreement shall be construed as approval to violate any Federal Aviation Regulations (FARs) or other regulations.” (2009 Route Agreement, § 4, Responsibilities, p. 1.)

- “All operations shall be conducted using the traffic patterns, areas, altitudes, routes, and procedures specified in this agreement.” (Ibid.)

- “Pattern altitude is 600’ MSL.” (Id. § 6(b)(7), p. 2.)

- The Northeast Arrival route starts at Harbor-UCLA Medical Center (“Harbor ULCA”) and proceeds to midfield of airport. (Id., Attachment 2.)

At Harbor UCLA, Appellant contacted Torrance Tower and requested the Northeast Arrival for landing. Torrance Tower approved the Northeast Arrival and to enter a right base for runway 29L. Appellant complied with the tower’s instructions by flying the Northeast Arrival route at or slightly above 600 feet MSL, but in order to enter the right base, Appellant had to fly closer to Noise Monitor # 5 rather than flying to the midfield location as shown in the 2009 Route Agreement. By following the tower’s instructions and the proscribed altitude, Appellant complied with the 2009 Route Agreement.
C. Robinson R22 Pilot Operating Handbook

Per the Robinson R22 Pilot Operating Handbook, Section 4, Normal Procedures, the approach-to-a-landing safe airspeed is 60 knots. (Robinson R22 Pilot’s Operating Handbook (“POH”), Section 4, Airspeeds for Safe Operation, a copy of this Section is attached hereto as Exhibit “B.”) Appellant was traveling at 60 knots when she entered the approach and thus complied with the POH.

D. TMC’s Public Policy for Noise.

The TMC explains that the public policy for the City’s noise regulation is to prevent unnecessary noise:

“It is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed.” (TMC § 46.1.1, emph. added.)

Appellant was operating the Aircraft in a safe manner, which unfortunately, caused the alleged exceedance of the SENEL. But under such circumstances, the Aircraft’s noise cannot be deemed to be unnecessary. To the contrary, it was necessary to maintain a safe distance from other aircraft.

3. TMC § 46.8.8 IS PRÉEMPTED AS APPLIED WHERE APPELLANT’S ACTIONS WERE TO MAINTAIN SAFETY.

Despite the City’s control over the surface of Torrance Airport, is unequivocally entrenched in our jurisprudence that the federal government preempts the City’s control over aircraft in flight when the aircraft is operated in compliance with FAA requirements:

“While the federal government’s exclusive statutory responsibility for noise abatement through regulation of flight operations and aircraft design is broad, the noise abatement responsibilities of state and local governments through exercise of their basic police powers are circumscribed.” (FAA Aviation Noise Abatement Policy, Nov. 18, 1976, II(B), a copy of this section of the policy is attached hereto as Exhibit “C”.)

“The chief restrictions on state and local police powers arise from the exclusive federal control over the management of airspace. Local authorities long have been preempted by the federal assumption of authority in the area from prohibiting or regulating overflight for any purposes. That principle was found in 1973 to
include any exercise of police power relating to aircraft operations in City of Burbank v. Lockheed Air Terminal, 411 U.S. 624 (1973). In the Burbank case, the Supreme Court struck down a curfew imposed by the City in the exercise of its police power. The Court's reliance on the legislative history of section 611 and the 1972 amendments to it indicate that other types of police power regulation, such as, restrictions on the type of aircraft using a particular airport, are equally proscribed. The Court, however, specifically excluded consideration of the rights of an airport operator from its decision.” (FAA Aviation Noise Abatement Policy, Nov. 18, 1976, II(B).)

“There remains a critical role for local authorities in protecting their citizens from unwanted aircraft noise, principally through their powers of land use control.” (FAA Aviation Noise Abatement Policy, Nov. 18, 1976, II(B).)

“But the proprietor's responsibilities do not end there. A three judge district court observed in Air Transport Association v. Crotti, 389 F. Supp. 58 (N.D. Cal., 1975):

'It is now firmly established that the airport proprietor is responsible for the consequences which attend his operation of a public airport; his right to control the use of the airport, is a necessary concomitant, whether it be directed by state police power or by his own initiative .... That correlating right of proprietorship control is recognized and exempted from judicially declared federal preemption by footnote 14 [of the Burbank opinion]. Manifestly, such proprietary control necessarily includes the basic right to determine the type of air service a given airport proprietor wants its facilities to provide, as well as the type of aircraft to utilize those facilities....’

The Crotti case upheld in part a California airport noise statute imposing noise abatement duties on airport proprietors and established the principle that a state statute could reach proprietors that are governmental agencies and hence arms of the state. The Burbank preemption rule thus has not extended to proprietors, except with respect to regulations that actually affect the flight of aircraft. The portion of the California statute struck down by the court provided for criminal sanctions against the operator of an aircraft that exceed a single-event noise standard on takeoff or landing, a clear interference with the FAA's control over flight operations in the navigable airspace.” (FAA Aviation Noise Abatement Policy, Nov. 18, 1976, II(C), emph. added; see Crotti at p. 65.)
February 9, 2014
Page 7

“The legal framework with respect to noise may be summarized as follows:

1. The federal government has preempted the areas of airspace use and management, air traffic control, safety and the regulation of aircraft noise at its source. The federal government also has substantial power to influence airport development through its administration of the Airport and Airway Development Program.

2. Other powers and authorities to control airport noise rest with the airport proprietor — including the power to select an airport site, acquire land, assure compatible land use, and control airport design, scheduling and operations — subject only to Constitutional prohibitions against creation of an undue burden on interstate and foreign commerce, unjust discrimination, and interference with exclusive federal regulatory responsibilities over safety and airspace management.

3. State and local governments may protect their citizens through land use controls and other police power measures not affecting aircraft operations. In addition, to the extent they are airport proprietors, they have the powers described in paragraph 2.” (FAA Aviation Noise Abatement Policy, Nov. 18, 1976, II(C), emph. added.)

In Crotti, the Court held:

“We are satisfied and conclude that the SENEL provisions and regulations of noise levels which occur when an aircraft is in direct flight, and for the levying of criminal fines for violation, are a per se unlawful exercise of police power into the exclusive federal domain of control over aircraft flights and operation, and air space management and utilization in interstate and foreign commerce. The thrust of the Single Event Noise Exposure Levels is clear and direct and collides head-on with the federal regulatory scheme for aircraft flights delineated by and central to the Burbank decision.” (Id. at p. 65, emph. added.)

As the seminal case of Burbank, Crotti, and FAA’s policy lay down, a City cannot regulate an aircraft in flight that is compliant with federal law and regulations, even for noise abatement purposes.

Similarly in State by Minnesota Public Lobby v. Metropolitan Airports Comm., 520 N.W.2d 388 (1994), the Minnesota Supreme Court, applying Burbank held that state noise standards were
inapplicable to aircraft in flight. Therein, The State of Minnesota promulgated maximum permissible noise limits and divided land into three “Noise Area Classifications” and created limits on noise pollution for each classification.” (Id. at p. 389.) “Most of the area surrounding the [Minneapolis St. Paul Airport] falls within Classification 1, which has the strictest requirements and applies to areas where people have an expectation of peace and quiet in residential areas. The standards set a maximum noise level for daytime and nighttime which may not be exceeded for more than a certain portion of each hour.” (Ibid.) The Minnesota Supreme Court held, “The [U.S.] Supreme Court has made clear states may not enact noise regulations which impinge on aircraft operations, and that is precisely what the MCPA noise standards do.” (Id. at p. 393.)

Here, Appellant operated the Aircraft in compliance with all federal laws and regulations, to maintain the safe distance from aircraft on the ground and aircraft departing Torrance Airport. Only by maintaining these safe distances did Appellant move closer to Noise Monitor # 5 and in approaching to land by the pattern base leg to the final leg resulted in a right turn close to Noise Monitor # 5 for an extended time that caused the alleged exceedance by additional time spent in proximity to Noise Monitor # 5. The Appellant’s adherence to safety cannot constitute a violation of TMC. Such a result is a clear regulation of flight, which is plainly preempted as applied.

4. CONCLUSION

Ms. Jinda operates a thriving helicopter training business at Torrance Airport using Robinson helicopters. Her business positively contributes to the City by bringing international recognition to the City and increases the desirability of Robinson helicopters, which manufacturers helicopters used in practically every nation of the world. Ms. Jinda is committed to reducing noise on the community as much as practical. She is actively involved in community noise meetings and trains here students to fly with the minimal amount of noise, by maintaining proper altitudes, varying between approved arrival and departure routes, and avoiding “blade slap.” She is not callous or cavalier; rather, she is a consummate professional who is very concerned with being found guilty of a noise regulation that solely happened because of her attention to safety. By complying with federal laws and regulations, the 2009 Route Agreement, the R22 Pilot’s Operating Handbook, and the TMC’s public policy on noise, Appellant should not and cannot be guilty of a noise violation. Further, to find Appellant guilty when putting safety before noise concerns would impermissibly impinge into an area that the federal government has clearly preempted. Determining Appellant guilty of a noise violation threatens the very existence of JJ Helicopters, Inc. because Appellant chose safety over noise. Safety cannot be second to noise concerns. Accordingly, Appellant respectfully requests that the City Council vacate the Board’s findings and conclusions of law and render a determination that Ms. Jinda and the Aircraft did not violate TMC § 46.8.8.
February 9, 2014
Page 9

Very truly yours,
ORBACH HUFF SUAREZ & HENDERSON LLP

Stan M. Barankiewicz II

SMB:cerr
Enclosures
LETTER OF AGREEMENT

Federal Aviation Administration, Torrance Airport Traffic Control Tower
Torrance Municipal Airport Helicopter Operators

EFFECTIVE: November 1, 2009

SUBJECT: HELICOPTER OPERATIONS

1. PURPOSE. This agreement establishes procedures for helicopters operating within the Torrance Class D Airspace.

2. CANCELLATION. This letter cancels the Letter of Agreement Subject: Helicopter Operations within Torrance Airport Class D Surface Area, dated April 16, 2008.

3. SCOPE. This agreement is for the sole use between Torrance Airport Traffic Control Tower (TOA ATCT) and the signatories while operating in the Torrance Class D Airspace.

4. RESPONSIBILITIES. All signatories shall ensure that all their personnel (i.e., students, pilots, consumers, etc) are familiar with and adhere to the procedures contained in this agreement. Nothing in this agreement shall be construed as approval to violate any Federal Aviation Regulations (FARs) or other regulations. Each pilot shall be responsible for advising TOA ATCT, if a deviation from this agreement is necessary to comply with the FARs or other regulations.

5. PROCEDURES. All operations shall be conducted using the traffic patterns, areas, altitudes, routes, and procedures specified in this agreement.

   a. GENERAL.

      (1) All helicopters shall contact the tower on the appropriate frequency, prior to entering TOA ATCT Class D Surface Area, any taxiways, runways, or helipads.

      (2) Take off and land in the same direction as the fixed-wing traffic flow during East or West Traffic unless instructed otherwise by ATC.

      (3) Helicopters operating in the airspace north of Runway 29R/11L shall use frequency 135.6.

      (4) Helicopters operating in the airspace south of Runway 29L/11R shall use frequency 124.0.

      (5) Helicopters operating on the ramp or in the grass areas are responsible for ensuring separation from ground traffic and personnel.

   b. PADS AND TRAFFIC PATTERN.

      (1) The north pad is designated as a movement area and tower clearance is required prior to use.

      (2) Use of the north pad shall be on a “first come, first served basis” and limited to one helicopter at a time.

      (3) The north pad shall only be used during the hours of sunrise and sunset.

      (4) The north pad traffic pattern shall be kept south of Lomita Blvd. and remain within the displaced thresholds for Runway 29R/11L. (Attachment 1)
Torrance Airport Traffic Control Tower and Torrance Municipal Airport Helicopter Operators
Letter of Agreement
Subject: Helicopter Operators
EFFECTIVE: November 1, 2009

(5) Any maneuver that will require an operation of more than 50 feet from the north pad (i.e., 180-degree auto rotations, takeoff, landing, hovering, etc.) requires prior ATC approval. These maneuvers shall remain clear of the runway.

(6) Due to safety, helicopters shall be instructed to vacate the north pad during banner tow pick up or drop operations.

(7) Pattern altitude is 600’ MSL.

(8) Helicopter training is not authorized in the south pattern. However, during extreme circumstances due to safety or congestion in the north pattern, ATC may direct use of the south pattern. In this case, helicopters shall climb to 1100’ MSL, as soon as possible, and fly over Airport Dr. and for noise abatement.

(9) Only designated medical, law enforcement, fire, Coast Guard, or rescue helicopters shall be authorized to use the hospital helicopter pad.

c. ARRIVAL ROUTES. (Attachment 2) For noise abatement, pilots are requested to remain at or above 600’ MSL when flying outside the airport boundary.

(1) West Pacific Coast Highway (PCH) Arrival (Frequency 124.0) – Follow shoreline to Avenue “I,” then via Avenue “I” to PCH. Proceed inbound over PCH from the west, avoiding Runway 29L/11R fixed wing arrival/departure course. Report at South High. At airport boundary, follow or remain north of Airport Dr.

(2) South Crenshaw Arrival (Frequency 124.0) – Proceed inbound over Crenshaw Blvd. from the south. Report at South Coast Botanic Garden. Align with and follow airport drive after crossing PCH. Avoid taking shortcut over residential area.

(3) Southeast Arrival (Frequency 124.0) – Proceed from the southeast remaining south of the fixed wing arrival/departure course of runway 29L/11R. Report over the gravel pit.

(4) North and Northeast Arrival (Frequency 135.6) – North and northeast arrivals shall be handled on an individual basis subject to fixed wing traffic volume in the north traffic pattern.

d. DEPARTURE ROUTES. (Attachment 2) For noise abatement, pilots are requested to climb expeditiously and remain at or above 600’ MSL after leaving the airport boundary.

