



Office of the City Attorney

RICHARD DOYLE, CITY ATTORNEY

KEVIN FISHER
Chief Deputy City Attorney
Direct Line: (408) 535-1943

January 28, 2020

Mr. Rob Guerra
Mr. Tim Slater
Kaiser Air, Inc.
8735 Earhart Road
Oakland, CA 94621

**Re: NOTIFICATION OF HEARING BEFORE THE NORMAN Y. MINETA SAN JOSÉ
INTERNATIONAL AIRPORT COMMISSION; ADMINISTRATIVE CITATION
NO. 2019-33-2408**

Dear Mr. Guerra and Mr. Slater:

The City has received your Request for Hearing dated December 10, 2019 and advance deposit of the fine for the above-referenced Administrative Citation.

Pursuant to San José Municipal Code Section 25.03.440, this letter serves as notice that a hearing before the Norman Y. Mineta San José International Airport Commission has been scheduled for **Monday, February 10, 2020 at 5:00 p.m. Pacific Daylight Time** at:

**Norman Y. Mineta San José International Airport
1701 Airport Boulevard, Suite B-1130
San Jose, CA 95110-1206**

Pursuant to San José Municipal Code Section 25.03.440, the failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust the recipient's administrative remedies.

The hearing will proceed under the following procedures:

- The presentation of evidence shall be informal and not subject to technical compliance with the Evidence Code.

Mr. Rob Guerra

Mr. Tim Slater

Re: NOTIFICATION OF HEARING BEFORE THE NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL AIRPORT COMMISSION

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- The City will proceed first with its evidence in support of the issuance of the Administrative Citation.
- You be given the opportunity to testify and present evidence concerning the Administrative Citation.
- Copies of the Administrative Citation and any other documentation that City staff is submitting to the Airport Commission in regard to this matter are enclosed with this letter. If you intend to present any written evidence to the Airport Commission, please submit any such evidence to the Director of Aviation at 1701 Airport Boulevard, Suite B-1130, San Jose, CA 95110-1206, no later than Friday, February 7, 2020, with a copy to the undersigned.
- The Airport Commission shall consider any relevant evidence, if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Chair of the Airport Commission may exclude from consideration irrelevant or cumulative evidence, or other evidence found to be unduly time consuming or inflammatory.
- The rules of privilege shall be effective to the extent that they are otherwise required by law to be recognized.
- The parties shall have the right to call and examine witnesses, and present relevant documentary and physical evidence.
- All oral testimony shall be under oath or affirmation.
- The parties shall have the right to present impeachment or rebuttal witnesses and evidence, and shall have the right to cross-examine witnesses on any matter relevant to the issues whether or not that matter was raised in direct examination.
- Parties to the hearing may be represented by legal counsel.
- The hearing shall be recorded by audiotape. The parties may use a court reporter at their discretion and expense.
- The duration of the hearing and any procedural issues that arise are within the sole discretion of the Chair of the Airport Commission, whose rulings on such procedural issues are final.

Mr. Rob Guerra

Mr. Tim Slater

Re: NOTIFICATION OF HEARING BEFORE THE NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL
AIRPORT COMMISSION

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- The Chair of the Airport Commission is authorized to make changes and additions to the hearing rules if such changes are deemed useful or necessary.

After closing the hearing, the Airport Commission shall render a decision to uphold or cancel the administrative citation and shall list the reasons for that decision. The decision of the Airport Commission shall be the City's final determination.

Very truly yours,

RICHARD DOYLE, City Attorney

By:



KEVIN FISHER
Chief Deputy City Attorney

Enclosures

cc: Airport Commissioners
Matthew Kazmierczak

NARRATIVE FOR ADMINISTRATIVE CITATION 2019-33-2408

On November 22, 2019, Kaiser Air flight 525 arrived into SJC at 00:07 in violation of San Jose's Aircraft Noise Curfew.

The response sent by Kaiser Air indicated the airline believes the aircraft is already compliant with the curfew requirements. The Airport does not agree with that assessment. Given the lack of other force majeure reason for the operation, a citation was issued.

A handwritten signature in black ink, appearing to read 'AQ', is positioned above the typed name.

Adam Quartarolo
SJC Noise Office

KAISERAIR, INC.

