

**Talktrans/Zero Expansion Comments**  
**Related to the Proposed Expansion of Flying Cloud Airport**  
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**Metropolitan Airports Commission**

Lynn Sorensen, Commission Secretary- [lsorensen@mspmac.org](mailto:lsorensen@mspmac.org)

**RE: Full Commission Meeting to approve FEIS to be sent to EQB and FAA**

CC: Met Council- Chauncey Case- [chauncey.case@metc.state.mn.us](mailto:chauncey.case@metc.state.mn.us)

CC: Environmental Quality Board- John Larsen- [jon.larsen@state.mn.us](mailto:jon.larsen@state.mn.us)

**October 17, 2005**

Dear Lynn,

On behalf of talktrans/zeroexpansion please make these comments available to all Commission members prior to the Full Commission meeting and include them in the agenda/minutes for the October 17, 2005 Full Commission Meeting.

It is our recommendation that the final FEIS and the expansion of Flying Cloud Airport (FCM) be shelved in order for MAC to compile more complete and up-to-date analysis which would identify that an expansion at FCM is absolutely necessary. The reason for this is that MAC has not identified how capacity created by an expanded MSP runway, St Paul Holman Field improvements and Anoka's improvements and expanded airport might delay the necessity of spending money on other large projects. MAC is rushing ahead with an outdated Impact Study to push through an expansion that may not be essential. All the analysis provided by MAC's own business consultants years ago pointed to facts related to the failure of their present business model. MAC had to form their own Task Force to take a look at the relevance of the reliever airports today, because the reality is the Long Term Comprehensive Plan for the relievers is out-dated and no longer relevant. It proposes changes to the system based on out-dated criteria. The MET COUNCIL's planning has not kept up with national trends. MAC has not kept up with national trends. MAC finally had to come out and admit that MAC fees are not representative of market rates charged at other airports." (EP Sun Current, October 6, 2005.) Their consultants have been telling them that for years. It is clear that even with a

giant rate hike relievers still won't be sustainable on their own; now private development is essential in order for the relievers to attempt self-sufficiency. MAC's consultants have told them that airport related development is much more difficult due to federal and state restrictions on land use. What's essential to know is that FCM lacks the available land for development even with the land already purchased. MAC selectively chooses to ignore that fact which was presented to them by their own business analysts. The time for more fiscal accountability, smart planning and legislative oversight of the Metropolitan Airports Commission has come.

**Sincerely,**

Vicki Pellar Price  
On behalf of talktrans/zeroexpansion  
Eden Prairie, MN

**MAC's FEIS for an Expansion at FCM Flawed-**

**MAC continues to refute what is fact: the AOPA has stated that an expansion of the runway is not needed by most users of FCM.**

It's on the AOPA's web site and their President, Phil Boyer, said the same thing at the Reliever Airport Seminar in April of 2004. Here attached is a copy.

Users of the airport have said expanding it will cost operators who don't need an extended runway increased costs. In an article on the AOPA's web site, "AOPA argues against unreasonable fee increases at Minneapolis GA reliever airports", Phil Dunn, AOPA Vice President of airports said "not to give the MAC a blank check to add special assessments for new projects, such as a runway extension. **The majority of tenants at the airport may not need or benefit from this project, yet they would be forced to pay for it...**"

**NOTE: Please put the following attached AOPA article in the minutes and include it in the record to reflect the AOPA's position AGAINST spending money on a runway extension.**

MAC's recent reassessment of the reliever system is the result of a demand for accountability due to decreased operations, a failed business model, and unusually high subsidies in comparison to the rest of the nation. Yet, they continue to proceed with an unnecessary expansion their own users don't want.

MAC's general response to the purpose and need for the expansion at FCM includes the rationale that in 1996 when the Legislature decided to keep MSP at its present location, the MAC was also directed to maximize the use of reliever airports.

Just one year prior (in 1995) MAC was looking at dumping some of the relievers. At that time one of the commissioners questioned whether they really had value to the public, which is an important element of both Federal and State statutes. Five years later in 2000, MAC's plan was to expand all six of the relievers. At some point there was even discussion of a 7<sup>th</sup> reliever airport. Now they're looking at possible closures at three relievers, certainly that's not reflected in the long term plan. It's a change based on poor economic history and decreased operations.