(1) West PCH Departure (Frequency 124.0) – Follow or remain north of Airport Dr., then direct to the intersection of Hawthorne Blvd. and PCH, then follow PCH westbound to Avenue “I”, then to the shoreline. For noise abatement, pilots should not begin north or southbound turns until reaching the shoreline. At the shoreline, pilots are to fly beyond the breaking surf-line, and maintain at least 600’ MSL until reaching Manhattan Beach Pier to the north.

Note – Avenue “I” begins at corner of Palos Verdes Blvd. & PCH. Pilots should avoid turning and over-flying El Retiro Park, or following and over flying Calle Mayer.
Letter of Agreement

Subject: Helicopter Operators
EFFECTIVE: November 1, 2009

(2) **South Crenshaw Departure** (Frequency 124.0) – Fly over Airport Dr., intercepting Crenshaw Blvd. at PCH and proceed southbound along Crenshaw Blvd. Avoid taking a shortcut over residential area.

(3) **Southeast Departure** (Frequency 124.0) – Follow or remain north of Airport Dr., intercepting PCH at Crenshaw. Remain south of Runway 29L/11R fixed wing arrival/departure course to the gravel pit, then toward San Pedro.

(4) **North and Northeast Departures** (Frequency 135.6) – North and northeast departures shall be handled on an individual basis subject to fixed wing traffic volume in the north traffic pattern.

e. **SPECIAL VFR (SVFR) PROCEDURES.**

(1) SVFR helicopters shall maintain visual reference to the surface at all times.

(2) Departing helicopters shall report reaching VFR conditions or exiting the Torrance Class D Surface Area, whichever occurs first.

(3) **TOA ATCT shall use the following SVFR separation minima:**

(a) Between SVFR helicopters and an arriving or departing IFR aircraft:

1. Separate by ½ mile, if the IFR aircraft is less than 1 mile from the airport.

2. Separate by 1 mile, if the IFR aircraft is 1 mile or more from the airport.

(b) One (1) mile between SVFR helicopters. This separation may be reduced to 200 feet if both helicopters are departing simultaneously on courses that diverge by at least 30 degrees and:

1. TOA ATCT can determine this separation by reference to surface markings

or

2. One of the departing helicopters is instructed to remain at least 200 feet from the other.

6. **ATTACHMENTS.**

   a. Attachment 1 – North Pad and Traffic Pattern
   b. Attachment 2 – Arrival and Departure Routes
   c. Attachment 3 – Signatory Page

Robin Rush
Air Traffic Manager
Torrance ATCT
NORTH PAD AND TRAFFIC PATTERN

NOTE - This map is NOT to scale.
Letter of Agreement: Helicopter Operations
Effective: November 1, 2009

ARRIVAL AND DEPARTURE ROUTES

[Map showing various routes and locations like Torrance, North Route, Northeast Route, South Crenshaw Route, West PCH Route, etc.]
SIGNATORY PAGE

Name (Print or Type)

Signature

Company Name and Title

Address

City, State and Zip Code

Telephone Number
Letter of Agreement: Helicopter Operations  
Effective: April 16, 2006  

SIGNATORY INDEX  
(Original signature pages located in ATM LOA Binder)  

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<thead>
<tr>
<th>PCH Helicopters and Leasing</th>
<th>Robinson Helicopter Company</th>
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<tr>
<td>3481 Airport Dr., Suite 400</td>
<td>2901 Airport Dr.</td>
</tr>
<tr>
<td>Torrance, CA 90505</td>
<td>Torrance, CA 90505</td>
</tr>
<tr>
<td>(310) 375-3394</td>
<td>(310) 539-0508, ext. 171</td>
</tr>
<tr>
<td>(310) 375-6093 Fax</td>
<td>(310) 539-5198 Fax</td>
</tr>
<tr>
<td>President: Erik A. Shanur</td>
<td>Chief Pilot: Doug Tompkins</td>
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<th>JJ Helicopters, Inc.</th>
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<tr>
<td>3405 Airport Dr.</td>
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<tr>
<td>Torrance, CA 90505</td>
</tr>
<tr>
<td>(310) 257-8622</td>
</tr>
<tr>
<td>(310) 257-8057 Fax</td>
</tr>
<tr>
<td>President: Toshio Shinohara</td>
</tr>
</tbody>
</table>


SECTION 4
NORMAL PROCEDURES

GENERAL

Information contained in Section 4 is approved by the Federal Aviation Administration.

AIRSPEEDS FOR SAFE OPERATION

- Takeoff & Climbs: 60 KIAS
- Maximum Rate of Climb \( V_y \): 53 KIAS
- Maximum Range: 83 KIAS*
- Landing Approach: 60 KIAS
- Autorotation: 65 KIAS*

*Certain conditions may require lower airspeeds. See placards on page 2-11.

DAILY OR PREFLIGHT CHECKS

Remove any temporary covers and, in cold weather, remove even small accumulations of frost, ice, or snow. Check maintenance records to be sure aircraft is airworthy. Check general condition of aircraft and verify no leaks, discoloration due to heat, dents, chafing, galling, nicks, corrosion, or cracks. Also verify no fretting at seams where parts are joined together. Fretting of aluminum parts produces a fine black powder while fretting of steel parts produces a reddish brown or black residue. Verify Telatems show no unexplained temperature increases during prior flight.
Federal Aviation Administration
Aviation Noise Abatement Policy

November 18, 1976

Part One
Introduction and Summary of Aviation Noise Abatement Policy

I. Introduction

II. Aviation Noise Abatement Policy

   A. Basic Principles
   B. Authorities and Responsibilities
   C. Federal Action Plan to Implement These Policies
      1. Aircraft Source Noise Regulation
      2. Operating Procedures
      3. Airport Development Aid Program
      4. Airport Noise Policy
   D. Air Carrier Action Plan
      1. Aircraft Compliance
      2. Financing
   E. Local Actions
   F. Concluding Note

Part Two
Analysis of the Noise Problem, Legal Framework,
and Description of the Federal Action Program

I. Statement of the Problem

   A. The Noise Problem
      1. How Noise is Described
      2. How Noise Affects People
      3. Whom Does Noise Affect and Where Do They Live
      4. The Source of Aircraft Noise: Composition of the Fleet

   B. The Financial Problem
      1. Ability of Airlines to Finance Aircraft Replacement
      2. The Aerospace Industry

EXHIBIT "C"
II. Legal Framework

A. Legal Responsibilities of the Federal Government
B. Legal Responsibilities of State and Local Governments
C. Legal Responsibilities of Airport Proprietors

III. Federal Response

A. Quieting the Air Carrier Fleet
   1. Federal Regulation of Existing Aircraft
   2. Economic Benefit from a Mixed Replacement and Modification Program
   3. Time Frame
   4. International Air Carriers

B. Financing Mechanism
C. Additional Federal Action
   1. Source Regulation for Future Aircraft
   2. Aircraft Operating Procedures
   3. Federal Research and Development Technology

D. Protecting the Airport Environment
   1. Airport Proprietor's Responsibilities
   2. State and Local Government Responsibility
   3. Federal Support for Airport Proprietor and Local Government Noise Abatement Activities
   4. FAA Review of Proprietary Use Restrictions

E. Private Sector Responsibility

Conclusion

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Part One
Introduction and Summary of Aviation Noise Abatement Policy

I. INTRODUCTION

Aircraft noise is a significant annoyance for six to seven million Americans. The annoyance is particularly serious at many of our major airports, including those in large metropolitan areas from coast to coast. But noise constitutes a present or potential problem for residents living near many other airports across the nation, and as air travel increases it will become a serious problem at some of these other airports as well.

The aircraft noise issue became increasingly apparent in the early 1960's with the advent of jet aircraft and was soon magnified by the rapidly increasing number of commercial operations in the latter part of the decade. Because of its adverse effect on people, aircraft noise was recognized as a major constraint on the further development of the commercial aviation network, threatening to limit the construction and expansion of airports and
access to them. Joint action by government and the private sector was taken to address it. The engine manufacturers and the federal government both engaged in extensive research into quieting jet engines. In 1969, Congress gave the Federal Aviation Administration ("FAA") the responsibility to regulate aircraft design and equipment for noise reduction purposes. The FAA then embarked upon a long-term program of controlling aircraft noise at its source.

A regulation promulgated in 1969 established noise standards for turbojet aircraft of new design effective December 1, 1969; an amendment in 1973 extended the same standards to all new aircraft of older design. The third step in the source noise control program is a regulation requiring compliance with noise standards by jet aircraft already in the fleet. Initially called the "retrofit" rule, it has been the subject of two major FAA rulemaking proposals, a notice of proposed rulemaking published in 1974 and a similar Environmental Protection Agency (EPA) proposal published in 1975. The FAA noise proposal for operating aircraft was the product of considerable study and analysis and was submitted by the Federal Aviation Administrator to the Secretary of Transportation in January because consultation with the Secretary is required by the Noise Control Act of 1972, and because the FAA concluded that some form of federal financing might be required to complete that program.

Intensive review of various proposals by the Secretary of Transportation, with the support of the FAA Administrator, led to a far-ranging analysis of the aircraft noise problem, alternative methods of dealing with it, and the economic consequences of imposing a rule applicable to operating aircraft as well as to newly certificated aircraft.

On October 21, 1976, President Ford advised us that, after considering the proposal we jointly presented to him, and the views of other interested agencies, including EPA, he had accepted our recommendation that action should be taken to extend current noise standards to domestic U.S. commercial airplanes in not more than eight years. He directed that the FAA promulgate its noise compliance rule not later than January 1, 1977. Our statement today announces that action, and the companion measures we believe are an integral part of a comprehensive aviation noise abatement policy.

The scope of the noise problem, the interrelationship and special responsibilities of the many parties concerned with it, and the general confusion and prevalent uncertainty about what it is possible to achieve and who is responsible have led us to conclude that the federal government should address the overall noise problem with a more comprehensive approach than mere promulgation of a new regulation. From recognition of the need for a comprehensive response to the noise problem, this policy statement will analyze the aviation noise problem, and delineate the shared responsibilities of those who must act to alleviate it industry, government and private citizens.

Although progress has been made in the development of quieter aircraft, much remains to be accomplished. Aircraft noise, of course, cannot be completely eliminated unless we go back to the glider; its adverse effect on people can only be reduced. The complex division of legal authority and practical responsibility among airport proprietors, federal and local government agencies, air carriers, and manufacturers calls for a clearer understanding, first, of what is technologically and financially attainable and, second, of how each of these parties can and must perform those functions for which it is uniquely suited. Only if each party assumes responsibility and acts on the basis of complete cooperation and coordination will we achieve significant and measured progress in reducing
the impact of aircraft noise on airport neighbors.

As the federal officials principally concerned with aviation noise, it is our duty to provide leadership in a national effort to reduce aircraft noise. The aviation noise abatement policy that follows represents our views about what action should be taken. Within the constraints of technology, productivity, and financing, it clarifies the responsibility of the federal government to reduce aircraft noise at its source, to promote safe operational procedures that abate the impact of noise on populated areas and to promote positive efforts to attain compatible land use in areas adjacent to airports. It deals realistically with the time that will be required to bring the current fleet of aircraft into compliance with noise level standards that are now technologically feasible and with the financial requirements necessary to make compliance possible.

Those who anticipate a complete federal solution to the aircraft noise problem misunderstand the need for federal, local and private interaction. The primary obligation to address the airport noise problem always has been and remains a local responsibility. Consequently, we have also set forth what we believe to be the legal and proper responsibilities of the airport proprietors, air carriers and other aircraft operators, aeronautical manufacturers, state and local governments, and private citizens. The full benefit of a federal plan of action will be realized only if complementary action is taken by all these participants.

Local capability to plan and take action will be enhanced by a clearer understanding of what the federal government intends to do. As the federal government reduces cumulative noise exposure by controlling the source of noise, so must local governments and airport proprietors, with federal financial assistance in some instances, acquire land and assure compatible land use in areas surrounding the airport in order to confine severe noise exposure within the boundaries of the airport and to minimize the impact of noise beyond those boundaries.

Because of the complexity of the noise problem, we have set forth the following synopsis of our Aviation Noise Abatement Policy which summarizes the key responsibilities of each participant and highlights the federal action program. The analysis of the noise and financing problems that led to the formulation of this policy, the legal foundation upon which the policy rests, and the specific explanation of how certain timing, noise levels and policy conclusions were reached are set forth in Part Two. Accordingly, we invite your attention to Part Two and the underlying rationale that we believe will clarify and support the conclusions set forth in the following section.

John L. McLucas
The Federal Aviation Administrator

William T. Coleman, Jr.
The Secretary of Transportation
FAA Aviation Noise Abatement Policy (continued)

It is unlikely that capital needs can be met in this manner, however, if the industry does not achieve $6 billion in earnings by the end of 1985. As indicated, this level of earnings implies an average annual return on equity three times as large as that earned over the last five years. It also assumes no unexpected negative developments, such as another recession or substantial new increases in fuel or other costs. These or other events would materially reduce the ability of the industry to earn a 9 percent return on equity.*

* It must be noted that the above estimates of financial needs and sources are predicated on industry-wide estimates. Carriers that are in relatively inferior financial position will have greater difficulty in obtaining needed funds than will other carriers.

Under one scenario for meeting the new noise abatement regulation schedule, the "regular" 707s and DC-8s are retired and replaced with a new technology airplane and the stretched DC-8s and the remainder of the noncomplying fleet are retrofitted. This would increase the trunk carriers' capital requirements to 1985 by between $5.5 and $7.6 billion, an increase of 20 to 27 percent more than the amount required as discussed above. An incremental capital requirement of this magnitude would appear to be clearly beyond the industry's ability to finance, given the other financing burdens they will face in the early 1980s.

