



**MICHAEL N. FEUER**  
CITY ATTORNEY

December 11, 2019

*Via U.S. Mail*

FOIA Coordinator (Western Pacific Region)  
FAA Northwest Mountain Region, AFN-400W  
2200 South 216th Street  
Des Moines, WA 98198

FOIA Requester Service Center  
Federal Aviation Administration  
800 Independence Avenue SW., Room 306  
Washington, DC 20591

Via Email: 9-ATO-WSA-FOIA@faa.gov

**RE: FOIA Request regarding BUR Departure Tracks—Expedited Treatment Requested**

Dear FOIA Coordinator:

The City of Los Angeles (the City) requests all records created, modified or acquired by the Federal Aviation Administration, its consultants, and its representatives (collectively, FAA) relating to the SLAPP ONE and OROSZ TWO RNAV Standard Instrument Departure Procedures (the “2017 Departure Procedures”) at Burbank Airport (BUR), promulgated by FAA as part of the implementation of the Southern California Metroplex project. In FAA’s analysis and decision to implement the 2017 Departure Procedures as part of the Metroplex, FAA concluded that aircraft departing Runway 15 at BUR would follow the existing departure flight paths until joining the new RNAV procedures after a northbound turn. However, FAA has determined that the flight tracks of aircraft departing Runway 15 have shifted south compared to pre-Metroplex flight tracks.

Specifically, the City seeks the following records relating to the 2017 Departure

Procedures and the southern shift of pre-Metroplex flight tracks:

- 1) All records relating to FAA's conclusion that aircraft departing Runway 15 would follow the existing pre-Metroplex flight tracks until joining the new 2017 Departure Procedures after a northbound turn;
- 2) All records relating to the southern shift in flight tracks of aircraft departing Runway 15 compared to the pre-Metroplex flight tracks;
- 3) All records relating to FAA's finding in the July 18, 2019 presentation "Hollywood Burbank Airport Departures (Past, Current and Proposed Procedures)," that "it appears the Runway 15 departure tracks from 2018 have shifted slightly south compared to the tracks from 2016;"
- 4) All records relating to FAA's finding in FAA's Informational Briefing Executive Summary published on July 30, 2019, that flight data "shows a southern shift for the southernmost BUR departure flight tracks that coincide with the time Metroplex procedures were implemented;"
- 5) All records relating to any environmental finding, review, or analysis of the southern shift in flight tracks of aircraft departing Runway 15 compared to the pre-Metroplex flight tracks;
- 6) Any tower order, standard operating procedure, or other FAA formal action relating to the southern shift in flight tracks of aircraft departing Runway 15 compared to the pre-Metroplex flight tracks;
- 7) All records relating to the November 19, 2019 letter from Courtney Adolph, Senior Attorney at FAA, to Michael Feuer, City Attorney for the City of Los Angeles, regarding the 2017 Departure Procedures.
- 8) All records relating to FAA's review and assessment of the 2017 Departure Procedures - as well as any FAA modifications made to the Procedures - pursuant to FAA Order 7100.41.

The term "records" in this FOIA requests includes, but is not limited to, electronic mail messages, correspondences, maps, draft documents, photos, GIS or GPS data, Performance Data Analysis and Reporting System data, flight track information, noise data, handwritten notes, meeting or phone conversation notes, and calendar entries, generated, modified, or acquired by FAA.

The City requests expedited processing of the FOIA request. See 49 U.S.C. § 7.31(c). In October 2019, City requested that FAA issue a Tower Order, Standard Operating Procedure, or other formal action mandating that air traffic controllers at BUR direct aircraft departing on Runway 15 to comply with the pre-Metroplex flight tracks on which

FAA based its environmental assessment of the Departure Procedures. On November 19, 2019, FAA denied the City's request to correct the deviation from pre-Metroplex flight tracks. The City's need for the requested information is urgent so that it can inform the public about the southern shift of flight tracks, the extent to which FAA is directing flights off the pre-Metroplex flight tracks, and any FAA assessment of the southern shift in flight tracks. The depth and extent of public interest in these particular procedures is extraordinary and the need for agency records is essential so that the City can ensure that this intense public dialogue is informed by accurate information.

The City requests a waiver of fees for this FOIA request. See 49 U.S.C. § 7.43. The City is fulfilling its municipal responsibility in keeping its residents informed of significant aviation matters that directly affect the City's residents and the general public. The contribution of the information sought by the City to public understanding will be significant. The City is continually fielding inquiries and receiving concerns regarding FAA's flight procedure decisions, including the 2017 Departure Procedures. Upon disclosure of FAA's records, the City intends to circulate the information contained therein to the public and make the information publicly available. The records requested will shed light on and contribute to the public's understanding of FAA's decisions to implement the 2017 Departure Procedures at BUR, the southern shift in flight tracks at BUR, and any environmental analyses of the procedures. The City has no commercial interest in the requested information.

The City requests that responsive records be released as soon as they are available. Should FAA have questions regarding a waiver of fees, the City requests that it be immediately notified so that its fee waiver request does not cause any delay in FAA's FOIA response. To the extent that a subset of the requested records is readily available, the City requests to receive those records while FAA searches for the other records.

The above statements have been made and are certified to be true and correct to the best of my knowledge and belief. Should you have any questions about this matter, please contact me at [ruth.kwon@lacity.org](mailto:ruth.kwon@lacity.org) or (213) 978-8132.

Sincerely,

MICHAEL N. FEUER, City Attorney



By

RUTH KWON  
Deputy City Attorney