December 10, 2019

Mr Quartarolo
Airport Operations Supervisor
Norman Y Mineta San Jose International Airport

Re: Noise Intrusion #2019-33-5303

Dear Mr Quartarolo,

In response to your email dated Dec 3, 2019 I have signed the Curfew operation form. KaiserAir maintains that we have provided the required information to the airport administrator to qualify N737KA under FAA Part 36 by providing portions of the Aircraft Flight Manual, Noise certificate from Boeing, and ICAO noise certificate.

KaiserAir is providing payment of the noise violation in good faith and is seeking to appeal the citation.

Sincerely Yours




Rob Guerra
Senior Vice President
121 Chief Pilot
KaiserAir, Inc

CITY OF SAN JOSE, CALIFORNIA

CITATION NO. 2019-33-2408

NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT
ADMINISTRATIVE CITATION

DATE CITATION ISSUED December 16, 2019			
NAME Kaiser Air			
ADDRESS, RESIDENCE (Street, Apt. or Space No.)			
(City, State, Zip Code)			
ADDRESS, BUSINESS (Street, Space No.) 8735 Earhart Road			
(City, State, Zip Code) Oakland, CA 94621			
VIOLATIONS			
SJMC SECTION 25.03.300	DESCRIPTION Arrival of a Boeing 737-700, Flight #525 on November 22, 2019 at 00:07 at Norman Y. Mineta San Jose International Airport	FINE AMOUNT \$2,500	DUE DATE January 15, 2020
ISSUING ENFORCEMENT OFFICER  John Aitken, A.A.E. Director of Aviation			
FOR OFFICE USE ONLY:			

SEE REVERSE SIDE FOR FURTHER INFORMATION AND INSTRUCTIONS

IMPORTANT – PLEASE READ

Order: You are ordered to immediately cease the commission of the Municipal Code violation(s) listed on the front of this Administrative Citation.

Administrative Citation: Pursuant to Chapter 25.03 of the San Jose Municipal Code, if you continue or repeat the commission of the Municipal Code violation(s) listed on this Administrative Citation, the City may issue to you another Administrative Citation or may pursue any other legal remedy available to the City against you.

The amount of the Administrative Fine imposed for committing a Municipal Code violation is set forth in Chapter 25.03 of the San Jose Municipal Code. A copy of Chapter 25.03 may be obtained from the Office of the City Clerk for the City of San Jose, at City Hall, Room 116.

Payment Process Information: The amount of the Administrative Fine being imposed upon you for violation(s) of the Municipal Code is listed on the front of this Administrative Citation. The Administrative Fine must be paid to the City with thirty (30) from the date of this Administrative Citation.

You may pay and deliver the Administrative Fine(s) to the City by mail or in person to the Director of Aviation at 1701 Airport Blvd Suite B-1130, San Jose, CA 95110. Payment should be in the form of a personal check, cashier's check or money order. Unless you have requested a hearing to contest the Administrative Citation, you will be subject to the imposition of a 10% late payment penalty, plus Interest, if you fail to pay the Administrative Citation by the due date. Payment of Administrative Fines does not excuse or discharge any continuation or repeated occurrence of the Municipal Code violation(s) listed on this Administrative Citation.

Hearing Process Information: You have the right to contest this Administrative Citation at a public hearing before the Norman Y. Mineta San Jose International Airport Commission. To request this hearing, you must complete a Request For Hearing Form and return that Form, together with a deposit of the total Administrative Fine amounts listed on the front of this Administrative Citation, by mail or in person, with thirty (30) days from the date of this Administrative Citation to the Director of Aviation, 1701 Airport Blvd Suite B-1130, San Jose, CA 95110. Request For Hearing Forms may be obtained from the Director of Aviation, 1701 Airport Blvd Suite B-1130, San Jose, CA 95110. You will later be notified of the date and time set for your hearing. If you fail to appear at your hearing, this failure will result in a forfeiture of your deposit of Administrative Fine and will constitute a failure to exhaust your administrative remedies.

If you are financially unable to deposit the total amount of the Administrative Fine, you may file an Advance Deposit Hardship Waiver Application Form with the Director of Aviation, 1701 Airport Blvd Suite B-1130, San Jose, CA 95110. An Advance Deposit Hardship Waiver Application Form may be obtained from the Director of Aviation and must be filed with fifteen (15) days from the date of this Administrative Citation.

Failure to Pay Administrative Fines: If you fail to pay Administrative Fine(s) within the time required by this Citation or the decision of the Airport Commission, the City may use all available legal means to collect the Administrative Fine, together with any late payment penalties and interest. The City also may recover its collection costs incurred in these actions.