We believe passage of regulatory reform bill (the proposed Aviation Act of 1977) to be reintroduced by the Administration in early 1977 will help the airlines with their overall financing problem. If the carriers had been operating under the regulatory environment envisioned in the proposed legislation they would not face major difficulty in adjusting prices to anticipate needed capital investment requirements and in obtaining the needed financing for the rule. Under the cost-based guidelines now used by the Civil Aeronautics Board in evaluating requests for fare increases, the capital outlay for new equipment, about a third of which is made before the aircraft is delivered, cannot be recovered through fare increases until the aircraft is delivered and in operation. Thus if today's economic regulatory environment continues, it may be impossible for the industry to commit to the manufacturers the substantial amount of cash necessary to get a new technology aircraft into production and delivered soon enough to replace the DC-8/707 fleet by the end of 1984.*

Complicating the problem is the fact that a number of carriers are significantly weaker than others and it is these carriers who are the owners of large numbers of noisy aircraft and thus face some of the largest financing requirements.

* A large number of firm orders from U.S. air carriers are required by manufacturers before they can start production of a new aircraft. The cost of developing the new aircraft alone is put at $500 million to $1 billion.

It is clear that over the period in which the noisy aircraft must be modified or replaced, timely passage of the Aviation Act of 1977 should make a large difference in the carriers' ability to finance new aircraft purchases. However, this very desirable change in regulatory policy would not go into effect for at least a year, and if, as expected, its provisions are phased to allow ample time for adjustment to the new operating environment, its full effect will not be felt for several years.
2. The Aerospace Industry

Lasting noise reduction benefits will be achieved with newer, quieter technology, but a major new aircraft has not been developed in the United States for almost 10 years. In that time, important design and technological advances have been made -- many specifically intended to meet the new economic, operating, and environmental constraints dictated by rising labor costs, energy shortages, environmental requirements, and changing market demands.

In past programs to develop a new aircraft, American manufacturers have had enough preproduction sales to U.S. airlines to provide a solid base for financing front-end costs and to insure a near break-even position without foreign sales. This is not the case today, largely because of the financial condition of several of the largest U.S. airlines, which traditionally have led the way with new purchases. Although the carriers gradually are replacing their older inefficient jets, they are doing so with existing model aircraft, and these only in small numbers. The aircraft available now to replace four-engine jets are improperly sized for some markets (e.g., 727s, 747s L-1011s, or DC-10s). Most U.S. airlines would prefer to wait for a family of new, higher technology aircraft, if it were probable that these airplanes would be available within a few years.

Moreover, the public interest is served by the substantial and long term noise benefits available from new technology aircraft. The new technologies that will be utilized in meeting the stricter FAA noise regulations for new aircraft types to be promulgated by next March will bring about an average reduction of 12 to 16 EPNDB from the noise levels of the 707. The accelerated introduction of these quieter replacement planes offers obvious advantages.

Although we are concerned primarily in this policy statement with reducing the impact of aircraft noise, it would be myopic, if not negligent, for us to overlook opportunities for achieving other important national objectives as well. Consequently, we have considered, in addition to the noise benefits accruing from replacement of four-engine aircraft, the energy conservation benefits of improved fuel efficiency, the increasing importance of aeronautical exports to our aviation industry, the declining role of aerospace research and development as a percentage of national defense and NASA outlays, the stimulation of employment in the aerospace and related industries, and the advantages to the consumer of more advanced design and lower operating costs.

How the carriers choose to comply with our noise rules will have long range effects on the development of U.S. technology, employment, the viability and competitiveness of national aerospace industry, and the long term noise benefits that are to be realized. The sum of total benefits, however, mandates careful assessment of the relative merits of retrofit or replacement by new technologies.

II. LEGAL FRAMEWORK

A. Legal Responsibilities of the Federal Government

The principal aviation responsibilities assigned to the Federal Aviation Administrator, and since 1966 to the Secretary of Transportation, under the Federal Aviation Act of 1958, as amended, concern safety and the promotion of air commerce. The basic national policies intended to guide our actions under the Federal Aviation Act are set forth in section 103, 49 U.S.C. 1303, which provides public interest standards, including:
(a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense;

(b) The promotion, encouragement, and development of civil aeronautics;

(c) The control of the use of the navigable airspace of the United States and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both; and

(e) The development and operation of a common system of air traffic control and navigation for both military and civil aircraft.

To achieve these statutory purposes, sections 307(a) and (c) of the Federal Aviation Act, 49 U.S.C. 1348(a), (c), provide extensive and plenary authority to the FAA concerning use and management of the navigable airspace and air traffic control. The FAA has exercised this authority by promulgating wide-ranging and comprehensive federal regulations on the use of navigable airspace and air traffic control.* Similarly the FAA has exercised its aviation safety authority, including the certification of airmen, aircraft, air carriers, air agencies, and airports under Title VI of the Federal Aviation Act, section 601 et seq., 49 U.S.C. 1402 et seq. by extensive federal regulatory action.** In legal terms the federal government, through this exercise of its constitutional and statutory powers, has preempted the areas of airspace use and management, air traffic control and aviation safety. The legal doctrine of preemption, which flows from the Supremacy Clause of the Constitution, is essentially that state and local authorities do not have legal power to act in an area which already is subject to comprehensive federal regulation.

* See 14 C.F.R. Parts 71, 73, 75, 91, 93, 95 and 97.

** See 14 C.F.R. Parts 21 through 43, 61 through 67, 91, 121 through 149.

Because of the increasing public concern about aircraft noise that accompanied the introduction of turbojet powered aircraft into commercial service in the 1960s and the constraints such concern posed for the continuing development of civil aeronautics and the air transportation system of the United States, the federal government in 1968 sought -- and Congress granted -- broad authority to regulate aircraft for the purposes of noise abatement. Section 611 of the Federal Aviation Act, 49 U.S.C. 1431, constitutes the basic authority for federal regulation of aircraft noise. In 1972, displaying some dissatisfaction with the FAA's methodical regulatory practice under section 611, the Congress amended that statute in two important respects. To the original statement of purpose -- "to afford present and future relief from aircraft noise and sonic boom" -- it added consideration of "protection to the public health and welfare." It also added the Environmental Protection Agency (EPA) to the rulemaking process. Section 611 now requires the FAA to publish EPA proposed regulations as a notice of proposed rulemaking. Within a reasonable time of that publication, if the FAA does not adopt an EPA proposal as a final rule after notice and comment, it is obliged to publish an explanation for not doing so in the Federal Register.

Whether considering a rule it proposes on its own initiative or in response to the EPA, the FAA is required by section 611(d) to consider whether a proposed aircraft noise rule is consistent with the highest degree of safety in air commerce and air transportation, economically reasonable, technologically practicable and appropriate for the particular type of aircraft.
The FAA acted promptly in implementing section 611. On November 18, 1969, it promulgated the first aircraft noise regulations, Federal Aviation Regulations, Part 36, 14 C.F.R. 36, which set a limit on noise emissions of large aircraft of new design. It reflected the technological development of the high-bypass ratio type engine, and was initially applied to the Lockheed 1011, the Boeing 747, and the McDonnell-Douglas DC-10. The Part 36 preamble announced a basic policy on source noise reduction and a logically phased strategy of bringing it about. The Part 36 standard would serve as the basic standard for aircraft engine noise and was initially applicable to new types of aircraft. As soon as the technology had been demonstrated, the standard was to be extended to all newly manufactured aircraft of already certificated types. Ultimately, the preamble indicated, when technology was available the standard would be extended to aircraft already manufactured and operating. The last step would require modification or replacement of all aircraft in the fleet which did not meet the Part 36 noise levels. The first two steps have already been accomplished. This third step is being taken now.

Part 36 is commonly misunderstood. Many believe that it established a federal standard of acceptable noise emissions. It did not. Part 36 basically established the quietest uniform standard then possible, taking into account safety, economic reasonableness and technological feasibility. Many think it is a standard that all American aircraft must meet. It is not. Part 36 to date has been applicable only to newly manufactured aircraft and is not applicable to aircraft manufactured before 1973. Nearly eighty percent of the present fleet is not obliged to and does not meet the Part 36 standard. Many think that it is an operating rule -- that is, that planes that do not meet it in daily operations may not fly. It is not. Part 36 applies to aircraft at the time of their manufacture, and does not apply at all to foreign-manufactured aircraft operated by foreign carriers.*

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*Annex 16 to the Chicago Convention provides an international noise certification standard.

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In addition to its regulatory authority over aircraft safety and noise, the FAA has long administered a program of federal grants-in-aid for airport construction and development. Through its decisions on whether to fund particular projects, the FAA has been able, to a degree, to insure that new airports or runways will be selected with noise impacts in mind. That indirect authority was measurably strengthened when in 1970 the Airport and Airway Development Act expanded and revised the FAA's grant-in-aid program for airport development and added environmental considerations to project approval criteria. 1976 Amendments to the 1970 Act have increased funding levels and provided new authority to share in the costs of certain noise abatement activities, but the ability of the FAA to provide financial assistance remains limited in terms of both percentage of project costs and the types of projects eligible for federal aid.

B. Legal Responsibilities of State and Local Governments

While the federal government's exclusive statutory responsibility for noise abatement through regulation of flight operations and aircraft design is broad, the noise abatement responsibilities of state and local governments through exercise of their basic police powers are circumscribed. The scope of their authority has been most clearly described in negative terms, arising from litigation over their rights to act.

The chief restrictions on state and local police powers arise from the exclusive federal control over the management of airspace. Local authorities long have been preempted by the federal assumption of authority in the area from prohibiting or regulating overflight for any purposes. That principle was
found in 1973 to include any exercise of police power relating to aircraft operations in City of Burbank v. Lockheed Air Terminal, 411 U.S. 624 (1973). In the Burbank case, the Supreme Court struck down a curfew imposed by the City in the exercise of its police power. The Court's reliance on the legislative history of section 611 and the 1972 amendments to it indicate that other types of police power regulation, such as restrictions on the type of aircraft using a particular airport, are equally proscribed. The Court, however, specifically excluded consideration of the rights of an airport operator from its decision.

There remains a critical role for local authorities in protecting their citizens from unwanted aircraft noise, principally through their powers of land use control. Control of land use around airports to insure that only compatible development may occur in noise-impacted areas is a key tool in limiting the number of citizens exposed to noise impacts, and it remains exclusively in the control of state and local governments. Occasionally, it is a power enjoyed by individual airport operators; some operators are municipal governments that can impose appropriate land use controls through zoning and other authority. But even where municipal governments themselves are operators, the noise impacts of their airports often occur in areas outside their jurisdiction. Other police power measures, such as requirements that noise impacts be revealed in real estate transactions, are also available to them. Finally, local governments have legal authority to take noise impacts into account in their own activities, such as their choice of location and design for new schools, hospitals, or other public facilities, as well as sewers, highways and other basic infrastructure services that influence land development.

C. Legal Responsibilities of Airport Proprietors

The responsibilities of state and local governments as airport proprietors are far less restricted. Under the Supreme Court decision in Griggs v. Allegheny County, 369 U.S. 84 (1962), proprietors are liable for aircraft noise damages resulting from operations from their airport. The proprietor, the court reasoned, planned the location of the airport, the direction and length of the runways, and has the ability to acquire more land around the airport. From this control flows the liability, based on the constitutional requirement of just compensation for property taken for a public purpose. The Court concluded: "Respondent in designing the Greater Pittsburgh Airport had to acquire some private property. Our conclusion is that by constitutional standards it did not acquire enough," The role of the proprietor described by the Court remains the same today.

But the proprietor's responsibilities do not end there. A three judge district court observed in Air Transport Association v. Crotti, 389 F. Supp. 58 (N.D. Cal., 1975):

"It is now firmly established that the airport proprietor is responsible for the consequences which attend his operation of a public airport; his right to control the use of the airport, is a necessary concomitant, whether it be directed by state police power or by his own initiative .... That correlating right of proprietorship control is recognized and exempted from judicially declared federal preemption by footnote 14 [of the Burbank opinion]. Manifestly, such proprietary control necessarily includes the basic right to determine the type of air service a given airport proprietor wants its facilities to provide, as well as the type of aircraft to utilize those facilities...."

The Crotti case upheld in part California airport noise statute imposing noise abatement duties on airport proprietors and established the principle that a state statute could reach proprietors that are governmental agencies and hence arms of the state. The Burbank preemption rule thus has not
extended to proprietors, except with respect to regulations that actually affect the flight of aircraft. The portion of the California statute struck down by the court provided for criminal sanctions against the operator of an aircraft that exceed a single-event noise standard on takeoff or landing, a clear interference with the FAA's control over flight operations in the navigable airspace.

The Crotti principle has recently been upheld in National Aviation v. City of Hayward, No. C-75-2279 RFP (N.D. Cal., July 13, 1976), a case in which an air freight company sought to enjoin a curfew on noisier aircraft imposed at the municipally owned Hayward Air Terminal in California. The court addressed squarely the legal issue of the rights of a proprietor and found that the curfew had not been preempted:

[T]his court cannot, in light of the clear Congressional statement that the amendments to the Federal Aviation Act were not designed to and would not prevent airport proprietors from excluding any aircraft on the basis of noise considerations, make the same findings [as the Burbank Court] with respect to regulations adopted by municipal airport proprietors..." Slip opinion, 14, citing S. Rep. No. 1353, 90th Cong., 2d Sess., 6-7.

The court went on to indicate that the FAA had the authority to preempt such proprietor regulation, although it had not yet exercised it. The court also found that the ordinance, which required some of the plaintiff's aircraft to use another airport between 11 p.m. and 7 a.m., had an effect on interstate commerce, but that the effect was:

"...incidental at best and clearly not excessive when weighed against the legitimate and concededly laudable goal of controlling the noise levels at the Hayward Air Terminal during late evening and morning hours." Slip opinion, 19.

The power thus left to the proprietor -- to control what types of aircraft use its airports, to impose curfews or other use restrictions, and, subject to FAA approval, to regulate runway use and flight paths -- is not unlimited. Though not preempted, the proprietor is subject to two important Constitutional restrictions. He first may not take any action that imposes an undue burden on interstate or foreign commerce and, second may not unjustly discriminate between different categories of airport users.

These limitations on the proprietor's control over the use of the airport have not been addressed by the Supreme Court, and it remains unclear the extent to which Constitutional limitations would prevent some of the restrictions that have been imposed or proposed by proprietors in recent years.