Despite this MAC still contends that the need to expand FCM is legislated and mandated and not dependant on factors like industry down trends, such as declining single users, high fuel costs, diminished Airport Trust Fund, reduced reliever set-aside funds, and even national events. MAC only sees the Long Term Comprehensive Plan as mutable when it serves their purposes, immutable when it doesn't, and to this end, (expanding FCM) they see no reason for an explanation, reexamination or alteration, despite the changing world and aviation world. This isn't logical or sound business planning. MAC's analysis that the "benefit (of the relievers) is as little as one dollar and as great as \$12M dollars and any where in between, but it's still a benefit," is an outlandish response to corroborate a cost/benefit. (Eden Prairie Sun Current, October 6, 2005.) That number certainly doesn't correspond to the MET COUNCIL's \$90M benefit to the region from FCM alone. The numbers generated by MAC or the MET COUNCIL are more trumped than trustworthy.

One of the statutory objectives of the FAA that MAC must fulfill is to provide a system that is economical. There is no evidence that the reliever system has been anything but a drain on MSP revenues.

The 14 year old plan to expand FCM and corresponding Environmental Assessment to expand the airport was projected for need in 2010, (with a concept plan to satisfy need in 2020 which the public has yet to have knowledge of or participate in). In view of the fact that it is now 2005, and the expansion would not be completed or even started until 2007, the relevance of the data in the FEIS is no longer current for 2010.

Despite MAC's claim that national trends and changes have no bearing on the MAC system of airports, they've changed the reliever airports' statement of purpose from "relieving capacity constraints at MSP by diverting smaller planes" to the current statement of "providing an alternative to MSP in order to increase safety and efficiency of the entire system."

In 1994, the FAA and the GAO agreed that the original function of relievers had changed. "Conditions that prompted establishment of relievers are currently not of concern.

General Aviation is not a factor in delays at Commercial Airports.” The GAO and FAA also agreed that there is an overabundance of General Aviation and reliever airports. MAC posits in the FEIS that national trends reflected in the GAO’s reports on the General Aviation industry have no bearing on the role of the reliever airports in their system. The GAO reports supply an unbiased assessment of the industry which is consistently used by Congress in determining aviation transportation funding. It’s because of these reports that the reliever-set-aside fund was diminished and security for General Aviation was reassessed because of what the GAO terms lack of guidance and procedures by various government agencies to address the threat risk to General Aviation.

**Please enter the attached pages from the GAO Report Reliever Set Aside Funds Could Be Redirected, 1994, into the minutes.**

How MAC can say that national trends don’t matter and GAO assessments have no bearing on airport policy here in MN is absolutely hardboiled and arrogant. This obstinacy demonstrates why MAC has failed to address the greater constituency which federal and state objectives prescribe:

- 1. Positive effects on social and economic environments.**
- 2. Responsive to residents, counties, cities.**

The FEIS states that the expansion project is to fulfill the Airport’s Long Term Comprehensive Plan and is consistent with legislative directives. These directives and plans are as mutable as the industry is. MAC has said many times you can’t project out, realistically, past 5 to 10 years. With absolutely no fiscal success to speak of, even Tim Anderson says the reliever system is in need of a business model overhaul. Is this an appropriate time for an expansion of a system whose business model is broken, and under consideration for downsizing? Operations are down, fuel prices are up, security could cost more and be more intrusive.