The Office of the Director of Aviation is located at:

1701 AIRPORT BOULEVARD
SUITE B-1130
SAN JOSE, CALIFORNIA 95110

If you would like further information about this Administrative Citation, any of the procedures described above, or how you can come into compliance with the Municipal Code, please call (408) 501-0956.

PROOF OF SERVICE

Kaiser Air

ADMINISTRATIVE CITATION

I, the undersigned, declare as follows:

I am over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 1701 Airport Blvd. Suite B-1130, San Jose, California 95110, and is located in the county where the service described below occurred.

On December 16, 2019 I served the within:

**NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT
ADMINISTRATIVE CITATION**

By MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the City of San Jose business practice for collection and processing of documents for mailing with the United States Postal Service. I placed this document for mailing into a United States Postal Service mailbox, located at the San Jose International Airport on the date listed above, before the collection time listed on the mailbox, and therefore this document in the ordinary course and scope of business would be received by the United States Postal Service on the date listed above.

I further declare that the name and address on the envelope appear as follows:

**Mr. Tim Slater
Kaiser Air
Curfew Admin Cite #2019-33-2408
8735 Earhart Road
Oakland, CA 94621**

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Jose, California, on December 16, 2019.



Ian Hogg

Mr. Tim Slater
Kaiser Air
Curfew Admin Cite #2019-33-2408
8735 Earhart Road
Oakland, CA 94621

04/24/2012

AC 36-1H
APPENDIX I, CHANGE 1

AIRCRAFT NOISE DATA FOR
UNITED STATES CERTIFICATED TURBOJET POWERED AIRPLANES

MANUFACTURER	MODEL	MTOW 1000#	MLW 1000#	ENGINE MODEL	NO.	THRUST 1000#	RPR	FLAPS		NOISE LEVEL (EPNdB)			STAGE	NOTES
								TO	AP	TO	SL	AP		
BOEING	B-737-700	133.00	128.00	CFM56-7B24	2	24.20	5.30	1	40	82.1	93.6	95.8	3	
BOEING	B-737-700	133.00	128.00	CFM56-7B24/2 DAC	2	24.20	5.30	1	40	81.1	93.0	96.1	3	50
BOEING	B-737-700	133.00	128.00	CFM56-7B26	2	26.30	5.10	1	40	81.4	95.4	95.8	3	
BOEING	B-737-700	133.00	128.00	CFM56-7B26/2 DAC	2	26.30	5.10	1	40	80.3	94.7	96.1	3	50
BOEING	B-737-700	154.50	129.20	CFM56-7B20	2	20.60	5.60	1	40	87.1	89.8	95.9	3	
BOEING	B-737-700	154.50	129.20	CFM56-7B20/2 DAC	2	20.60	5.60	1	40	86.4	89.2	96.2	3	50

Dr. Mehmet Marsan
Office of Environment and Energy
Noise Division, AEE-100
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

May 22, 2019

Dr. Mehmet Marsan
Office of Environment and Energy
Noise Division, AEE-100
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591



Dr. Marsan:

Subject: Stage 3 737-700 certificated noise levels for inclusion in AC36-1H

Enclosed please find certificated Stage 3 noise levels for an additional weight pair for the 737-700 aircraft with CFM56-7B20 engines, which was included in rev E of Boeing document D047A018-LC71 dated April 24th 2019 as deliverable 1 of certification plan TS19-004.

The new submission represents the pairing of a new certificated MTOW and a previously certificated MLW. Both of these weights fall within the parameters and power setting range of the approved NPD database, no extrapolations were required in the calculation of the performance or noise levels.

You are kindly requested to include this data, summarized in Table 1, in the next revision of FAA Advisory Circular AC36-1H, and inform any airport authority of the updated information for this member of the 737-700 airplane family with CFM56-7B20 engines upon request.

Table 1 Data for Inclusion in AC36-1H

Manufacturer	Airplane	Engine	BRGW lb	LDW lb	TO EPNL	SL EPNL	APP EPNL	TO Flap	APP Flap	Stage
Boeing	737-700	CFM56-7B20	116,000	114,000	80.4	91.4	95.2	F1	F40	3

If you have any questions, please contact the undersigned.