Our concept of the legal framework underlying this policy statement is that proprietors retain the flexibility to impose such restrictions if they do not violate any Constitutional proscription. We have been urged to undertake -- and have considered carefully and rejected -- full and complete federal preemption of the field of aviation noise abatement. In our judgment the control and reduction of airport noise must remain a shared responsibility among airport proprietors, users, and governments.

The legal framework with respect to noise may be summarized as follows:

1. The federal government has preempted the areas of airspace use and management, air traffic control, safety and the regulation of aircraft noise at its source. The federal government also has substantial power to influence airport development through its administration of the Airport and Airway Development Program.
2. Other powers and authorities to control airport noise rest with the airport proprietor - including the power to select an airport site, acquire land, assure compatible land use, and control airport design, scheduling and operations - subject only to Constitutional prohibitions against creation of an undue burden on interstate and foreign commerce, unjust discrimination, and interference with exclusive federal regulatory responsibilities over safety and airspace management.

3. State and local governments may protect their citizens through land use controls and other police power measures not affecting aircraft operations. In addition, to the extent they are airport proprietors, they have the powers described in paragraph 2.

III. THE FEDERAL RESPONSE

Consistent with the legal principles set forth above, this section explains in greater detail the program we intend to implement and our reasons for adopting it.* The cornerstone of the federal program is the requirement that airplanes comply with Part 36 noise standards within six to eight years. This policy clarifies the relative responsibilities of all participants in achieving reduced aircraft noise exposure. The way in which the air carriers meet this requirement for particular types of aircraft will have substantial implications not only for noise reduction but also for other national objectives -- energy conservation, employment, and export promotion -- as well. Moreover, the effectiveness of any resource commitment which may be required to meet this standard is contingent upon complementary action by airport proprietors and local government, actions that will be encouraged with federal financial assistance, other incentives, grant conditions and technical assistance. Complementary federal action includes noise abatement procedures, research and development and stricter noise standards for new technologies. The complete comprehensive strategy to bring about substantially reduced noise impact on residential populations is set forth in the following federal action program.

A. Quieting the Air Carrier Fleet

1. Federal Regulation of Existing Aircraft

Federal action is required to ensure that commercial aircraft meet Part 36 noise levels within the next decade. The normal incentives of the private marketplace do not operate to achieve optimal noise reduction. Noise is an "external cost" of providing certain goods and services. In the case of aircraft noise, the recipient of the noise -- such as the resident under the flight path -- is most often not a party to the market transactions (e.g., the purchase and sale of aircraft and of aircraft passenger tickets) that result in the noise that affects him. The purchasers of aircraft service -- the aviation passengers -are not necessarily the recipients of the aircraft noise, and therefore the provider of that service (the airline) does not have a normal market incentive to reduce noise. Because the market place does not compensate airport neighbors for noise damages, they may seek redress from the courts. However, law suits are an expensive, time consuming and uneven way of dealing with the problem, and damage payments may drain away scarce resources that could be applied to reducing noise impact.

Because there are important differences among the airplanes that do not meet Part 36, it is useful to consider them separately.
* The projections set forth in this document are based on the best available data. We realize it is subject to continuing refinement and improvement.

A significant problem is posed by the older, four-engine models (707s, 720s, DC-8s) in the current fleet. These aircraft are, for the most part, powered by JT-3D turbofan engines and impose the most severe noise insult on airport neighbors because they cause the noisiest single events (10 to 12 EPNDB over Part 36). They are perceived to be at least twice as loud as the new wide-body aircraft. They are particularly significant contributors to the overall noise level at major airports having serious noise problems.

Replacement or acoustic modification (retrofit) of these older four-engine jets must be given high priority. Acoustic modification or retrofit consists of the addition of quiet nacelles using sound absorbing material (SAM) that reduces significantly the noise levels of these four-engine aircraft to at least the Part 36 noise levels. This approach, however, is subject to the availability of retrofit kits and, has been shown to be somewhat fuel inefficient. Because of the environmental benefits of replacement, discussed below, retirement of most of these older aircraft is clearly preferable.

The older two- and three-engine aircraft (727s, 737s, DC-9s, BAC 1-11s, mainly powered by JT8D turbofan engines) are not as noisy on single events. But, because they are medium and short-range models, they take off and land more than four times as often per day as the long-range four-engine models. Since they are also more pervasive in our domestic system, they account for most of the air carrier operations (80 percent) nationwide.*
December 20, 2013

JJ HELICOPTERS
3405 AIRPORT DRIVE
TORRANCE CA 90505

NOTICE TO APPEAR
Airport Noise Administrative Hearing Board

ON January 16, 2013, AT 2:00 P.M., IN THE WEST ANNEX MEETING ROOM, TORRANCE CITY HALL, 3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA.

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Torrance Municipal Code 46.7.12 states that for pilot culpability, the owner is presumed to be the pilot. Such presumption may be rebutted only if the owner identifies to Noise Abatement staff the person who was, in fact, the pilot. Consequently, if you owned or leased the aircraft but were not the pilot in command at the date and time of the noise violation shown above, immediately upon receipt of this notice, forward to this office, the name and address of the pilot in command of the aircraft at the time of the above alleged violation.

The owner and pilot are also to bring all documents and presentation materials pertinent to the violation to the Hearing Board.

If you have any questions regarding this matter, please contact the undersigned at (310) 784-7950, or Linda Cessna at (310) 618-5930.

Sincerely,

Linda Cessna
Environmental Services Administrator

Nora Duncan
Environmental Quality Officer
Regular Mail and CERTIFIED MAIL # 7003 1680 0005 3913 9694

Sent Std Also
December 20, 2013

STATUS LEBEN INC
3991 MACARTHUR BLVD STE 400
NEWPORT BEACH CA 92660-3032

NOTICE TO APPEAR
Airport Noise Administrative Hearing Board

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Sincerely,

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Environmental Services Administrator

Nora Duncan
Environmental Quality Officer
Regular Mail and CERTIFIED MAIL # 7003 1680 0005 3913 9687

FILE COPY

Sent Std a/50
AIRPORT NOISE HEARING BOARD

TO: Chairperson Bilezerian and Members of the Airport Noise Hearing Board

DATE: January 16, 2013

FROM: Nora Duncan, Sr. Environmental Quality Officer

SUBJECT: Hearing Regarding the Alleged Noise Violation by Aircraft N706JJ.

On December 8, 2013 helicopter N706JJ, a Robinson R22 landed at Torrance Airport, exceeding the daytime noise standards/limits of 82 LMax dba and 88 SENEL dba. The aircraft registered levels of 79.9 Lmax dba and 89.7 SENEL dba. The Noise Abatement tapes revealed no indication from the pilot that an emergency or other flight difficulty existed.

Pilot spoke with Noise Abatement staff, Chris Travers, and asked to meet with Noise Abatement Staff on January 3, 2014 regarding letters, noise violation and the Hearing Board. Pilot did not meet with staff on January 3, 2014.

The pilot has been informed of City noise regulations starting in November 2008.

<table>
<thead>
<tr>
<th>Type of Letter</th>
<th>Date</th>
<th>Lmax</th>
<th>Senel</th>
<th>Date Letter Sent</th>
<th>Response from Pilot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise 1</td>
<td>11/19/08</td>
<td>80.0</td>
<td>89.0</td>
<td>11/20/08</td>
<td>None</td>
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<tr>
<td>Noise 1</td>
<td>12/12/08</td>
<td>82.5</td>
<td>89.6</td>
<td>12/18/08</td>
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<td>12/18/08</td>
<td>84.6</td>
<td>91.2</td>
<td>01/12/09</td>
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<td>04/24/09</td>
<td>81.5</td>
<td>89.9</td>
<td>05/07/09</td>
<td>None</td>
</tr>
<tr>
<td>Noise 1</td>
<td>05/22/09</td>
<td>81.7</td>
<td>89.4</td>
<td>05/28/09</td>
<td>None</td>
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<tr>
<td>Noise 1</td>
<td>08/03/09</td>
<td>87.0</td>
<td>90.5</td>
<td>08/04/09</td>
<td>None</td>
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<tr>
<td>Noise 1</td>
<td>10/16/09</td>
<td>78.9</td>
<td>89.1</td>
<td>10/22/09</td>
<td>None</td>
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<tr>
<td>Noise 1</td>
<td>11/20/10</td>
<td>83.1</td>
<td>89.3</td>
<td>12/08/10</td>
<td>None</td>
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<tr>
<td>Noise 1</td>
<td>10/29/12</td>
<td>81.4</td>
<td>90.3</td>
<td>11/05/12</td>
<td>None</td>
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<tr>
<td>Noise 2</td>
<td>08/12/13</td>
<td>79.1</td>
<td>86.6</td>
<td>08/14/13</td>
<td>None</td>
</tr>
<tr>
<td>Final</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hearing Board</td>
<td>12/08/13</td>
<td>79.9</td>
<td>89.7</td>
<td>12/20/13</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12/26/13</td>
</tr>
</tbody>
</table>

There is no record of the pilot conducting Noise Tests for N706JJ.
Respectfully Submitted,

Nora Duncan,
Sr. Environmental Quality Officer

Attachments:

1. Enforcement Report of Noise Violation
2. Transcription of Taped FAA Tower and Pilot Conversations, and ATIS
3. Computer Printout Showing Noise Violation
4. Correspondence from Pilot
Tail No.: N7067J
Based/Transient: BASED

Exceedance Date/Time: 12-8-13 10:28:51

Pilot: Name: ___________________________ Phone No. ( ) __________
Address: ___________________________

Instructor: Name: ___________________________ Phone No. ( ) __________
Address: ___________________________

Lessee: Name: JJ HELICOPTERS Phone No. ( ) __________
Address: ___________________________

Owner: Name: STATUS LEBEN INC Phone No.
Address: ___________________________

Noise Exceedance Levels:
RMT No. 5 max 79.9 SEL 89.7 Duration ______ sec

RMT No. ___ Lmax ______ dB(A) SEL ______ dB(A) Duration ______ sec.
RMT No. ___ Lmax ______ dB(A) SEL ______ dB(A) Duration ______ sec.

Weather Conditions:
Wind Speed ______ mph Dir ______ Temp ______ Rel. Humidity
Dew Point: ___________ Density Alt. ______
Ceiling ______ Vis ______ miles Pattern ______ R/W ______
A/C Flown: IFR ______ VFR ______ Unknown ______

Visual ID by: ___________ Observed from: ___________ Tape ID by: ______
Aircraft Make: ___________ Model: ___________ Year: ______ Color: ______

Remarks: ________________________________

Response Date: 12/26/13 Respondent's Name: HITAMI TINADA
Response Method: Visit X Phone ______ Letter ______

Comments: 12/26/13 Pilot spoke to CITRAVES re Letters to Hearing Board. Pilot said this was her 1st violation, other letters were friendly. File folder was not available for CITRAVES to verify previous letters. CITRAVES attempted to explain hearing process, Pilot was unsatisfied. Pilot emailed N. Duncan on 12/21/13 asking to confirm hearing board date and why only one letter. N. Duncan replied on 12/24/13, pilot emailed on 12/26/13 12/24/14 Pilot visited noise office will come 1/8/14 in afternoon to speak with N. Duncan. 1/12/14 sent email to Pilot to verify what time on 1/3/14.
<table>
<thead>
<tr>
<th>TIME</th>
<th>SPEAKER</th>
<th>FREQUENCY</th>
<th>CONVERSATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:25:33</td>
<td>Tower</td>
<td>133.075</td>
<td>“Debonair 03Mike give way to a Cessna exiting East tees”</td>
</tr>
<tr>
<td>10:25:38</td>
<td>Pilot N03M</td>
<td>133.075</td>
<td>“Okay he’s going to the right, correct?”</td>
</tr>
<tr>
<td>10:25:40</td>
<td>Tower</td>
<td>133.075</td>
<td>“Debonair 03Mike affirmative”</td>
</tr>
<tr>
<td>10:25:42</td>
<td>Pilot 03M</td>
<td>133.075</td>
<td>“Ya he’s in sight. We’ll give way for the 182”</td>
</tr>
<tr>
<td>10:25:53</td>
<td>Tower</td>
<td>133.075</td>
<td>“Helicopter 706.Juliet Juliet Torrance Tower enter right base runway 2.9Left clear to land”</td>
</tr>
<tr>
<td>10:25:58</td>
<td>Pilot N706JJ</td>
<td>133.075</td>
<td>“Right base for 2.9Left clear to land 6Juliet Juliet”</td>
</tr>
<tr>
<td>10:28:51</td>
<td></td>
<td></td>
<td>VIOLATION OCCURS RMS #5</td>
</tr>
</tbody>
</table>

**NOISE ABATEMENT TAPE TRANSCRIPTION OF AIRPORT TERMINAL INFORMATION SERVICE (ATIS) FOR DECEMBER 8, 2013 AT 10:05:01 HOURS LOCAL**

“Torrance Airport Information Juliet, 1747 Zulu weather. Wind variable at 6, visibility 10 clear, temperature 11, dew point 2, altimeter 3021. ILS Runway 29R approach in use landing runways 2.9. Watch for on and around the airport. Advise on initial contact you have Juliet.”
No operation available

The noise event is not correlated to an operation.
Hi Mrs Duncan,

thank you for the reply. I understood the bord is on Jan 16th 2014. I will be there on that day.

By the way I visited Torrance Noise Abatement Center today to find more information about the exceed noise level, but the officer was not happy to help me. He does not have our file he said, I brought the letter and the letters I received before. I need some one to help me to understand this board. I would like to visit your office to prepare for the bord before the appearance if it is possible.

Can you tell me your availability?

Happy Holidays

Thank you

----- Original Message ----- 
From: "Duncan, Nora" <NDuncan@TorranceCA.gov>
To: "Hitomi Jinda" <hitomi@jheli.com>
Sent: Tuesday, December 24, 2013 9:52 AM
Subject: RE: JJ Helicopters: Noise

Hitomi Jinda,

Apologies for the error in the year. The date of the Hearing Board is January 16, 2014 at 2:00PM in the Commission room of the West Annex in City Hall (3031 Torrance Blvd). I am out of the office until after the first of the year, but if you have questions regarding the time and location or the Hearing Board you can call the Noise Abatement Office at 310-784-7950.