While industry circumstances surrounding the original plan to expand have greatly changed, the MAC is blinded and oblivious to the advice of their own consultants, industry changes, and community opposition. Though FCM operations have decreased in numbers annually, MAC continues to implement a long term plan which does not reflect the current aviation environment:

- MAC has already identified less than a 5% increase in larger planes at an expanded FCM. That does not substantiate need.
- Growth in the western suburbs and improvements in infrastructure is a response to a 20 plus year growth period. FCM’s growth declined annually in the middle of that 20 year period. No study was done to determine if a population increase requiring a freeway extension or expanded roads translates into users for General Aviation airports. Without question it would result in more passengers at MSP,

- but MAC has provided absolutely no evidence that this population increase would result in General Aviation traffic. MAC illogically equates an exploded population and new road infrastructure as an indication of need to expand FCM?
- We are not talking about the shipping needs of thousands of businesses, only the corporate or private user needs of a select number of individuals who can afford their own planes, or afford to hire a plane. That is a small number compared to workers who drive their car or take transit to and from work on a daily basis. The illusion of “highways- in- the- skies,” a program NASA is working on with the FAA will not replace ground transit and it’s certainly not a reason to expand FCM. Even the AOPA admits it would take 10 years to erase 100 years of disinterest and fear associated with flying to get SATS off the ground. But, realistically it would also require even more stringent community quality-of-life restrictions, something the AOPA, the FAA and MAC are unlikely to accommodate.

### **NEW RUNWAY AT MSP SHOULD DELAY ANY FUTURE RELIEVER EXPANSIONS**

In testimony by Jane Garvey (FAA administrator at the time) to Congress in 2001 on airport capacity benchmarks, Garvey indicates that the new runway at MSP will increase capacity at MSP, (which is not one of the 8 airports that cause delays through out the system). MAC has never quantified the relief from this new runway related to the need to expand relievers to divert planes from MSP. (This rationale is still used in the FEIS, though diversion is not considered an applicable solution to increase capacity or decrease delays.)

### **Increase Safety and Efficiency of the Entire System?**

The second rationale to “increase safety and efficiency” is inconsistent with MAC’s own future plans, which could include closing some of the relievers.

But, the issue of safety at major airports has more to do with hourly safe capacity of each runway, air traffic control, ground safety and over-all system functions. Because there are financial incentives and security hassles that already discourage most small planes from using larger hubs, MAC’s use of this rationale to expand relievers to make MSP safe is totally irrational and unjustified reason to expand FCM.

Expanding the reliever airport system to make the entire system safe, while contemplating closures at one third of the airports, is counter intuitive.

### **MAC FEIS Response Continues to Make Statements that are Inaccurate-**

- MAC has already stated that there are few stop-overs to MSP so that does not provide a justification for safety.
- Using 1999 dollars is whitewashing the real dollar amount spent. By MAC's own admission the expansion went from an original figure of \$20M to over \$80M currently.
- An airport located in an area where industry is dominant, where land is not \$200,000.00 an acre would be much cheaper and environmentally better solution. The land MAC purchased in Eden Prairie comes at a premium and is the most expensive undeveloped land in the METRO. There are wetlands, wildlife and plants in Eden Prairie, including a large population. MAC should be looking at areas that are already more industrialized, and have the potential to be new multi-modal transportation centers.
- MAC has not mentioned in the Draft FEIS what they have already said innumerable times off the record: operators want to be close to their businesses or homes. That's why they want to expand FCM. This is not a justification for expanding an airport when there are alternative 5,000ft runways. Anoka is within 16 NM to MSP.
- FCM is 11NM to MSP which makes its proximity too close to MSP for the purposes of reaching out to new expanding areas to the south and west of Eden Prairie.

### **Resource to Boost Economy?**

It's clear that the reliever airports have not been a boost to the local economy. MAC uses numbers from a Met Council Study done in the early 90's that includes a FAA multiplier effect and forward language that is not an indication of the relievers' contribution to the local economy. We do not dispute that small airports are a necessary form of transportation for a small minority of users. What we do dispute is their contribution to the economy. The relievers are underused and over subsidized to the tune of hidden fees paid by users of MSP. If they were such a boost as a system, which MAC continually emphasizes, why would MAC consider closing some of them?

Financial incentives already exist to keep small aircraft away from MSP- There is already a 5,000 ft runway at St Paul Holman Field and soon to be another expanded runway at Anoka. The continued downturn in traffic, subsidies, future airport closures and the small increase in operations of larger jets MAC has determined will use FCM, all constitute an unworthy justification for a \$90M expansion at FCM. If MAC is worried about capacity at the relievers, the three relievers being considered for closure should be considered for future expansion. MAC says Crystal has too much residential encroaching on the airport. Isn't that the case in Eden Prairie? Though federal law states planes have to have equal access and you can't dictate where they'll fly, MAC is doing exactly that.