Sincerely,

Stefan Hunkler
Engineer
Community Noise Certification
Boeing Commercial Airplanes
425-237-2962
stefan.hunkler@boeing.com

Melvin Kosanchick
Manager
Community Noise Certification
Boeing Commercial Airplanes
425-266-3462
melvin.kosanchick@boeing.com



REVISION HIGHLIGHTS

Revision 27 to D631A001.F01 dated 04-30-19.

The engineering developed and the FAA certification provided by Airplane Flight Manual (AFM) revisions are applicable and valid only for the airplane in its original Boeing delivery configuration as modified by the incorporation of approved Boeing service bulletins. With respect to any other modifications, it shall be the responsibility of the operator to obtain appropriate regulatory agency approval for application of the data provided by this AFM revision.

The purpose of this revision is to provide Certified Stage 3, Chapter 3 Noise Characteristic data for 737-700 airplanes at a Maximum Takeoff Weight (MTOW) of 116,000 pounds when powered by CFM56-7B20 engines.

The following changes comprise this revision:

PAGE CODE EXPLANATION

Revision Approval

1	197005	This page uniquely identifies the approval authority and the reference number for this revision.
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Log of Pages

1,2	F01	Revised to reflect pages changed in this revision.
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Section 4

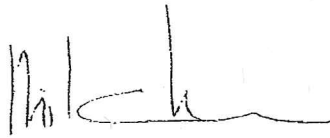
24	4720	Revised Noise Characteristics page to provide Stage 3, Chapter 3 Noise Charts for 737-700 airplanes at a Maximum Takeoff Weight (MTOW) of 116,000 pounds when powered by CFM56-7B20 engines.
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737-600/700/800/900
Airplane Flight Manual

Revision Approval

This Revision Approval page may only be used in conjunction with a Log of Pages that refers to Reference Number 197005 in the code column for the Revision Approval page.

 AR-831153

Date 04-30-19

Authorized Representative,
Regulatory Administration,
Boeing Commercial Airplanes

BOEING
737-600/700/800/900
Airplane Flight Manual

Units LB/F

Log of Pages

The following pages comprise the manual for Boeing airplane serial numbers listed on the Airplane Serial Number & Appendix Effectivity Page.

Revision 27

Date 04-30-19

Page Code	Date	Page Code	Date	Page Code	Date
Title		Section 1 (Cont'd)		Section 2 (Cont'd)	
1 700	03-13-01	6A 4000	03-08-05	7 0001	09-08-15
Revision Approval		6B 4000	03-08-05	8 4000	04-16-01
* 1 197005	04-30-19	6C 4000	01-06-05	9 4000	04-16-01
Log of Pages		6D 4000	10-13-05	10 4002	08-15-01
		6E 4000	03-08-05	11 4001	12-12-02
		7 0001	05-17-11	11A 4001	12-12-02
* 1 F01	04-30-19	7A 4000	04-18-07	11B 0001	04-16-01
* 2 F01	04-30-19	8 0001	02-27-09	12 4000	04-17-02
ASN & App. Effectivity		9 4000	11-20-02	12A 4000	06-03-16
1 F01	12-16-13	10 0001	04-16-01	12B 0001	04-16-01
App. Apl. & AFM-DPI		11 07000	02-12-03	13 4001	04-13-04
		12 0001	12-15-03	13A 4000	04-17-02
		12A 0001	09-07-16	14 4000	07-25-03
		13 4002	09-11-03	15 4000	05-29-02
		13A 4IIIB	09-11-03	16 4001	12-12-02
		14 CPDLC	03-19-12	17 4001	12-12-02
		14A 400X	02-17-15	Section 3	
1 0F01	02-27-09	15 4000	01-10-07	1 4EIIIB	02-13-14
2 0F01	12-16-13	16 4000	09-25-03	2 CPDLC	03-19-12
2A 0F01	12-16-13	17 4000	10-02-03	2A CPDLC	01-27-12
3 4000	07-25-03	18 4000	09-25-03	3 4001	02-15-02
Section 1		Section 2		4 4002	04-13-04
1 4002	03-24-05	1 0F01	07-27-06	4A 4002	09-11-03
1A 4000	01-10-07	2 4001	07-25-03	4B 4702	09-11-03
2 0F01	04-17-02	3 4000	04-16-01	4C 4002	09-11-03
2A 1715	04-17-02	4 4000	07-27-06	4D 4002	09-11-03
3 4000	04-16-01	5 4000	07-26-07	5 4IIIB	09-11-03
4 0F01	02-13-14	5A 0F01	07-27-06	5A 4IIIB	09-11-03
5 1550	06-20-01	5B 0F01	04-17-02	5B 4IIIB	09-11-03
5A 1715	04-17-02	5C 4000	09-12-02	5C 4IIIB	09-11-03
6 4000	01-06-05	6 4000	04-16-01	6 4IIIB	09-11-03