Thank you and Happy Holidays.

Nora Duncan

From: Hitomi Jinda [hitomi@jheli.com]
Sent: Saturday, December 21, 2013 6:51 AM
To: Duncan, Nora
Subject: JJ Helicopters: Noise

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Hitomi Jinda
JJ Helicopters, Inc.
3405 Airport Drive, Torrance CA 90505
(310)257-8622
December 20, 2013

JJ HELICOPTERS
3405 AIRPORT DRIVE
TORRANCE CA 90505

NOTICE TO APPEAR
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Sincerely,

Linda Cessna
Environmental Services Administrator

Nora Duncan
Environmental Quality Officer
Regular Mail and CERTIFIED MAIL # 7003 1680 0005 3913 9694

FILE COPY

Sent Std Also.
J J HELICOPTERS
3405 AIRPORT DRIVE
TORRANCE CA 90705

1. Article Addressed to:

2. Article Number
   (Transfer from service label) 7003 1680 0005 3913 9694

3. Service Type
   - Certified Mail
   - Registered
   - Insured Mail
   - Return Receipt for Merchandise
   - Express Mail
   - C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004
Domestic Return Receipt
December 20, 2013

STATUS LEBEN INC
3991 MACARTHUR BLVD STE 400
NEWPORT BEACH CA 92660-3032

NOTICE TO APPEAR
Airport Noise Administrative Hearing Board

ON January 15, 2013, AT 2:00 P.M. IN THE WEST ANNEX MEETING ROOM, TORRANCE CITY HALL, 3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA.

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Linda Cessna
Environmental Services Administrator

Nora Duncan
Environmental Quality Officer

Regular Mail and CERTIFIED MAIL # 7003 1680 0005 3913 9687

FILE COPY

Sent std also
<table>
<thead>
<tr>
<th>SENDER: COMPLETE THIS SECTION</th>
<th>COMPLETE THIS SECTION ON DELIVERY</th>
</tr>
</thead>
</table>
| Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. | A. Signature  
Laura Horne |
| Print your name and address on the reverse so that we can return the card to you. | B. Received by (Printed Name)  
Laura Horne |
| Attach this card to the back of the mailpiece, or on the front if space permits. | C. Date of Delivery |
| 1. Article Addressed to: | D. Is delivery address different from item 1? □ Yes  
If YES, enter delivery address below: □ No |
| STATUS LEBEN INC  
3791 MACARTHUR BLVD STE 400  
NEWPORT BEACH CA 92660-3082 | |
| 2. Article Number  
(Transfer from service label) | 7003 1680 0005 3913 9687 |
| PS Form 3811, February 2004 | Domestic Return Receipt |

U.S. Postal Service
CERTIFIED MAIL\ RECEIPT
Comprehensive Coverage Available
For Delivery Information and Rates, visit usps.com/csr
 Ramses P. Farouk
To: Status Leben Inc.
3791 MacArthur Blvd, Suite 400
Newport Beach, CA 92660-3082

Recipient Information
Certified Fee: $6.00
Total Postage & Fees: $6.00

For Delivery Information and Rates, visit usps.com/csr
Comprehensive Coverage Available
For Delivery Information and Rates, visit usps.com/csr

U.S.P.S.
TORRANCE AIRPORT NOISE HEARING BOARD

TO: Board Members of the Torrance Airport Noise Hearing Board

DATE: January 16, 2014

SUBJECT: Supplemental Information, Pilot/Owner correspondence concerning N7066JJ Pilot-Jinda, Hitomi, JJ Helicopters, Violation of DAYTIME noise limits 12/08/13

The Noise Hearing Board for Aircraft N7066JJ is scheduled for January 16, 2014. The Pilot, Ms. Hitomi Jinda has received the Notice to Appear and has informed the Noise Abatement staff that she will be present at the hearing. Attached are comments from the Pilot regarding the alleged noise violation on December 8, 2013, previous notifications and noise test results, which are being forwarded for your review and consideration. This correspondence was received after the agenda was sent out.

Respectfully Submitted,

Nora Duncan
Sr. Environmental Quality Officer

CONCUR:

Linda Cessna, Deputy Director
Community Development

Attachments:

1. Email Correspondence
2. Noise Test Results
# TEST REQUEST

**TAIL #**  N7066JJ  
**DATE**  1-13-14  
**A/C TYPE**  R22  

**PILOT INFO (optional)**

Name:  
Phone:  
Approx 14160

<table>
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<tr>
<th>FLT</th>
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<th>RWY</th>
<th>MAX/SENEL</th>
<th>OPER</th>
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<tr>
<td></td>
<td>1410</td>
<td>2.9L</td>
<td></td>
<td>DIDN'T RECORD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10:14:45</td>
<td>2.9R</td>
<td>73.5/82.5</td>
<td>OPTION</td>
<td>5</td>
</tr>
</tbody>
</table>

**Notes:** 1-14-14 2 mailed results to pilot.
Hi Nora,

thank you for the information in last week regarding to noise exceeded.

I am preparing for the board and I am nervous. I stop by today around noon, I could not find you. So can I have a few more information for the board?

I announced yesterday three times in frequency 122.9 for noise tests. Did you hear those? I would like to make sure if the frequency is correct for the noise test.

I have the letters of noise exceed for December 8th 2013, but I do not have for Oct 29 2012 and Aug 12th 2013. I remember I came once your office in 2012 or 2013 regarding the noise exceed, but I do not remember when it was. Is that possible to have a copy of those two letters I do not have? I remember that you said that sent us one for Oct 29th 2012, and one to Status Leven for Aug 12 2013 regarding noise exceed. Status Leven has moved their office to a new place and reported to FAA changed their address around one year ago. I would like to know which address you sent the letters.

I know this problem is caused by my noise. I would like to understand properly to avoid to have those kinds of letters again. If you have time tomorrow, can I have an appointment? If you are busy, I would like to not interrupt you, so I would like to have above information as much as you know.

Sorry for taking your time and I would like to try a few more noise tests to be sure.

Thank you

Hitomi Jinda
JJ Helicopters, Inc.

----- Original Message ----- 
From: "Duncan, Nora" <NDuncan@TorranceCA.gov>
To: "Hitomi Jinda" <hitomi@jjheli.com>
Sent: Tuesday, December 24, 2013 9:52 AM
Subject: RE: JJ Helicopters: Noise

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Subject: JJ Helicopters: Noise

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Hitomi Jinda
JJ Helicopters, Inc.
3405 Airport Drive, Torrance CA 90505
(310)257-8622
Duncan, Nora

From: Hitomi Jinda [hitomi@ijheli.com]
Sent: Thursday, January 09, 2014 10:37 AM
To: Duncan, Nora
Subject: Re: JJ Helicopters: Noise

A happy new year Mrs. Nora,

I am at noise abatement center right now. But I do not see anybody here.

I have the film of my flight with sound for Dec 8th. I made Northeast Arrival from Harbor hospital and I flew about 600' over the noise monitor of 29 final. I would like to make sure if the exceeded noise level is mine. I thought 600' is enough high to avoid the exceeding limitation. If it is not, I need to change my flight.

I have been flying at T0A in R22/R44 since 1997 up to today. I had only one noise letter in 2003. That is all. I need to improve if I am making noise exceeding the level. I would like to understand this situation first and I need to improve the flight to reduce the noise.

I am available anytime today up to 3:30pm. If you are available, let me know please.

Thank you

Hitomi Jinda
JJ Helicopters, Inc.
3405 Airport Drive, Torrance CA 90505
(310)257-8622

> On Jan 2, 2014, at 11:07 AM, "Duncan, Nora" <NDuncan@TorranceCA.gov> wrote:
> > Hitomi Jinda,
> > I am back in the office this week and I understand from Mr. Travers that you will be coming to the Noise Abatement office tomorrow to discuss the letters and Hearing Board. Do you have a time that you would like to come in? I will be at the office from 2:00PM to 3:45 PM. I can also be available in the morning if that works for you. Please let me know and I will be available. Thank you. Have a good day.
> > Nora
> >
> >
> > ----Original Message-----
> > From: Hitomi Jinda [mailto:hitomi@ijheli.com]
> > Sent: Thursday, December 26, 2013 11:58 AM
> > To: Duncan, Nora
> > Subject: Re: JJ Helicopters: Noise
> >
> > Hi Mrs. Duncan,
> > thank you for the reply. I understood the bord is on Jan 16th 2014. I will be there on that day.
> > By the way I visited Torrance Noise Abatement Center today to find more information about the exceed noise level, but the officer was not happy to help me. He does not have our file he said, I brought the letter and the letters I received before. I need some one to help me

1
to understand this board. I would like to visit your office to prepare for the board before the appearance if it is possible.

> Can you tell me your availability?

> Happy Holidays

> Thank you

>

> ----- Original Message -----
> From: "Duncan, Nora" <NDuncan@TorranceCA.gov>
> To: "Hitomi Jinda" <hitomi@jjheli.com>
> Sent: Tuesday, December 24, 2013 9:52 AM
> Subject: RE: JJ Helicopters: Noise

> Hitomi Jinda,

> Apologies for the error in the year. The date of the Hearing Board is January 16, 2014 at 2:00PM in the Commission room of the West Annex in City Hall (3031 Torrance Blvd). I am out of the office until after the first of the year, but if you have questions regarding the time and location or the Hearing Board you can call the Noise Abatement Office at 310-784-7950.
> Thank you and Happy Holidays.

> Nora Duncan

> From: Hitomi Jinda [hitomi@jjheli.com]
> Sent: Saturday, December 21, 2013 6:51 AM
> To: Duncan, Nora
> Subject: JJ Helicopters: Noise

> Hello Sir,
> I received a letter regarding to noise violation. I would like to make sure for the date of the trial "2pm of Jan 16th 2013". Does it mean 2014?
> I am the PIC was flying on the day in the aircraft. I understood that is "the trial". I have been flying since 1997 at Torrance airport.
> This is the first time that I receive this letter. I have no idea why only this time the noise was high.
> Anyway could you check the date on the letter, and I will be there on that day.

> Hitomi Jinda
> JJ Helicopters, Inc.
> 3405 Airport Drive, Torrance CA 90505
> (310)257-8622
CERTIFIED COPY

TRANSCRIPTION OF AUDIO RECORDED
AIRPORT NOISE HEARING BOARD
AGENDA ITEM 6B
JANUARY 16, 2014

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Transcribed by: TIMOTHY ROBERT DUVAL
FILE NO: A801E90
APPEARANCES

CRAIG BILEZERIAN
Chairman

VIET HOANG
Boardmember

JASON MINTER
Boardmember

LINDA CESSNA
Deputy Director of Community Development

NORA DUNCAN
Noise Abatement Staff

HITOMI JINDA
Pilot

JOHN BAILEY
Public Speaker

ALICIA VELASCO
Public Speaker

MIKE SAVEDAN
Public Speaker

MALE SPEAKER

FEMALE SPEAKER
<table>
<thead>
<tr>
<th>INDEX</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAFF REPORT - ITEM 6B:</td>
<td>4</td>
</tr>
<tr>
<td>PUBLIC QUESTIONS AND DISCUSSION:</td>
<td>5</td>
</tr>
<tr>
<td>MOTION PROPOSED AND VOTED:</td>
<td>37</td>
</tr>
</tbody>
</table>
JANUARY 16, 2014; TORRANCE, CALIFORNIA

CHAIRPERSON BILZERIAN: Okay, and that's Item 6C. Moving back to Item 6B-as-in-Bravo. This is a hearing related to Plane N-as-in-Nora 7066JJ.

It's a violation of daytime noise limits that occurred on December 8th, 2013. We want to acknowledge that we do have a Staff Report, but we also do have supplemental information. So could we have the Staff Report, please?

MS. DUNCAN: Yes. My name is Nora Duncan, Environmental Quality Officer, with Community Development assigned to the Noise Abatement Office. I'll be presenting the case today.

On December 8th, 2013, helicopter 7-0, November 7066JJ, a Robinson R22, landed at Torrance Airport exceeding the daytime noise standards for Torrance of 82 Lmax and 88 SENEL and exceeding the California Transportation Title 21 Standard but plus or minus 1.5 DBA. The aircraft registered numbers of 79.9 Lmax and 89.7 SENEL. Noise Abatement tapes revealed no indication from the pilot that an emergency or other flight difficulty existed. Pilot has been, pilot and/or lessee has been informed of city noise regulations starting in November 2008. The pilot, Ms. Jinda, apologies if I've mispronounced that,
spoke to Noise Abatement Staff Chris Travers and asked to meet with Noise Abatement Staff on January 3rd regarding the letters and Noise Violation Hearing Board, but pilot was unable to meet with Staff on the 3rd. On the 9th, the pilot sent an e-mail requesting to meet with Staff, and on the 9th Ms. Jinda came in to the Noise Abatement Office to discuss the alleged noise and compare her records with the Noise Office records and discuss the Hearing Board. While comparing the records of the pilot and the Noise Office, it was found that JJ Helicopters, the lessee, may not have been sent the final notice of violation for the August 12th, 2013 noise violation. It, that may have gone to the owner of record. Neither pilot nor the Noise Office Staff show records of JJ Helicopter receiving that final notice.

The pilot indicated that her arrival pattern on December 8th, 2013, was different from the normal pattern and after discussing noise tests she agreed that she would do some noise tests to determine how to avoid future noise violations. The pilot has done noise tests as called in our, our frequency 1229 coming in for landings. That would be part of the supplemental, this, the noise results and some of the e-mail communications, and that concludes our presentation.
CHAIRPERSON BILZERIAN: Thank you. Okay.

Are there any questions from the Board of Staff?

BOARD MEMBER HOANG: I do, I do have one for Staff. Under the Noise 2 Final, is that a, is that a, is that a violation that occurred during night time hours?