### **Increasing Demand?**

It's counter to sound logic to state that the increase in demand is the rationale to expand while at the same times stating that some relievers must close due to their waning numbers of operations and need of subsidies.

Although the industry projected a 50% increase in larger business jets after 2005, that projection did not take into account the volatility of the industry and its incalculable variables like fuel price hikes, national disasters, a diminished Airport Trust Fund and unresolved issues related to security at thousands of small airports around the country. Projections like plans are mutable, not immutable.

It is also a fact that communities with small airports are demanding more quality-of-life restrictions and airports are becoming more antagonistic to what they view as encroachment. The SATS program that the FAA and NASA hope to launch out of thousands of small airports will take community support that is very unlikely to happen. Even the aviation community admits this. If communities are fighting for restrictions now, the SATS program, Highways- in- the- Sky, is counter to any quality-of-life in airport communities.

### **MET COUNCIL'S Failure to Assess Land Use Impacts and loss of developable land to Eden Prairie's Economic Base -**

On October 17, the MET COUNCIL is conducting meetings in each county in order for communities to prepare a 2008 City Plan of the west-suburban area. The purpose of the planning is for each city to assess where growth will occur in order to accommodate sewer, important services, transit and housing into available undeveloped land.

Eden Prairie now has over 500 acres of developable land eroded from its tax base because of the expansion. What is more telling about this loss is that it's indisputable that mixed use development has a much higher economic impact than airport use. MAC's own consultants have told them that airport use has more federal and state restrictions, and less potential business users, because most would be only airport related businesses. Related airport development would require more land to produce more revenue. Despite buying up 500 acres to expand the runways, it's still not enough land for MAC to turn a profit, so they've asked the city to utilize some of the adjacent non-

airport land for airport related commercial development, so MAC can turn a money-loser in to a more profitable airport. I don't think anyone who lives in Eden Prairie would be amenable to giving MAC more developable land so they could turn a profit, especially if the ball parks that divert revenue are not realized because of NWA's suit.

Neither the MET COUNCIL nor MAC has ever done an (neutral) independent study to compare mixed use and airport use, employing a software program such as MN Implan software, which could be done by an independent real estate consultant to determine the impact of alternative uses for the land. MAC contends stubbornly that airport use would result in more of an economic benefit to the community; this is flat-out false. Our organization urges the MET COUNCIL to hire a consultant and discover for themselves what others seem to know: small airport development is restricted in its ability to generate economic return to a community/region.

**Before any expansion takes place the MET COUNCIL should undertake the process of doing a MN IMPLAN software assessment of mixed use versus airport use. These studies should be done independently by real estate consultants to compare against the old study done by the MET COUNCIL and used by MAC to justify and expansion based on the FAA multiplier effect, 1999 costs, and forward looking projections.**

The Met Council's mandate to MAC is to run a system of airports that have the most value to the public. It's indisputable that though the public subsidizes the reliever airports with hidden fees and taxes at MSP, they get virtually nothing in return; most are not users of general aviation airports. One can't deny that there are important services at these airports, but their value to the public in terms of the huge subsidies they've received is disputable; their value to expand and boost the economy compared to mixed-use development of prime real estate property is disputable.

### **REUSE-**

MAC claims reuse is not a workable solution and that they know of only one instance of reuse. There are at least 10 small airports around the country now that have undergone or are in the process of undergoing a reuse program, there are many other airports considering closures or release of airport property because of encroachment and less developable land. From Panama City, to Stapleton, to Austin's Robert Mueller, to Friedman Memorial, to Buchanan Field and Rialto in CA, Pearland Regional airport in TX and Bolton Field in Ohio and the list goes on. There is a procedure for reuse that allows communities to reclaim expensive land that could be the core of a community's economic structure. Most often, reuse is considered, as is the case in Panama City, because of

encroachment by two incompatible uses: neighborhoods and airports. It's a growing national dilemma that airport officials and communities are faced with daily. The GAO report for the FAA's Long Term Capacity Plans reveals that the cost in mitigation and land indicates that airports often spend more money staying where they are rather than relocating. The AOPA fights any closures, release of property or reuse.