* = Revised Pages
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D631A001.F01

Page 1
Continued



737-600/700/800/900
Airplane Flight Manual

Revision 27

Log of Pages

Page	Code	Date	Page	Code	Date	Page	Code	Date
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7	4008	12-16-08	16	0001	04-16-01			
7A	4009	06-17-10	17	00012	05-14-01			
7B	4ETOP	10-13-10	18	17300	11-07-97			
8	4000	10-06-03	19	17000	11-07-97			
8A	4000	10-06-03	20	17000	11-07-97			
8B	0001	01-10-19	21	17000	11-07-97			
9	4000	01-06-05	22	17000	11-07-97			
9A	4000	03-08-05	23	00000	04-16-01			
9B	4000	03-08-05	23A	00900	05-17-11			
9C	4000	03-08-05	* 24	4720	04-30-19			
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10A	0001	02-13-14						
11	4000	12-15-03						
12	0001	04-16-01						
13	0001	04-16-01						
14	4000	11-21-11						
15	0001	02-04-03						
Section 4								
1	4678	12-19-03						
2	4ALTAP	12-16-13						
3	0001	04-16-01						
4	4ALTAP	12-16-13						
4A	WSRL	07-05-13						
5	0001	04-16-01						
6	4000	04-16-01						
7	4000	04-16-01						
8	0001	04-16-01						
8A	4000	09-19-02						
9	0001	01-20-15						
9A	0001	04-16-01						
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12	4000	05-03-02						
13	0001	04-16-01						
14	0001	04-16-01						
15	4000	03-14-02						

* = Revised Pages
FAA Approved 04-30-19

D631A001.F01

Page 2
Last Page



737-600/700/800
AIRPLANE FLIGHT MANUAL

NOISE CHARACTERISTICS

CONFIGURATION

Engines: CFM56-7 Series @ 7B20 Thrust Rating.
Model: 737-700
Nacelle Treatment: Basic Configuration Including Inlet and Fan Duct Treatments

CERTIFICATED FAR PART 36, STAGE 3 NOISE LEVELS

The following noise levels were established using test data obtained and analyzed under procedures of FAR Part 36. This aircraft complies with FAR Part 36, Stage 3 requirements.

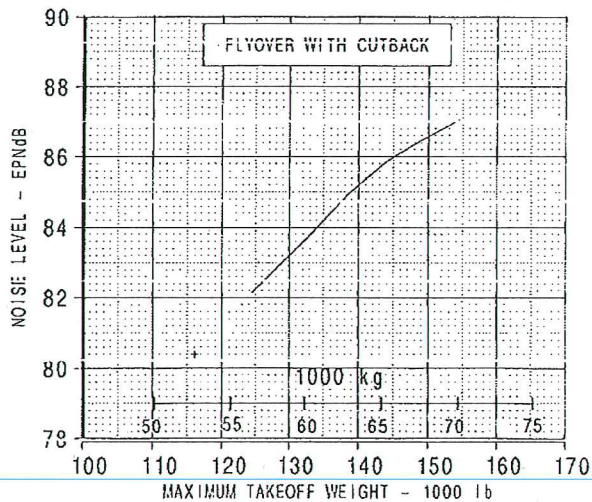
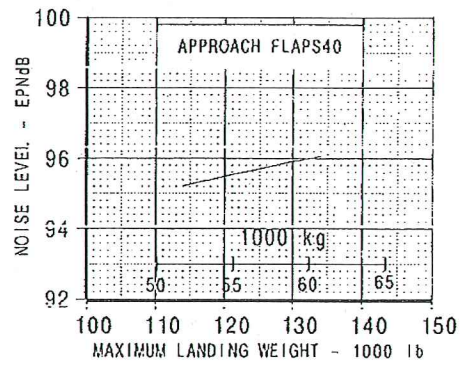
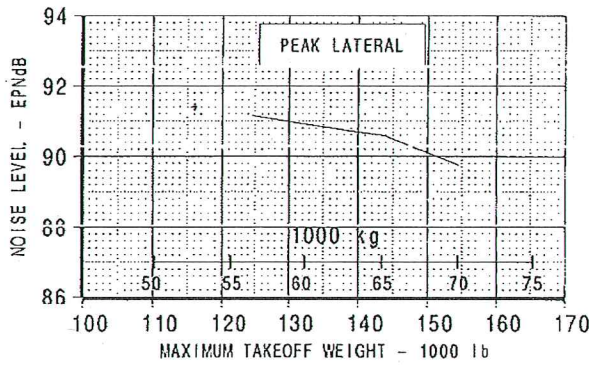
SUPPLEMENTAL ICAO ANNEX 16, CHAPTER 3 NOISE LEVEL INFORMATION

