



October 22, 2018

**By FedEx and Electronic Mail**

Mayor Ted Winterer and City Council  
City Hall  
1685 Main Street, Room 209  
Santa Monica, California 90401  
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**RE: Santa Monica Municipal Airport**

Dear Mayor Winterer and City Council:

We write on behalf of the National Business Aviation Association (“NBAA”) and the Aircraft Owners and Pilots Association (“AOPA”). NBAA represents over 11,000 member companies which own and operate general aviation aircraft to facilitate the conduct of their businesses or which are otherwise involved with business aviation. AOPA represents the world’s largest community of pilots, aircraft owners, and aviation enthusiasts. NBAA’s and AOPA’s members include numerous tenants and users of the Santa Monica Municipal Airport (“SMO” or “Airport”), who along with NBAA and AOPA continue to be strongly interested in the Airport’s safety and future accessibility and viability. As national safety advocates we are especially concerned that the City is considering to undertake a project that will denigrate safety at its Airport.

We understand that on October 23, the Santa Monica City Council will consider a proposal for the removal of “excess” pavement at both ends of the airport’s runway, the details of which previously were discussed at a public meeting on September 18, and at an Airport Commission meeting on September 24. We understand that the City has solicited bids to pulverize all of the “excess” pavement (approximately 750 feet) at either end of the runway, with the pavement within the Runway Safety Areas stabilized and made capable of supporting aircraft as well as aircraft rescue and firefighting equipment, and the remaining pavement fully removed, hydroseeded, and replaced with turf. However, in the Staff Report for the October 23 meeting, staff has recommended that the Council reject the two bids received and direct staff to issue a new solicitation, notably including a slightly reduced scope of work for the pavement in the Runway Safety Area (“RSA”) immediately proximate to the ends of the runway.

NBAA and AOPA respectfully request that you and the Council fully reject this proposal and not direct the solicitation of new bids, but rather maintain the status quo – for the reasons set forth below, with the main concern being safety:

- **The removal of pavement will actually denigrate safety at SMO.** Dr. Antonio A. Trani Professor and the Co-Director of the National Center of Excellence for Aviation Operations Research (NEXTOR) at Virginia Polytechnic Institute & State University, with expertise in air transportation, airport engineering, and simulation and modeling, recently conducted a study considering the implications of pavement removal on safety at SMO. The report summarizing Dr. Trani's analysis is attached (Exhibit A).

Although accidents at SMO are fortunately rare, in the event of a runway overshoot or undershoot event, retaining the existing pavement would help ensure safety margins for those aboard the aircraft as well as for airport neighbors. In particular, the existing pavement, over a ten-year period, would be 66% more effective in preventing accidents than the configuration under consideration. For decades, the City has insisted that it was concerned about the safety of operations at the Airport, even though FAA and the courts repeatedly established that the airport was safe. It thus defies explanation that the City would now pursue a course of action that would reduce safety margins.

- **The City has not provided any rationale for pavement removal.** The City has never explained why it is considering the removal of the allegedly "excess" pavement. The runway at SMO already has been reduced in operational length to 3,500 feet by modifying the runway pavement markings and signs. To the extent the City's stated goal in entering into the agreement with FAA was to reduce jet and charter operations, that has been accomplished. Nor can the locations of "excess" pavement cannot be made available for any public use, as those areas are within the Airport's aeronautical footprint and proximate to the runway. Thus, as the FAA has pointed out in its August 31, 2018 letter, discussed below, the removal of "excess" pavement serves no aeronautical purpose – and indeed, no legitimate purpose at all. At the September 18 meeting, the SMO Airport Manager and City staff struggled to offer any justification, insisting that only City Council could explain, but eventually asserted that the proposal would prevent intrusions by aircraft beyond the end of the 3,500 foot runway. However, they did not offer any data about the frequency or severity of such intrusions; did not offer any evidence that they were of concern to FAA; did not offer evidence of any intrusions beyond or outside the RSA; and did not offer any evidence that removing pavement would stop the excursions and/or address any safety concerns.
- **The entire project must be funded by taxpayer dollars.** In its August 31, 2018 letter – which has not been made part of the public record – FAA's regional office specifically recommended that none of the proposed project be funded by airport revenue, because it would serve no aeronautical purpose. As the City is aware, the 2017 agreement with FAA – and independently applicable federal law – continues to prohibit revenue diversion; airport revenue must be used only in a manner that serves aeronautical purposes. FAA's guidance included – but was not limited to – the removal and replacement of the pavement within the RSA, because the existing pavement can already accomplish all needed functions, and FAA's "recommendations" with respect to the balance of the project would be a predicate to a finding of improper use of airport funds, should such funding be challenged. Unfortunately, at the public meeting on September 18, the Airport Director and City staff misrepresented this letter, suggesting that it only concerned pavement within the RSA. As a result, the proposal has not been properly vetted because the public has been denied access to information that was

made available to City decision-makers. This implicates not only the City's obligations to the federal government but also its compliance with California's Brown Act.

- **Inadequate consideration has been given to wildlife attractants.** The proposal to replace a portion of the pavement with turf requires careful scrutiny, because it has the potential to attract wildlife (especially birds) to the ends of the runway, which pose a safety threat to aircraft. At the September 18 meeting, the SMO Airport Manager and City staff stated that a seed mix that meets FAA standards would be utilized, but conceded that no actual study of the consequences had been performed. Essentially, the City has admitted that it has not complied with FAA Advisory Circular 150/5200-33B, which warns against landscaping in areas close to aircraft movements, and requires changes (such as that now at issue) to be reviewed by a wildlife damage management biologist and other experts. The City certainly should not proceed with the proposal until it has complied with its federal safety-based obligations.
- **There is no evidence of consultation with the City's insurers.** Because, as discussed above, the changes that the City has proposed to make, will actually be inimical to safety, there may be significant consequences for the City's insurance costs. Recently, in the context of adopting minimum standards for airport users, the City gave significant attention to determining how much coverage airport tenants should be required to maintain. Yet there is in no public indication that the City's insurers have even been consulted about the City's own exposure based on the proposed changes, much less of what the added costs for the taxpayer will be.
- **There is no evidence that emergency management has been considered.** For decades, the City's emergency planning (including its All-Hazards Mitigation Plan) have assumed the availability of a 4,973 foot runway at SMO in the event of a disaster, such as an earthquake which requires relief supplies to be transported by air. The current modifications that have been made to the runway would not prevent all of the pavement from being used in an emergency, but the City now would permanently foreclose that option. At the September 18 meeting, the SMO Airport Manager and City staff stated that Council is aware of this consequence, but the public record includes no evidence of any consideration of emergency planning or even of communications with the City's Office of Emergency Management.

As has been emphasized before, SMO is a valuable asset to the City and to all of its residents, that should be embraced. We urge you to practice responsible governance on behalf of all the citizens of the City of Santa Monica and fully reject the proposal to remove "excess" pavement.

Sincerely,



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Steven J. Brown  
Chief Operating Officer  
National Business Aviation Association



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Jim Coon  
Senior Vice President, Government Affairs  
Aircraft Owners and Pilots Association

CC:

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ATTACHMENTS:

- **Exhibit A** – Santa Monica Municipal Airport Safety Area Study, Antonio A. Trani, 2018