### **Old Data Used to Support the FEIS-**

Old Data for the expansion at FCM has been on MAC's books for over 10 years- Ordinance 97 which replaced Ordinance 51 is included as an element of the noise abatement program for the expansion at FCM. The FAA is reevaluating its policies on discriminatory access specifically runway weight bearing limitations. The EIS was released a day after the FAA issued new policies analyzing environmental impacts.

The function of the EIS is to measure the impacts for the current state of the environment. Because of numerous FAA rule/policy changes and infrastructure additions like HWY 312 in Eden Prairie, and delays of the project, the FEIS can't possibly address the cumulative environmental impacts of the project to the community for 2010.

### **MAC's Commitment to the City to Limit Planes to 60,000lbs-**

It is clear that MAC continues to dodge this response, even in the preliminary FEIS response, even in a Data-Practices Request our organization sent MAC in Jan of 2005. No MAC response so far indicates whether the FAA has actually signed off on the 60,000lb Pavement Based Weight Limitation (PBWL).

- FAA policy related to pavement strength was changed after 2000 when the supposed letter from the FAA was sent to Mark Ryan. (This letter was not produced for our organization when we served MAC with a Data Practices Request.)
- In 2003 the FAA came out with a new policy in the Federal Register that would allow a certain number of planes over the weight limitation of a runway.
- That policy change (See Below) has been opposed by General Aviation airports around the nation.
- The final agreement states: Article 7 Remedies- 8.12 Change in Law- If either party believes that a new federal or Minnesota statute or regulation may result in either party being unable to perform any obligation contained in this agreement, MAC and Eden Prairie shall meet and confer to discuss in good faith...(1) the specific effect of the change in law on this Agreement ....The parties shall treat each obligation as independent and allow the change in the law to affect

performance under this Agreement only to the extent made necessary by the change in the law.”

This statute of the final agreement means that the FAA policy change below would be the law.

- The 2003 change in policy [Docket No. FAA-2003-15495] “In February 2002, the Airports Division in an FAA regional office issued a preliminary determination on the ability of a particular airport operator to limit use of the airport according to aircraft weight. In that case the weight limit effectively prohibited operation by aircraft heavier than the aircraft considered in the design of the airport's pavement. The FAA found, in summary, that the airport operator could limit use above the design weight of the pavement, but that some operations above that weight could and should be permitted, because they would have no measurable effect on the pavement.”
- The Final Agreement also stated under Article 5, Third Party Challenges, 5.1 Duty to Defend: “If any party, including without limitation any individual, organization, corporation, association, or government agency (including the FAA), challenges or contests the legality of this Agreement, the authority of either party to enter into this Agreement, Amended Ordinance 51...take the following action(s):

5.1.1 Defend vigorously this Agreement, the authority of either party to enter into this Agreement, ....

5.1.2 Oppose and defend against any attempt to prevent either party from performing any or all of the requirements contained in this agreement.”

5.1.5 Each party promptly shall provide the other party with a copy of any correspondence, complaint, filings, pleadings, court orders, or other non-privileged writing concerning an administrative or judicial proceeding or action desired herein.”

Precedence has been set by the FAA at other General Aviation airports around the country who have opposed this new policy. The policy was circumvented by the actions of individual airports which resulted in monetary fines, overruled restrictions and grants which were removed by the FAA.

If the national precedent as described in [Docket No. FAA-2003-15495] allows planes that exceed the weight bearing capacity as described in Scenario 1 of the document: planes that exceed capacity will be allowed access to the airport for 52 operations per week up to 70,000lbs and 52 operations a week up to 110,000 lbs on a first come basis, than the FAA needs to sign off on the agreement between MAC and the city, which they have not done. They have to do this because the national policy they have put in place does not support MAC's commitment in the agreement.

Without the city physically inspecting the weight of each plane, there's no way the city would know if MAC is in fact limiting the weight to 60,000lbs. Because it's not a city

run airport it would be unlikely they would know if planes over the 60,000lbs were allowed or denied access. Letters of complaint related to the PBWL would be sent to MAC. We already know that the AOPA does not support the pavement based weight limit.