The test and analysis procedures used to obtain the FAR Part 36, Stage 3 noise levels are essentially equivalent to those required by the International Civil Aviation Organization (ICAO) in Annex 16, Volume 1, Chapter 3. The ICAO Annex 16, Chapter 3 data is applicable only after approval by the proper authority of airplane registry, including approval of the equivalent procedures used to demonstrate compliance with FAR Part 36 noise standards.

NOISE CHARACTERISTICS APPLICABILITY

No determination has been made by the Federal Aviation Administration that the noise levels of this aircraft are or should be acceptable or unacceptable for operation at, into, or out of, any airport.

Noise levels are determined by entering the graphs at the maximum weights defined under Certificate Limitations in the Airplane Flight Manual.



Noise Configuration Code:
377.R3.CFM567B20

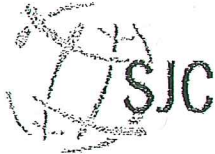
Dr Mehmet Marsan
Office of Environmental and Energy
Noise Division, AEE-100
Federal Aviation Administration
800 Independence Avenue SW
Washington DC 20591

Mehmet.marsan@faa.gov
202-267-7703

Eikerman, Curt

From: Eikerman, Curt
Sent: Tuesday, December 3, 2019 5:26 PM
To: Hogg, Ian; Quartarolo, Adam
Subject: RE: Letter dated November 25, 2019 KaiserAir Inc. Noise Violation San Jose Airport

And remember from what we read his solution included adjusting the landing weight not recertifying the aircraft.



Curt Eikerman, C.M | Airside Operations Manager
Airport Operations Division
Office: 408.392.3509 | Mobile: 408.605.1277 | ceikerman@sjc.org

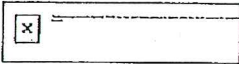
Mineta San José International Airport
1701 Airport Blvd. Ste B-1130, San José, CA 95110
flysanjose.com | [facebook](#) | [twitter](#) | [linkedin](#)

From: Hogg, Ian <ihogg@sjc.org>
Sent: Tuesday, December 3, 2019 7:13 AM
To: Quartarolo, Adam <AQuartarolo@sjc.org>; Eikerman, Curt <CEikerman@sjc.org>
Subject: Re: Letter dated November 25, 2019 KaiserAir Inc. Noise Violation San Jose Airport

Hi Adam,

Lets talk more about it today. To my knowledge, we have always used published data (AC36-1H or ICAO noise database) to enforce our municipal code. In my mind, an email stating intent to include the attached data into a publication is not published data.

Ian M. Hogg, C.M. | Superintendent of Airside Operations
Airport Operations
Office: 408.392.3507 | ihogg@sjc.org

 Mineta San José International Airport
1701 Airport Blvd. Ste B-1130, San José, CA 95110
flysanjose.com | [facebook](#) | [twitter](#) | [linkedin](#)

From: Quartarolo, Adam <AQuartarolo@sjc.org>
Sent: Tuesday, December 3, 2019 6:46 AM
To: Hogg, Ian <ihogg@sjc.org>; Eikerman, Curt <CEikerman@sjc.org>
Subject: Fw: Letter dated November 25, 2019 KaiserAir Inc. Noise Violation San Jose Airport

Curt/Ian:

See below from Kaiser regarding their 737-700 that we previously told them we weren't exempting from the curfew. They seem adamant on pressing this issue. They also didn't fill out the curfew response form. How would you like me to proceed?