MS. DUNCAN: Yes.

BOARD MEMBER HOANG: Okay.

MS. DUNCAN: At 2200. That would be ten o'clock.

BOARD MEMBER HOANG: Thank you.

CHAIRPERSON BILZERIAN: Mr. Minter? Any questions?

Okay. Having no current questions, is the pilot here or the owner of record?

MS. JINDA: Yes.

CHAIRPERSON BILZERIAN: Okay. Would you come forward, identify yourself, and please state your case?

MS. JINDA: My name is (unintelligible). I'm from JJ Helicopters. I was flying the November 7066JJ on December 8th, and I actually have flown since 1997 at the Torrance Airport. I'm teaching flying in a helicopter, and when I get this letter I'm going to surprised because the last ten years I have never had
a noise, you know, exceeding letter where I, this is
not my chance. I have to learn, you know, I'm also
teaching noise abatement procedure to my students, and
I believe that my flight is not exceeding noise limit,
but, you know, fortunately I have the film of this date,
of the flight, and I checked it, my, you know, film,
and it, I also have it in a voice recording, too, and
when I see the route I flew, it was a little bit
different than I normally fly because there was
departing traffic from the runway and also there was a
lot of traffic for the 2-9 Right, and then to avoid
traffic, I flew over the Monitor Number 5, and then
when I see the letter, the maximum is not exceeding
from the limitation. The maximum is 82, but my noise
was 79.9, so it was less than the maximum, but my
problem was, noise, SENEL, the time was a little bit
over. I couldn't understand because I flew over the
sensor at the time because I needed to avoid the
traffic, departing traffic, and so I just land, and
the, the film was six hundred feet. Torrance Noise
Abatement Procedure per Torrance contract is six
hundred feet so the film indicate my altitude was six
hundred feet, so that's my. my maximum noise was okay,
but about the time if I have to avoid the, you know,
the SENEL, SENEL, then I probably have to avoid flying
over the sensor. Then I can avoid it, I think, this problem, and, yes, so I just land, you know? I, I don't know how I can teach to student to avoid the, you know, noise problem of Torrance, the Airport, for, I did a, a couple of testing, noise testing with Nora, and then she gave me a, you know, the result, so I think I can avoid the, you know, this noise problem, problem maybe by staying more than six hundred feet or just avoid the sensor, flying over the sensor.

Well, this, the noise, noise, this is a problem of time, calculating time, so if there is traffic rising on the side and then I can not land, avoid over the, in the, flying over Sensor Number 5, So I'm not sure a hundred percent if I can avoid, you know, SENEL, the time of the noise, but I just, you know, tried to do my best. So, and I'm flying fourteen years at Torrance the Airport. I'm so sad to receive this letter, and, but I needed to explain with this letter about my situation, so if you can accept my letter, I'm going to leave this here.

CHAIRPERSON BILZERIAN: Okay. I had a question for you. You had mentioned you, you had to deviate a little bit from the normal path and flew, you flew over the sensor, so you were, you were avoiding a departing air, aircraft, or other helicopter
(unintelligible)?

MS. JINDA: Yes.

CHAIRPERSON BILZERIAN: (Unintelligible)?

MS. JINDA: Mm-hmm.

CHAIRPERSON BILZERIAN: All right.

(Unintelligible).

MS. JINDA: Yes. So normally Tower give us the clearance to land on left runway, and then if they, they're going to see my film. I, I fly every day, I fly, you know, a couple, at least a couple flights a day, so I can not memorize all my flight, flight information, but when, fortunately I have a, you know, the film and, and a voice record, and, and then I see the video, the video, you know, it shows departing traffic before 2-9 arrive, and it also there was traffic on final (unintelligible) miles from the 2-9 Right, and then I headed to land on 2-9 Left, and then the sensor is adjusted, you know, they adjust final for 2-9 Right, so I normally pass right side of the sensor, but on that day there, there was departing traffic, so it was, it's my decision, I tried to, you know, make a separation from the departing traffic, so then I flew over the sensor, but, again, when I see the, you know, result, it says my noise was less than the maximum, and then the Sensor Number 5 normally can pick up,
pick up my time flew over the sensor, so I couldn't understand, you know, if I make a noise, you know, one minute and two minutes, it's noisy for the rest of the (unintelligible) and I couldn't understand that, but the maximum noise was less than the maximum, so my noise was less than the maximum, so I just flew over the sensor, I understand, so what that means for the next time, the altitude was six hundred feet, and then contract say to six hundred feet we have to maintain for no-assist arrival I flew on that day, so what I can do is just avoid the sensor, but flying over the sensor, the problem is if there's traffic I better, I have to maintain the safety first, so I have to reduce the separation with the traffic, then I have to fly over the time, over the sensor, and then probably, again, sensor pick up my, you know, the, the time, and then I probably get this letter, but I just tried to fly over the sensor, and then probably if the traffic, you know, is not above us, then we, we can try to fly higher if the contract is allowed.

So, so for, I can not, I think I can not change the altitude because I believe (unintelligible) six hundred feet for the no-assist arrival. In order to not (unintelligible) Sensor Number, Number 5 monitor, my film indicate about six hundred and fifty
feet. So we had, we had enough altitude, I think, to
avoid the noise, but about the time, it was exceeded,
you know, limit, so, so probably I can make a, you
know, speed up faster going over the sensor. Then we
can, we can avoid this problem, I think.

CHAIRPERSON BILZERIAN: Okay. Just to, just
to clarify. So when you've advised that another
aircraft is departing --

MS. JINDA: Yes.

CHAIRPERSON BILZERIAN: -- you take action,
you were, first of all, you were directed on the route
that you approached, I'm sorry, that you were going to
take off on to avoid the departing aircraft. You were,
that direction comes from the Tower, correct?

MS. JINDA: So Tower give us where we can
land, so the Tower give us clearance, but in the final
separation is performed by pilot, pilot decision. So,
but I normally fly, you know, the east, west side of
the sensor because I'm over the sensor, you know, the
monitor, but on that day, you know, I saw the departing
traffic, so I wanted to stay a little bit farther away
from the departing, but I also had the final traffic,
so I flew, I headed to fly between the traffic. So, but,
actually, on that day traffic was not busy because it
was a Sunday, so traffic was not busy, but I, I wanted
to fly a little bit farther from the departing traffic.
Then I flew over the, you know, the monitor, over the
Sensor Number 5.
So if I can maintain higher then probably can,
you know, prevent this problem, but so far Torrance
Noise Abatement Procedures say to six hundred feet, and
the film says, you know, my altitude was over six
hundred feet, so, but, yes, so probably we can fly
faster to pass the sensor and then I think that we can
reduce noise, and I'm trying, I tried a couple tests
last, last couple days and then I'm still going to try
because the aircraft is (unintelligible; my, you know,
student and the people, you know, who rent the, our
helicopter, so they also have to know how to, you know,
avoid the noise. So unfortunately I've practiced
(unintelligible) end of the runway. We don't have to
descend, you know, on the, on the final
(unintelligible) so we, yeah, we'll, I, we just need to
ytry a couple more for the testing, noise testing.

CHAIRPERSON BILZERIAN: I'm just trying to
make sure I understand. If you were in the same
situation --

MS. JINDA: Yes sir.

CHAIRPERSON BILZERIAN: -- that you were in,
so in other words, you have, you're, you're landing and
then there's other aircraft that potentially conflicts, is the vector that you're going to land on in the future, is that restricted to going over the sensor every time when you have those two conflicting aircrafts on each side of you? In other words, will you approach on the same vector every time over the sensor if those outside restrictions are there? Do you, pretty much I'm asking if you had any other choice for a vector approach if those two conflicting aircrafts met?

MS. JINDA: I'm sorry. My --
CHAIRPERSON BILZERIAN: In other words, when you're approaching the airport --
MS. JINDA: Yes.
CHAIRPERSON BILZERIAN: -- and you get Tower clearance to land --
MS. JINDA: Mm-hmm.
CHAIRPERSON BILZERIAN: -- and you know there's conflicting aircraft on each side of you --
MS. JINDA: Yes.
CHAIRPERSON BILZERIAN: -- when you choose that vector that you're going to approach to land on, that's, is that directed by the Tower or is there some restriction that you have?
MS. JINDA: Yeah, helicopter is maneuverable
aircraft in all of, all of the aircraft, so normally
the regulations say we, our priority's are lower. So
the airplanes, they have to keep flying to fly, and a
helicopter, we don't need to, you know, have the
airspeed. So, basically, we have lowest priority if,
and we have to keep, wait until all of the, you know,
the other kind of traffic. So, on that day it wasn't
a busy day, so, but I, I saw traffic was departing
and then traffic was on final, so I just wanted to pass
a little bit farther away from the departing traffic.
So that's the reason, and then Tower didn't say
any, you know, we have to fly over the sensor. We, I,
I just made a decision to stay farther away from the
traffic, departing traffic, but we don't want to go
too far, though, because of the final traffic, so
that was my decision, so it was not Tower's instruction.
So the, yeah, the, for the, yeah, so one is
a safety reason because I don't want, you know, for
there, there to be, I don't want to go, fly farther
away because then I, I will interrupt the final
traffic, so I need to, you know, cross the final
quickly to land on my runway, so my (unintelligible)
was left side, so I approached it from north side, I
need to cross the final for north runway, so that's
why, I noticed shortcut, but also I flew a little bit
farther away from the departing traffic.

CHAIRPERSON BILZERIAN: So if you were in that situation again where you had the approaching and the departing aircraft and you had to land at the same time, what options do you have? Are you able to change your altitude, change your vector? Are you able to delay landing until there's a clearance? Are, are there options open to the pilot to, to avoid --

MS. JINDA: Yes. Of course, yes. There probably was, you know, probably was, I never had this kinds of letter before, so I had a confidence I don't make noise, and then because I'm flying since 1997, and then I, I never had a letter, so that's, that's why I thought my, my flight is okay to avoid noise limitation. So, so at, at that moment, you know, in December when I, the day I, I flew, I made a noise, I was no, I, I had, I probably had no idea. I was thinking my flight is okay because I didn't fly any low-altitude because my altitude was six hundred feet, six hundred feet is altitude we have to maintain, and also I had a result, in the last ten years, I, I never had a letter, so I thought six hundred feet is a good enough altitude to avoid the sensor, to avoid the noise limitation, and then so, again, noise maximum is less than the, my noise was less than the maximum, so
problem was the time, so for the next time, if the
Tower says, you know, fly between the traffic and I
probably can request it to Tower wait (unintelligible)
more traffic and then fly around and then we can, you
know, avoid the sensor.

I'm not sure what the rest of the
(unintelligible) show. That's, that's, you know, is
(unintelligible) resolution because if I avoid the
sensor, still I'm making noise, so the center is a
time problem, it's calculating time, so if I fly same
speed, if the sensor doesn't pick up my noise,
residential people still hearing my noise, so the,
I, the, I think the resolution is to fly faster
to pass the, you know, the residential area quicker
than before, then I think the SENEL doesn't pick up my
noise, I, I, I think.

CHAIRPERSON BILZERIAN: Do you gentlemen have
any questions of the pilot here?

Okay. Thank you.

Okay. Is there any member of the audience
that wishes to speak on this particular case?

MALE SPEAKER: Go ahead, John.

MR. BAILEY: I'm John Bailey. I'm speaking
today not only on behalf of the Southeast Torrance
Homeowners Association but of the Los Angeles Area
Helicopter Noise Coalition. I think it's been four years (unintelligible) Linda would have to jog her memory, too, that the City of Torrance recognized we had a helicopter noise problem, and the City created the City of Torrance Helicopter Route Committee to look at the routes that the City of Torrance and the FAA Tower and the helicopter operators agreed to. The first meeting the City held was at the Katy Geissert Library, and it was a boisterous meeting. Residents from all over the city complained about helicopter noise. As the meetings continue, then they broke down and the City invited the helicopter operators at Torrance Airport - Robinson Helicopter, Advanced Flight, JJ Helicopters - Shawn (phonetic) invited them all to participate in the Committee Meetings, actually on the Committee. Robinson and Advanced Flight participated in the hearings. For some reason, JJ never participated. This was an attempt by the City, the industry, and the residents to resolve the noise problems. The problems haven't been resolved, and now our federal legislators are involved. This week legislation was passed in the House which will require the FAA within twelve months to come up with a solution to the helicopter noise problem. Tomorrow the Senate is voting on the Bill. The L.A. Times called me this
morning and they said, "We'd like to have your
comments, John, because we're confident this Bill will
be passed."

So today you're looking at one noise
violation. These are the voluntary routes that the
City of Torrance, the helicopter operators, and the
FAA approved. If you look at what track the particular
flight we're talking about came from the Carson area
where they were circling around and they came this
way and made a mistake of flying over Noise Meter
Number 5 and they got caught and it was a noise
violation. If they had come down the northeast route
you can see there isn't any noise meter. They, they
would have been free. If they had come across the FAA
helicopter suggested route of Artesia and then down
the north route, they would have missed the noise
monitors, but then again the residents on the ground
suffer from the noise. When you look at the standards
brought forth by the industry, the industry has the
Fly Neighborly Guide with instructions to pilots and
it says, "General guidelines for noise abatement
operations. Avoid noise-sensitive areas altogether
when possible. If it is necessary to fly near
noise-sensitive areas, maintain an altitude as high as
possible. Fly normal cruising speed or slower.
Observe low-noise speed and descent recommendations. Avoid sharp maneuvers. Use steep take off and descent profiles and vary the route since repetition contributes to annoyance."

One of the problems with this particular route is it has a ceiling because of the fixed-wing planes flying overhead. So if you're flying out the West PCH route, you'll see Robinson's up to fourteen and twelve hundred feet. If you've over this area, you're lucky to be above seven hundred and fifty feet, but it's the pilot's choice where they want to fly. So it's clear this was a noise violation, and I think you really have no choice but to find them guilty.

Thank you.

CHAIRPERSON BILZERIAN: Thank you. Is there any other member from the public that wishes to speak on this matter (unintelligible)?