Until there is a written acknowledgement of FAA acceptance of the 60,000lb PBWL that part of the agreement is surely going to be scrutinized as to its legality and conformity nationally by groups like the AOPA and airport users, because nationally other airports have been penalized by the FAA for restricting access based on pavement weight. The city broached the PBWL issue to MAC for a year before MAC finally responded this summer, after three separate letters to MAC. But they never directly responded to the question.

**MAC continues to avoid a direct response to the question on whether a certain number of flights over the agreed upon PBWL will be allowed per FAA 2003 policy. Therefore MAC and the FAA must both sign off on the agreement saying they will NOT allow access to a certain number of planes exceeding the agreed upon weight limit on a first-come-first-serve basis, as the new FAA policy states.**

### **The FAA: Failure to run the system safely and accountably**

### **The FAA Ignores their own Laws: Revenue Diversion Infractions at Thousands of General Aviation Airports. FCM is one of them.**

1. The GAO reported to Congress that unauthorized land use demonstrates a need for oversight and enforcement by the FAA.

Unauthorized land use results in the diversion of millions in revenue from airports. In order to receive federal grants airports must abide by federal requirements, such as not limiting access and other federal requirements, including using public airport land for airport purposes only.

In the case of FCM, the FAA has not demanded compliance. The GAO says the FAA does not follow or monitor its own policies and that their internal controls are not adequate to ensure land-use compliance related to revenue diversion. Consequently airports have golf courses, mobile home parks, baseball fields and parks on airport land.

Access, noise restrictions, nighttime landings or operational restrictions pose no problem for the FAA when it comes to using a confrontational approach toward denying any access or operational limitations. But, when it comes to keeping airports like FCM open

or expanding them, they bend the rules to appeal to communities beyond what the GAO terms as safe or in compliance with federal funding for land use.

**MAC’S DENIAL OF NATIONAL TRENDS, DEPENDANCE ON PUBLIC SUBSIDIES AND MISLEADING PUBLIC RELATIONS DEMONSTRATE THAT MORE AGENCY OVERSIGHT IS NEEDED-**

- MAC has denied for years that reliever rates in their system were way below national average.
- MAC has run the relievers as a give-away to the aviation community while charging the public hidden fees that subsidize the system.
- MAC has not recognized or addressed the urgency of security threats at the relievers as an important issue.
- MAC did not acknowledge that the reliever business model was out-dated despite their own consultants telling them.
- MAC says the reliever system is the best, but it’s broken. This has been typical MAC-speak throughout the expansion process for FCM. It’s hard to define what is true or not true in the FEIS and other public statements by MAC, because most MAC statements are oxymorons. The result is the public is deceived.
- Another example of language that is misrepresentative: “reliever benefit is as little as one dollar and as great as \$12 M, but it is a benefit nonetheless.” At best this is figurative language that does not represent what the true cost benefit is of the system or of individual reliever airports.
- MAC said, “Could only find one reliever airport that closed in the last 15 years; would take a ten year process.” (EP Sun Current, Oct 6, 2005.) Both these statements are false.

MAC needs oversight by a neutral agency. They have belittled important national security assessments of general aviation airports while Homeland Security and other agencies have stated there is a terrorist threat for the thousands of general aviation airports.

Because aviation is the most changeable form of transportation and because security planning has become essential to the industry, the problem now for GA is that the “hassle-free” system of airports they touted is no longer true.

It’s hard to keep small non-commercial airports, as they once were, under old planning guidelines, because their operational model is changing and converting into essentially commercial operations at thousands of small airports across the nation.

The MET COUNCIL has failed to address these changes in their land use planning of the reliever airport system.

General Aviation's pitch to increase operations at small declining airports has been to attract business customers away from major airports. But, small airports have become hot spots for airplane thefts, and terrorist plots, so new security measures are being looked at by all national agencies involved in security and by Congress. MAC has distanced themselves from these realities, by not acknowledging them, and by demonstrating an unwillingness to change with a changing world, they have tarnished their public image.