-Adam



Adam Quartarolo | Airport Operations Supervisor
Airport Operations
Noise Abatement & General Aviation
Office: 408.392.3523 | aquartarolo@sjc.org

Mineta San José International Airport
1701 Airport Blvd. Ste B-1130, San José, CA 95110
flysanjose.com | [facebook](https://www.facebook.com/ksjc) | [twitter](https://twitter.com/ksjc) | [linkedin](https://www.linkedin.com/company/ksjc)

From: Rob Guerra <Rob.guerra@kaiserair.com>
Sent: Saturday, November 30, 2019 12:20 PM
To: Airport Noise OfficeDL <AirportNoiseOfficeDL@sjc.org>
Cc: Stieg (US), Timothy J <timothy.j.stieg@boeing.com>; Hunkler (US), Stefan <stefan.hunkler@boeing.com>; Jim Jansen <james.c.jansen@faa.gov>; Tim Slater <tims@kaiserair.com>; David Mancebo <dam@kaiserair.com>
Subject: Letter dated November 25, 2019 KaiserAir Inc. Noise Violation San Jose Airport

[External Email]

Mr Adam Quartarolo
Airport Noise Supervisor

We received your letter regarding our aircraft operations at KSJC. N737KA (A Stage 3 737-700) arrived at 00:07L on November 22, 2019. On the morning of the 22nd, KAI525 N737KA operated at a noise level below the city requirement of 89.0 EPNdB as reported in the city's Flightrak data.

KaiserAir is committed to operating this particular aircraft as quietly as possible starting with the airframe and equipment combination which results in an incredibly small noise profile. In addition, our company contacted and paid the Boeing company, manufacturer of the aircraft, to assist in developing operating procedures to result in the least possible impact to the community. KaiserAir has evaluated several operational options in conjunction with Boeing procedures and trained our pilots to:

1. Plan to land at lighter weights. This requires less engine thrust which translates to lower noise.
2. Delay flap extension until closer to the airport to reduce drag which translates to less noise.
3. Not using thrust reverse after landing unless absolutely necessary.
4. Flying a higher than normal approach which keeps the aircraft further away from the surface.
5. Not immediately departing for Oakland - our home base - even though it raises our labor and operational costs to remain.

I met with Mr Curt Eikerman on July 22, 2019 at 15:30 in your San Jose offices to discuss our intent to operate N737KA S/N 30740 for the San Jose Sharks which would also require us to land after the 23:30 curfew as we presently do in our other Boeing N732KA. At the time of the meeting, I presented Mr Eikerman copies of the letter dated May 22, 2019 to AEE-100 to the Dept of Energy from Boeing stating our aircraft has been evaluated and complies with AC36-1H (attached), and a copy of our new flight manual supplement, dated April 30, 2019 with the new noise readings (attached).

Mr. Mehmet Marsan, from the Dept of Energy AEE-100 followed up with an email to Mr Eikerman on August 02, 2019 stating the aircraft complied with AC36-1H and would be included in the upcoming revision. (Attached)

In an email from James Jansen answering inquiries from Mr. Eikerman (August 15, 2019), Mr Jansen states "Kaiserair has procedures and controls in place to ensure adherence to the restrictions associated with the SJC curfew program." (Attached)

Please accept all the above referenced documentation again to certify that N737KA S/N 30740 is in compliance with the FAA Part 36 manufacturer certified noise level (using the arithmetic average of the takeoff, sideline, and approach levels) and it is equal to or less than 89.0 EPNdB.

I have copied Mr Timothy Stieg from the Boeing Company, Mr Stephan Hunkler from the Boeing Company both of which were on the Boeing engineering team as well as Mr James Jansen from the FAA who may also answer any questions you may have.

Should you have any questions about KaiserAir's operations at SJC with this aircraft, please feel free to contact me directly.

Sincerely Yours,

Rob Guerra
Senior Vice President, Operations
121 Chief Pilot
KaiserAir, Inc
510-918-9217

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Eikerman, Curt

From: Jansen, James C (FAA) <James.C.Jansen@faa.gov>
Sent: Thursday, August 15, 2019 7:32 AM
To: Eikerman, Curt
Cc: Rob.guerra@kaiserair.com; Hoffman, Michael J (FAA); Adair, Jennifer A (FAA)
Subject: RE: noise information

Hi Curt,

Based on the documentation provided to Kaiserair and the FAA by Boeing, the aircraft will comply with the SJC noise characteristics of your curfew program when operated at or below the maximum weights listed in the AFM supplement (arithmetic average of TO, SL and APP equal to or less than 89.0). These weights are certificated maximum weights for that specific operation. Kaiserair has procedures and controls in place to ensure adherence to the restrictions associated with the SJC curfew program.

I hope this answers your question.