MS. VELASCO: Good afternoon. My name is Alicia Velasco, Principal Planner of the City of Lomita. I'm here again as well as a Member of our Council on behalf of the City to reiterate the importance of the Torrance Airport noise limits, and that commercial businesses in particular need to abide by those limits. The residents of Lomita have expressed their concern with aircraft breaking these
noise limits and they're appreciative that the City
of Torrance is being proactive in this matter. I
can't specifically contribute this to JJ Helicopters
but on the Monday morning after the Sunday event
occurred that I went to work I had two voicemails
complaining of helicopter noise from Lomita residents,
and this is unusual that they would reach out and call
City Hall on a Sunday. So I contacted the Coast Guard
to see if they were doing any trainings that day and
they said that they were not. So I don't, you know, I'm
not sure what specific helicopter, you know, we can't
figure that out, but like I said, it was unusual, and
also further, you know, JJ Helicopters are flying
outside of the agreed-upon helicopter routes. So with
that, the City asks that you find the pilot guilty.
Thank you.

CHAIRPERSON BILZERIAN: Thank you. Any other
member of the public that wishes to speak please
come forward.

MR. SAVIDAN: Excuse me. Mike Savidan, City
of Lomita. I'd just like to say that I appreciate
everything that the Board is doing in regards to these
noise violations, also Staff who are, that they're
doing, and in this particular case this is a clear
violation and I believe the Board should find this
person guilty. Thank you,

    CHAIRPERSON BILZERIAN: Thank you, and one
    last call for any member of the public that wishes to
    speak. Okay. Did you want to rebut or --

    MS. JINDA: Yes.

    CHAIRPERSON BILZERIAN: -- address some of
    the comments made? You can go ahead.

    MS. JINDA: Yes. About this gentleman's
    explanation, I think it's wrong, the information, or
    maybe he's not a pilot. He doesn't know why, you
    know, the, what's (unintelligible) indicate. Can, can
    I have the board? Can I have the --

    CHAIRPERSON BILZERIAN: Sure. Yes.

    MS. JINDA: -- the board? Yes. So let me
    explain. About this arrival, this one is
    (unintelligible) it's not perfectly drawn because when
    we arrive, when we approached to the runway, we never
    go direct to the airport. We have to make a traffic
    pattern, and depending on the interaction, so on
    that day we was going in this direction, so Tower
    instruct us to make northeast arrival and then make
    a right (unintelligible) and 2-9 Left (unintelligible).
    So if it's Tower, Tower could understand my
    explanation, but we never fly directly to the airport.
    We never do it like this. This is adjusted route that
I give to the pilot, so I flew here, but here from here there's, you know, the other traffics and if the other traffic in that pattern, we have to make a swerve, we have to make a right turn right here, so we never fly, so that means we always have to fly Number 5 or Number, I don't know the number that went to here, but we have to make, you know, that landing. We have to make a landing at this direction or this direction like an airplane. So we never, you know, this, this is a wrong or it's not perfect diagram to understand the, to the, you know, the, the, the, you know, the, the people. A pilot can understand why it's the wrong (unintelligible) but we have to make (unintelligible) at the end, so we never land like this, so we always have to fly Number 5 or we always have to fly over the sensor here.

So I say, he said that we should not fly Number 5, but unfortunately Tower told us to make a right-face here. If Tower say, direct to the middle of the airport to land, then we can fly here. Otherwise most times, let's say ninety-five percent, we have to fly over the sensor. So this is not perfect diagram for, you know, the people who, who don't fly, but if we are, we are a pilot, then we could understand why the run is straight to the airport, but we never
fly direct to, like this, and one more (unintelligible) and about the noise complaint for the Sunday, Monday or Sunday, and I saw also someone was flying, you know, was requesting right cross traffic to the (unintelligible) and then it's not first time for me I see, you know, often that kind of operation, and then Saturday is, you know, allowed to fly from ten a.m. to four p.m. for the traffic pattern, and our company never take off before the, never request a right cross traffic for, before the ten a.m. or after four p.m. but I (unintelligible) lady says that someone was making a right cross traffic, even if it's not allowed, but it was not us, and you, you must know us, It was not our operation, and if I was in the radio I was almost saying to the Tower to mention to the pilot should not fly, you know, the right flow traffic pattern on Saturday and Sunday, but I, I, I, when I mentioned a couple of times before, it's not, Tower said it's not my responsibility and the Tower, Tower's not responsibility. I just don't understand why Tower doesn't tell, mention to the pilot not allowed to make a pattern, but if someone fly, you know, at the airport not allowed, the time, then people think that that's JJ Helicopters, but we know the, you know, noise abatement procedure, we always follow them, and
I never had a letter, you know, I took off before the
seven a.m., I took off after ten p.m., because we are
very familiar about the noise abatement procedure.

So people are misunderstanding, if they have
a couple flight out of Torrance, people think that
that's JJ Helicopters, but actually that's not us
and then I received the noise complaint still, but
not, it's not us, and some of who are not familiar
about the Torrance Airport, they fly, you know, right
cross, right cross traffic pattern even on Sunday,
even Sunday. So, so I don't know how I can avoid
that, but people who don't know the noise abatement
procedure that are not familiar about Torrance then
they're making noise. So I did want to re-say that's
not us. I didn't fly on Sunday. I didn't fly
Saturday. You know, the time, you know, allowed to
make a track pattern.

CHAIRPERSON BILZERIAN: Okay. I, I have one
question for you when you were referring to the exhibit
and I didn't, we, I think we all understand it's a
schematic and there's certain conditions that dictate
you have to deviate from the schematic when you're
making an approach. However, I did want to ask the
question about altitude because I think there was a
mention that even though you may fly off the route or
whatever route you'd taken that the altitude can be
adjusted such that you may not trip the sensor above
that threshold. So when you deviate from that, the
line or the vector on that exhibit, do you have control
of the altitude on your approach or are you directed by
the Tower when you make that deviation off the vector?

MS. JINDA: One more. The gentleman said we
can fly seven hundred and fifty feet, feet, but it's
over the agreement, you know, current agreement says we
have to maintain under six hundred feet, but I know
below six hundred feet making lots of noise, so I don't
want to fly below six hundred feet, but I have another
reason, too, because of Tower's instructions and
because of engine failure. In case of engine failure,
if it's the six hundred feet (unintelligible) then we
don't have enough altitude to get on the emergency,
you know, safe landing spot. So still agreement is
six hundred feet. I know, you know, people are
complaining about noise, but so far that, when I see
the video, it was six hundred and fifty feet around,
you know, between five hundred and fifty to six
hundred feet, six hundred and fifty feet. So I was,
you know, the altitude of the agreement and --

CHAIRPERSON BILZERIAN: Can I, can I, can I
ask you, what agreement was that, when you state that?
Who was the agreement with?

MS. JINDA: It's, this is the Torrance Helicopter Operation Agreement. That there is a, you know, the, you can find it, that application, the PDF file from the City of Torrance website. That's the agreement we signed. So for, so it says for no-assist arrival, it says six hundred feet or below. No-assist arrival is six hundred feet or below, and then about West PCH, South Crenshaw, South (unintelligible) there has a different number, but I know Robinson Helicopter Company and, and also Advanced Flight, we spoke, you know, with the time because (unintelligible) and then Advanced Flight, a pilot from Advanced Flight, he mentioned to me about three years ago for the West PCH departure, this (unintelligible) wasn't one thousand three hundred feet, he said. So I'm not sure we, you know, about noise. We should keep one thousand two hundred feet or more. Then we reduce the noise complaint, but when I, the letter when I received last, last summons, it was, you know, before the City of Torrance and it was the FAA decided still keep the helicopter altitude over West PCH at six hundred feet, and then if they, you know, City want to try to, you know, get higher altitude because of noise complaint,
but, but FAA, FAA said that, you know, for the separation of the altitude, you know, the airplane, airplane and the helicopter, still helicopter have to keep six hundred feet. So it's still under the, you know, meeting. So far I, I just want to reduce noise, and then when I, when I don't see any traffic for West PCH, you know, and (unintelligible) and then I stay higher because of noise, and I, I can not decide what's altitude I, I have, I, I fly. So far I have to for the agreement and but still I'm flying higher than, you know, the altitude sometimes. It's depending on my, you know, the traffic, traffic conditions.

CHAIRPERSON BILZERIAN: Let me just stop you for one second. So can you confirm that we actually have an agreement that is posted on our website that they're supposed to abide by where six hundred feet is the maximum altitude on approach? Is that true?

MS. CESSNA: I believe it's a minimum --

CHAIRPERSON BILZERIAN: A minimum.

MS. CESSNA: -- and --

CHAIRPERSON BILZERIAN: Is, and you're, are you saying it's a minimum or a maximum?

MS. JINDA: For no-assist there's six hundred feet or below, the, on the agreement say, and then --

MS. CESSNA: Yeah, I, I would have to re-
read it but many understanding was that the, fly at a, a minimum of a specific altitude and because we, clearly we want them to fly higher if it's possible, but we, we are forced by the FAA in certain cases to establish a certain minimum altitude and the pilot has discretion to fly higher than that.

MS. JINDA: Reason why we have to stay below six hundred feet because of the Upland traffic pattern. When we arrive from north side to the, the up route, there is the Upland traffic pattern. The Upland people fly one thousand one hundred feet, so if we fly northeast at this one thousand one hundred feet to avoid noise, we have a collision problem. So that's why. City want to, you know, change the altitude of the northeast arrival, you know, higher because of noise complaint, but FAA say they are responsible for the separation between aircraft and then still, you know, the helicopter have to fly six hundred feet.

So --

CHAIRPERSON BILZERIAN: So were you directed by the Tower to, to approach at six hundred feet?

MS. JINDA: So far we approach, you know, I don't have a noise complaint, so --

CHAIRPERSON BILZERIAN: No, on that day. I'm asking specifically on that day --
MS. JINDA: We was at one thousand feet over
the Harbor Hospital (unintelligible) that from
(unintelligible) you know, south side of the Harbor
Hospital, you see the Harbor Hospital. So I was
starting from one thousand feet, but I had, you know,
to avoid the Upland traffic pattern, I needed to avoid
the, you know, traffic, the Upland traffic, so I
started descent around six hundred feet.

CHAIRPERSON BILZERIAN: Okay, and the reason
for that was because you were directed by the Tower
and you were trying to comply with the --

MS. JINDA: Yeah, because of, yeah, because
of Tower, Tower always tell us, you know, maintain six
hundred feet or below. Northeast arrival
(unintelligible) make a right-face for 2-9 Left.
So that's there normal procedure. So, and about the
question you, about deviation, we can deviate. We can,
you know, request a, we can request a different route
of the, you know, Tower's instructions, we can request
to the Tower to fly different route, but, again,

helicopter has lowest priority, so if we say we should
request and we want to fly here, and here, here, here
all the time, then we interrupt the fixed-wing, so
someone have to give way, you know, give way to the
traffic. So that, that's the helicopter, and on that
day I didn't request anything. I just see the traffic rising on the left side and I flew between them and it (unintelligible) six hundred feet. So I didn't fly too low. I know it was a Sunday, people are still at home, so I maintained at least six hundred feet, especially over the sensor, and then I can't remember exact place of the monitor, but I, my route is, you know, outside of the Lomita, outside of the Crenshaw Boulevard, south side, south side of the PCH, west of (unintelligible) Boulevard, I always maintain five hundred feet is, or about. So, so I didn't fly too low, but the problem was time, so the sensor pick up the, my time, so about the time, it's impossible to control that, so when I fly, I'm making the noise all the time, so I just have to fly, you know, I have to pass right away, and then speed was about seventy-five knots, so that's the normal helicopter cruising airspeed, so I just flew right over the sensor. That was the problem.

CHAIRPERSON BILZERIAN: Okay. What I'm hearing is the pilot is under the belief that six hundred feet is the minimum that they have to maintain which seems to be somewhat corroborated without going to the, I'm also hearing that the Tower is directing the, the approach altitude to some extent on approach,
but I'm wondering is there anything in the, the, the
tape transcript that may not be in this report, but
could indicate direction to the pilot from an altitude
perspective? Something to corroborate what the owner
is saying?

MS. CESSNA: The first contact is at Harbor
where she said she was at one thousand. There was no
discussion with the Tower regarding altitude, only the
(unintelligible).

CHAIRPERSON BILZERIAN: So as you're
approaching the airport from where you are on the
outskirts from the Harbor area --

MS. JINDA: Yes.

CHAIRPERSON BILZERIAN: -- you're at eleven
hundred, or a thousand is what you said --

MS. JINDA: It was one thousand feet. I don't
want to fly low-altitude because a couple reasons, but
one is the noise, so I don't fly too low. I just have
to fly six, five hundred feet --

CHAIRPERSON BILZERIAN: Right. Right.

MS. JINDA: -- (unintelligible) from the
ground.

CHAIRPERSON BILZERIAN: I, I understand all
that.

MS. JINDA: Yes.
CHAIRPERSON BILZERIAN: So you're, you're approaching, you're starting at a thousand, and then on your descent as you're coming in to six hundred feet did you --

MS. JINDA: To avoid fixed-wing pattern.

CHAIRPERSON BILZERIAN: Right. You're, you're trying to get below the fixed-wing and you're trying to create a safe space for you and --

MS. JINDA: Yes (unintelligible).

CHAIRPERSON BILZERIAN: -- and at the same time you're trying to maintain at least six hundred feet to avoid making noise --

MS. JINDA: Right.

CHAIRPERSON BILZERIAN: -- below that threshold?

MS. JINDA: Yes.

CHAIRPERSON BILZERIAN: Okay.

MS. JINDA: So above is fixed-wing, below is the noise, and the traffic right and left, so I still can request to change the route, but, you know, we want to make, you know, noise the shortest time, so we should not make (unintelligible) you know (unintelligible) and that makes noise more, so we should make a, you know, shortcut to interrupt fixed-wing and then to minimize the noise.
CHAIRPERSON BILZERIAN: Okay. I don't have any further questions. Do you, John?

Thank you.

