

# Press Releases - 2017 Archives



## US Court of Appeals Rules in Favor of City, Neighborhoods in FAA Flight Paths Lawsuit

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PHOENIX – Nearly three years after the Federal Aviation Administration (FAA) changed the flight paths at Phoenix Sky Harbor International Airport without notifying the community, the U.S. Court of Appeals for the District of Columbia Circuit has ruled in favor of the City of Phoenix and the neighborhoods. In June 2014, the City of Phoenix filed a lawsuit on behalf of all Phoenix neighborhoods, which was followed by a suit brought by several historic Phoenix neighborhoods. The court joined the two lawsuits together.

Today, the court issued an unprecedented opinion and a judgment that FAA violated federal law when implementing the new flight paths in September 2014. The order indicates that the FAA will need to return to the routes in place prior to September 2014 until it conducts a new environmental process. Attorneys for the City of Phoenix are studying the decision to understand the process moving forward regarding what changes will be made and when.

In the Court's written opinion, it agrees with the City and Neighborhoods' argument that FAA approval of the new flight routes in September 2014 was "arbitrary and capricious" and violated the National Historic Preservation Act, the National Environmental Policy Act, and the Department of Transportation Act.

The court ruling states that "by keeping the public in the dark, the agency made it impossible for the public to submit views on the project's potential effects—views that the FAA is required to consider." The ruling goes on to say that "The FAA had several reasons to anticipate that the new flight routes would be highly controversial: The agency was changing routes that had been in place for a long time, on which the City had relied in setting its zoning policy and buying

affected homes. The air traffic over some areas would increase by 300%—with 85% of that increase attributed to jets—when before only prop aircraft flew overhead. The FAA found a ‘potential [for] controversy’ but did not notify local citizens and community leaders of the proposed changes as the agency was obligated to, much less allow citizens and leaders to weigh in.”

The Court agreed that the FAA violated its duty to consult with the City in assessing whether the new routes would substantially impair the City’s parks and historic sites and that the FAA did not have enough information to find that the routes would not substantially impair these protected areas. The Court opinion states that “The FAA never conveyed the proposed route changes to senior officials in the City’s Aviation Department, local officials responsible for affected parks or historic districts, or elected city officials.”

The ruling and full court opinion are available on [skyharbor.com/flightpaths](http://skyharbor.com/flightpaths). Please see the attached quotes from Phoenix Mayor Greg Stanton and members of the Phoenix City Council.

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**Phoenix Sky Harbor International Airport, *America’s Friendliest Airport*®**, has an annual economic impact of more than \$38 billion. Every day approximately 1,200 aircraft and more than 120,000 passengers arrive and depart at Sky Harbor. PHX Sky Harbor is funded with Airport revenue. No tax dollars are used to support the Airport.

### **Quotes from Phoenix Mayor and City Council**

“The FAA took this step that negatively impacted the lives of thousands of Phoenix residents without seeking meaningful input from our community or the City. That’s just wrong. Today’s decision affirms that the FAA needs to go back to the drawing board and do this right.”

**Phoenix Mayor Greg Stanton**

“This ruling is good news for the city, but great news for the impacted neighborhoods who have been fighting these changes for the past three years. I would like to thank all of those involved in providing their expertise, including financial and emotional support. Our community needed a victory, and this result gives me great faith in the judicial process.”

**Phoenix Vice Mayor Laura Pastor**

“Today’s decision by the U.S. Court of Appeals in favor of the City of Phoenix will allow Phoenix Sky Harbor International Airport to return to pre-existing flight paths and provide protections to our historic neighborhoods. I would like to thank our impacted residents who spearheaded this team effort and stood with us as the City of Phoenix legal team researched and litigated this case and obtained a very favorable verdict.”

**Phoenix City Councilman Daniel Valenzuela, District 5**  
**Chairman of the Downtown, Aviation, Economy and Innovation Subcommittee**

“The decision by the U.S. Court of Appeals to rule in favor of the city is a victory for our residents who fought tirelessly to restore quality of life throughout their neighborhoods. The new flight paths will be vacated and the process returned to the FAA to get this corrected.”

**Phoenix City Councilman Jim Waring, District 2**

“This morning, the United States Court of Appeals in Washington, D.C. ruled in favor of the city of Phoenix in our lawsuit against the FAA’s changed flight paths at Phoenix Sky Harbor International Airport. These flight path changes – completed without any consultation with the communities – have disrupted the lives of many residents throughout our neighborhoods. The new flight routes and procedures at Sky Harbor will be vacated and returned to the FAA for further review. Today’s decision was a testament to the Team Phoenix response in which we all worked together to hold the FAA accountable for failing to work with our communities and upending our quality of life. I’d like to thank all of the residents who came out to public meetings, called our noise complaint line, and pressured the FAA to resolve this problem. Phoenix is such a desirable city and one that we must all fight to preserve and protect.”

**Phoenix City Councilman Michael Nowakowski, District 7**  
**Member of the Downtown, Aviation, Economy and Innovation Subcommittee**