Regards,

Jim

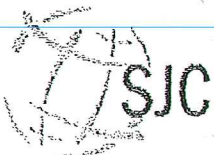
From: Eikerman, Curt <CEikerman@sjc.org>
Sent: Wednesday, August 14, 2019 2:55 PM
To: Jansen, James C (FAA) <James.C.Jansen@faa.gov>
Cc: Rob.guerra@kaiserair.com
Subject: FW: noise information

Jim:

Sorry to continue to seek clarification, but because of the possible impacts upon our Curfew Program we are trying to ensure we fully understand.

Are you indicating that the listed operating weights are now the maximum certificated weights for the aircraft? Or are you indicating that it meets the Noise Characteristics of our Curfew Program (arithmetic average of TO, SL and APP equal to or less than 89.0 EPNdB when the aircraft is operated at these weights?

The curfew at SJC was designed so that the Noise levels are based upon noise levels measured during type certification per FAR 36-1H. We realize that aircraft can generate significantly reduced noise levels when operated at reduced weights, throttle settings, flap settings etc, however, the curfew was designed so that staff did not have to verify alternate operating conditions. Hopefully that makes sense?



Curt Eikerman, C.M | Airside Operations Manager
Airport Operations Division
Office: 408.392.3509 | Mobile: 408.605.1277 | ceikerman@sjc.org

Mineta San José International Airport
1701 Airport Blvd. Ste B-1130, San José, CA 95110
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From: Quartarolo, Adam
Sent: Wednesday, August 14, 2019 7:39 AM
To: Eikerman, Curt <CEikerman@sjc.org>
Subject: Fw: noise information

Curt:

Here's the information we wanted from Jim: Looks like those operating weights are in fact now the maximum the aircraft is allowed to operate at:

"The revision to the Approved Flight Manual that Boeing issued to Kaiserair certifies that the engine-airframe combination for N737KA would not exceed the decibel levels shown at those operating weights. This now becomes an approved operating performance limitation."

-Adam



Adam Quartarolo | Airport Operations Supervisor
Airport Operations
Noise Abatement & General Aviation
Office: 408.392.3523 | aquartarolo@sjc.org

Mineta San José International Airport
1701 Airport Blvd. Ste B-1130, San José, CA 95110
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From: Jansen, James C (FAA) <James.C.Jansen@faa.gov>
Sent: Wednesday, August 14, 2019 7:33 AM
To: Quartarolo, Adam <AQuartarolo@sjc.org>
Subject: FW: noise information

Hi Adam,

I was waiting to confirm that Kaiserair had the approved revision to their AFM before answering your question (see attachments).

You asked me if the maximum takeoff and landing weights listed in the Kaiserair application for operations at SJC during the curfew times were Boeing limits. The short answer is yes. The aircraft itself has several operating limitations. There are structural limits based on the maximums the aircraft can weigh for takeoff and landing and there are performance limits. The performance limits are dictated by factors such as runway lengths, obstacles along the flight path, runway contamination, temperature, altitude, etc.

The revision to the Approved Flight Manual that Boeing issued to Kaiserair certifies that the engine-airframe combination for N737KA would not exceed the decibel levels shown at those operating weights. This now becomes an approved operating performance limitation.

Kaiserair has several procedures that will enable them to comply with the limitations that meet the criteria for your noise limits. This starts with the flight planning system. The system works by performing calculations backwards. The operator enters in the maximum landing weight and then the system determines the route of flight back to the departure airport, the fuel required and finally the maximum payload that can be carried so the aircraft does not exceed the landing weight specified.

In addition, prior to starting the flight, the PIC must sign a weight and balance manifest which is required by 14 CFR 121.665 and a flight release required by 14 CFR 121.597. Both these documents set forth the conditions under which the flight will be conducted. These documents become part of the official flight records which must be maintained by the operator for three calendar months (14 CFR 121.697).

I hope I have addressed your question regarding the operating limitations satisfactorily. If not, please contact me.

Regards,

Jim

From: Rob Guerra <Rob.guerra@kaiserair.com>
Sent: Tuesday, August 13, 2019 2:19 PM
To: Jansen, James C (FAA) <James.C.Jansen@faa.gov>
Subject: noise information

Hi jim

Here's the information including the approved revision to our AFM.

BTW it is in my agreement with the city I will never leave after curfew, I only arrive. We then spend the night and leave the next day. We truly are trying to be noise sensitive. This airplane is even quieter than the -500 on arrival.

Rob