Okay. Does anyone have any additional questions of Staff? Let's take a few minutes to look at some of the evidence (unintelligible).

BOARD MEMBER MINTER: Just one question of Staff. In, in looking back through November 19th of 2008. Now, understanding that the, the plus or minus 1.5 hasn't always been in play, so some of these may have been, not have been, not been included violations based on that. For the Board's purposes, if there was no response from the pilot, and this pilot suggests that all the letters, I believe her, the statement was that the other letters were friendly, but this was the only letter that was in violation. I, I mean, I, based on this, I'm counting, I mean, the tenth violation, correct?

MS. CESSNA: And on top of that, it's very unusual for a helicopter to actually break the noise levels other than the Coast Guard. Generally speaking, helicopters can get through without ringing the bell. It, it's, it's, it's unusual to have a helicopter that has this level of, this number of violations of the noise, whether they're minor or whether they rise to
the level of Hearing Board. It's very unusual, and
I think this helicopter, as far as I can tell, it's, it
has an owner, but I believe it's under lease to JJ,
so it's probably flown by several different people. The
notice would go to the owner, what do we do? Excuse
me. Do we send to JJ as well or do --

MS. DUNCAN: We do.

MS. CESSNA: Okay. Excuse me. Something
went down wrong. The owner who is, is leasing it to
JJ is in charge of making sure that they understand,
yeah. Pass it over here. Thanks. Now I've got your
germs. Thank you.

BOARD MEMBER MINTER: (Unintelligible) water
(unintelligible).

MS. CESSNA: Okay. We would expect that the
owner would make sure that the lessee was informed
and that the lessee, in turn, would make sure that any
pilot flying the aircraft was also informed, and it,
at least based on what we're hearing, it sounds as if
that line of communication may have broken down which
puts the pilot in a difficult position, but the
helicopter nonetheless has violated a number of
occasions, so I think it's clear that there, there's
some kind of issue with this particular helicopter.

CHAIRPERSON BILZERIAN: (Unintelligible).
BOARD MEMBER HOANG: I just want to follow-up. That was actually my question, just given the track record of this aircraft. It, it would suggest that it's more than a mechanical issue, the aircraft versus the technique of the pilot. Would that be fair to say?

MS. CESSNA: It, it's possible. I, I would have to say that unless, I would have to say, yeah, there must, I would guess that there's some issue with that particular helicopter for it to have violated that number of times. Either that or the people that fly it are problematic.

BOARD MEMBER HOANG: Especially, then, that it seems like multiple pilots may have flown (unintelligible) Ms. Jinda, that she I believe has only identified the last three as ones that she was piloting. So it seems like there's multiple pilots that may have flown this aircraft, and so the likelihood that all of them would be using that technique that was not in the best interest of noise is, is probably pretty small versus a mechanical error with the helicopter.

MS. CESSNA: Even when they're using perhaps maybe not the best technique, it still is just very unusual for a helicopter to ring our bells.

BOARD MEMBER HOANG: Okay.
CHAIRPERSON BILZERIAN: The Staff Report mentions that a pilot named Chris Travers had asked to meet with, with Staff.

MS. DUNCAN: No, the, Chris Travers is the Noise Abatement Staff.

CHAIRPERSON BILZERIAN: I'm sorry. The pilot asked to meet with Chris Travers. However, the meeting did not occur. Did, did the pilot contact in advance to cancel? Did they, was there a reason why the pilot did not meet with Staff?

MS. DUNCAN: I didn't have a reason why. Chris had passed along to me that, that the pilot wanted to come in on that day and meet and I had agreed, yes, that I would be there and, and we would meet. I didn't hear anything again until the 9th. The pilot had come in when Staff was not present and then I said, "You know, I, yes, we will be available this afternoon," and she came in and we met that afternoon, but we didn't discuss why the pilot had not showed up previously.

CHAIRPERSON BILZERIAN: Okay. So there was a meeting between the pilot and Staff after the 3rd?

MS. DUNCAN: Yes.

CHAIRPERSON BILZERIAN: Oh, okay. Did anything come of that meeting as advice about noise
testing or problems in the past?

MS. DUNCAN: Yeah, that was, that was when Jinda and I talked about the difference between the, the records that showed that on the, on August the 12th we didn’t show a record of us having sent the letter to JJ as well as the owner of record. We talked about the fact that there were other pilots for the previous violations in ’08 and ’09. We talked about the altitude. We talked about the SENEL and then time and, and the route that the pilot had to come in that day to do the landing. So, yeah, we, we discussed quite a bit of this that was discussed today.

CHAIRPERSON BILZERIAN: Okay. I think that’s all my questions.

FEMALE SPEAKER: (Unintelligible).

CHAIRPERSON BILZERIAN: Would anyone want to entertain a motion and to start a discussion?

BOARD MEMBER MINTER: Well, despite multiple efforts to try to find a particular reason as to why a violation occurred, I think we have the underlying point is that the violation did occur and without substantial evidence as to an explanation as to why it was justified, I would have no choice but to make a motion that in case, in this case that the pilot be found guilty.
BOARD MEMBER HOANG: I'll second that.

CHAIRPERSON BILZERIAN: Okay. So we have a motion and a second. (Unintelligible) --

MS. CESSNA: Did you move, just to clarify, the pilot or the pilot and the aircraft?

BOARD MEMBER MINTER: I'm sorry. To, I guess the pilot and the aircraft. Is that the normal, normal practices would be the pilot and the aircraft or in some cases you could find the pilot, not the aircraft, guilty?

MS. CESSNA: It's possible, generally, but we need to make sure that we specify.

BOARD MEMBER MINTER: Okay. To clarify the motion with the seconder's approval --

BOARD MEMBER HOANG: Can, can you state it again, please?

BOARD MEMBER MINTER: To restate, that N, for helicopter N706JJ, the pilot and the aircraft are found guilty of the noise violation as reported by Staff.

BOARD MEMBER HOANG: I second that.

CHAIRPERSON BILZERIAN: Okay. Before I call for roll I just have one question on, on the motion. Is there also an option to find the aircraft in violation but not the pilot?
MS. CESSNA: There could be circumstances under which you could do that. You would need to make some kind of finding of fact as to why you wish to do that.

BOARD MEMBER MINTER: Well, based on the fact that this is, I would assume, and, again, maybe that's the incorrect assumption that this aircraft is routinely taking off and landing at the airport. That, that even though this list seems like it's a lot of violations, that, in truth, some are, you know, if it's taking off and landing on a daily basis it's a very small percentage of flights, but it's not an aircraft situation, no. I defer to you, Chair.

CHAIRPERSON BILZERIAN: I guess we can call for the vote.

MS. DUNCAN: Okay. Member Hoang?

BOARD MEMBER HOANG: Could I, can I have a minute just to review a section because I just want to, I just want to have comfort with what I'm actually voting on in regards to our jurisdiction.

CHAIRPERSON BILZERIAN: If I'm correct, the current motion is to find both the aircraft and the pilot guilty of the noise violation on the SENEL reading.

BOARD MEMBER HOANG: Okay. Yes.
CHAIRPERSON BILZERIAN: That's, that's your vote?

BOARD MEMBER HOANG: Yes, that's my vote because I just, I just wanted to verify.

MS. DUNCAN: Okay. Member Minter?

BOARD MEMBER MINTER: Yes.

MS. DUNCAN: Chairperson Bilzerian?


(End of Agenda Item 6B)
LEGAL TRANSCRIBER CERTIFICATE

I, TIMOTHY ROBERT DUVAL, Legal Transcriber, certify;

That the foregoing is a true and correct transcript of audio recording of the Agenda Item 6B of the January 16, 2014 Meeting of the Torrance Airport Noise Hearing Board;

That the content was transcribed from audio file.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated this 18th day of February, 2014.

TIMOTHY ROBERT DUVAL
AIRPORT NOISE HEARING

JANUARY 16, 2014

Page 4

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2212

2212
underlying 37:20
understand 7:17 10:2 4:7
22:24 23:20 24:20
31:23 34:10
understanding 28:1 33:9
unfortunately 12:15
22:18
unintelligible 6:20 9:1 3
9:6 16:10 4:22 24:12 12:12
12:16 18 14:22 16:3 7:8
17:2 19:17 21:11 15:22
23:11 25:15 26:10 13
26:16 27:7 29:2 3:15
30:3 10 31:9 21 32:9 22
32:23 33:6 34:13 14:25
35:14 37:15 38:3
unless 35:7
until 14:6 15:7 36:15
unusual 20:7 12 33:20 23
34:1 35:24
Upland 28:8 10 29:6 7
Use 19:2
using 35:18 22

V
vary 19:3
vector 13:2 6 9:22 15:6
25:4 6
Velasco 2:13 19:18 19
verify 40:4
versus 35:4 20
very 24:3 33:19 34:1
35:23 39:11
video 9:14 14 25:20
VIET 2:4
violated 34:22 36:9
violation 4:5 5:3 13:13
6:6 18:5 12 19:12 20:25
33:16 17 37:20 21
38:19 25 39:23
violations 5:21 20:23
33:11 24 37:8 39:10
voice 7:7 9:13
voicemails 20:5
voluntary 18:5
vote 39:15 40:2 3
VOTED 3:6
voting 17:25 39:20

W
wait 14:6 16:3
want 4:6 14:14 18:19
19:11 21:4 24:14 23
25:12 26:24 27:5 28:3
28:14 29:22 31:17
32:21 35:1 37:16 39:18
39:19
wanted 11:21 25 14:9
36:13 40:4
wasn't 14:7 26:16
water 34:13
way 18:10 29:24 24
website 26:5 27:15
week 17:21
well 8:10 19:20 34:6 37:6
37:18 39:5
went 20:5 22:6 34:9
were 8:24 21:11 11:12
11:13 12:21 24 15:2
18:9 20:9 10 24:19
26:20 29:10 11 33:5
37:7
west 11:18 19:6 26:9 15
26:23 27:6 30:10
we'll 12:15
we're 18:2 8 34:19
While 5:9
wing 32:25
wish 39:3
wishes 16:21 19:16 20:18
21:3
wondering 31:1
words 12:25 13:5 12
work 20:5
wrong 21:9 22:10 13 34:9
www.depo.com 1:19

X
X:3:1

Y
yeah 12:16 13:25 14:17
14:27 27:25 29:12 12
34:11 35:7 37:2 11
years 6:25 8:16 15:21
17:2 26:15

0
08 37:8
09 37:8

1
1.5 4:19 33:10
12th 5:13 37:4
1229 5:22
16 1 9 4:1
19th 33: 8
1997 6:22 15:12

2
2:6 4
2-9 7:11 9:15 16:17:19
21:22 29:15
2008 4:24 33:9
2013 4:6 14 5:13 18
2014 1:9 4:1
21 4:18
2200 6:9

3
3rd 5:2 5 36:22
37 3:8

4
4:3 4

5
5 3:5 7:12 8:13 9:25 10:24
12:3 18:11 22:6 15:18
AIRPORT NOISE ADMINISTRATIVE HEARING BOARD
OF THE CITY OF TORRANCE

IN THE MATTER OF THE AIRPORT NOISE HEARING
AIRCRAFT NOISE VIOLATION OF AIRCRAFT ROBINSON R22 N706JJ

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, Torrance Municipal Code section 46.8.1 provides that an aircraft shall not be operated in violation of the aircraft noise limits set forth in Section 46.8.8; and

WHEREAS, Torrance Municipal Code section 46.8.8 provides that no aircraft taking off from or landing on the Torrance Municipal Airport between 7:00 a.m. and 10:00 p.m. may exceed a single noise exposure level (“SENEL”) of 88 dB(A) or a maximum sound level of 82 dB(A) measured at ground level outside the extended airport boundaries; and

WHEREAS, Torrance Municipal Code section 51.7.2 provides that any person with three or more cumulative violations of the aircraft noise ordinances within a three-year period shall be denied the right to land, take off, lease, rent or use space for aircraft at the Torrance Municipal Airport for a period of three years except in emergencies; and

WHEREAS, Torrance Municipal Code section 51.7.3 provides that any aircraft operated in violation of the aircraft noise limits three or more times within a three-year period shall not be permitted to land, tie down, be based at or take off from the Torrance Municipal Airport except in emergencies; and

WHEREAS, Torrance Municipal Code section 46.8.12 provides that the beneficial owner of an aircraft shall be presumed to be the pilot unless the owner identifies the person who was in fact the pilot at the time of the violation; and
WHEREAS the Community Development Department, Environmental Division requested the Airport Noise Administrative Hearing Board to conduct a hearing as to an alleged violation of the aircraft noise limits by aircraft Robinson R22 N706JJ occurring on December 8, 2013; and

WHEREAS, the Airport Noise Administrative Hearing Board held a hearing on the alleged violation on January 16, 2014; and

NOW, THEREFORE, the Airport Noise Administrative Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

FIRST FINDING OF FACT

That aircraft Robinson R22 N706JJ landed at Torrance Municipal Airport December 8, 2013 at 10:28 A.M. and registered noise levels of 89.7 (A) SENEL and 79.9 dB(a) maximum sound level at Remote Monitor Site Number Five at 10:28 A.M.

SECOND FINDING OF FACT

That Hitomi Jinda was, on December 8, 2013, at 10:28 A.M., the pilot of aircraft Robinson R22 N706JJ and that JJ Helicopters was the Lessee of aircraft Robinson R22 N706JJ.
CONCLUSIONS OF LAW

FIRST CONCLUSION OF LAW

That aircraft Robinson R22 N706JJ was in violation of Section 46.8.8 of the Torrance Municipal Code on December 8, 2013.

SECOND CONCLUSION OF LAW

That Hitomi Jinda/JJ Helicopters was the pilot of Robinson R22 N706JJ when the aircraft did exceed the aircraft noise limits set forth in Section 46.8.8 of the Torrance Municipal Code and thereby, did violate that section of the Torrance Municipal Code.

DATED: 1/22/2014

[Signature]
Craig Bilezerian
Chairperson
Airport Noise Administrative Hearing Board