



FORUM REPORT: FAA RE-AUTHORIZATION FAILURES

APRIL 2011 TO OCTOBER 2012

SOUTH METRO AIRPORT ACTION COUNCIL

October 2012

SMAAC and Federal Elected Officials ask FAA Administrator about MSP Operation

During the summer of 2012, letters were exchanged between Congressman Keith Ellison (D, Mn5) and then-acting FAA Administrator Michael P. Huerta.

SMAAC thought Huerta's letter was unresponsive, and asked Representative Ellison to follow up.

As was expected, letters at this level are crafted by the FAA Administrator's staff, including the department dealing with Congress, and inquiries are made through channels. In this case, FAA headquarters staff pushed back a bit, asking Rep. Ellison's staff to seek answers at the local (MSP, Minneapolis) or Regional (Chicago) FAA levels.

Reading between the lines, the Administrator's staff expects more communications from the MSP Air Traffic Control Tower (Carl Rydeen) except when questions are about matters of FAA national policy.

Earlier messages to Mr. Rydeen resulted in a FAA reply that, among other things, stated that the status of the FAA's regional airlines safety program was "not available" but that FAA was "likely to be more closely following Pinnacle Airlines' operations because of the Chapter 11 re-organization. Further information," Mr. Rydeen messaged, "*might be available* through a Freedom of Information Act request".

Mr. Roderick D. Hall, Assistant FAA Administrator for Government & Industry Affairs, named as the contact for further questions in Huerta's letter, asked Congressman Ellison and SMAAC if questions remained that were not yet answered. Afterward, Congressman Ellison asked SMAAC to communicate further what FAA actions we thought were needed for MSP.

SMAAC Forums, a communications service, is online at <http://quiettheskies.org>.

The Blog on the topic was archived after Congress finally adopted the FAA FY 2012 budget and Re-authorization.

Rep. Ellison's staff and SMAAC submitted these questions relating to FAA policies 27 Sept 2012 to Mr. Scott Gore, FAA Congressional Liaison:

1. It would be better if R30R departures initiated turns after crossing off airport property at Cedar Avenue and the runway center-line extended. R30L departures would turn a mile later, as stated by FAA at NOC.

If FAA controllers have the authority to direct flights departing MSP after aircraft have reached a safe altitude (Huerta 21 Aug12) but FAA does not control schedule, climb rate or fleet mix (Rydeen/Shelerud 18 Jan 12), isn't a noise-abating departure profile (NADP) or equivalent the way to reduce noise exposure from these flights?

2. Citizens' observations about the altitude, location, or increased number of overflights in 2011(or 2012 to date) in the Standish-Ericsson and adjacent neighborhoods contradict the FAA study comparing July 2007 flight tracks (altitude not reported) with July 2011 and including that aircraft do not now fly over areas that were not previously over-flown.

Can the limitations of this study be addressed and the conclusions checked?

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FAA Questions [Continued from Page 1]

3. FAA (Rydeen, 9 Dec 10) said that efficiency was gained by near-minimum intervals (expedited by north turns departing R30R).

a. Does FAA still consider rates and intervals at MSP safe with a majority operated by a bankrupt regional carrier and regional safety programs affecting MSP regional carriers incomplete at best?

b. Has FAA considered how the procedural change (Oct 12) reverses the procedural changes made for ground safety (after the May 2005 ground collision NSTB report of March 2007)?

These questions were sent to Members of Congress on 24 October 2012: *As noted in our 23 July 2012 letter, safety and noise issues at MSP cannot be resolved separately. Your staff diligently pursued the overflight noise issue, resulting in Acting Administrator Huerta's letter of August 21, 2012. Thank you.*

FAA Government and Industry Affairs staff asked the wrong questions of their regional and MSP people. Some relevant questions Rep. Ellison asked of FAA remain open, and Mr. Rydeen cannot or will not answer our inquiries.

The FAA presentations in December 2009 focused on FAA policies and priorities, not local events. Mr. Rydeen defended high rates as more efficient, to be continued even after the near-mid-air collision of September 16, 2010. We hold that high peak-hour rates at MSP are less safe -- riskier considering current congestion, facilities, and airline operations.

The high peak-hour rates are unneeded economically and increase noise unnecessarily.

Ground traffic is congested and the regional airline FAA safety programs are incomplete.

There is far more MSP flight and passenger capacity per year, including 50% connecting passengers, available at MSP than the projected economic need forecast through 2030;

High rates increase jet engine noise through more thrust, power, being required per flight,

Dispersed flight tracks increase noise exposure compared to fewer operations per hour.

After years of continuing resolutions and budget limitations for FAA, we thought the re-authorization and the 2012 budget for catching up on delayed ATC improvements at MSP should be made a priority.

Besides rates and safety, increased overflight **complaints and discussions about** airport noise and public health risks suggested attention was warranted. Overall FAA controller cuts next year could lessen MSP safety, especially if peak rates are continued.

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October 1, 2011

FAA BUDGET STILL A MESS

By Jim Spensley [Also posted in MN2020 HINDSIGHT]

In travelers served, the Minneapolis-St. Paul International Airport (MSP) is North America's 15th largest. MSP is also the 11th busiest in operations per hour and its 3.5 square mile urban land area is the smallest of any hub. With Minnesota home to 20+ Fortune 500 companies, safe, sufficient, and affordable air travel is necessary to keep the Metropolitan area economy going and growing.

However, Congress's current piecemeal FAA funding approach --22 temporary funding extensions over four years -- impedes this vital transportation mode. The most recent funding continuation provides money only through January 15, 2012. The FAA 2012 budget and re-authorization are separate from the overall Federal budget. But the 2012 budget could become part of the elusive "compromise."

FAA funding has been a mess, and is getting worse. The recent funding pointedly omits some critically needed programs. Traditionally, continuing resolutions kept all of the existing funding authorities in place.

[Continued on Page 4]

Posted 8 January 2012

The Myth of Aviation Safety

By Jim Spensley

Our airport, MSP, is floating with the tide as the major airlines cut costs, raise fees and fares, and resist regulation. This comes as Congress and the Obama Administration continue to fight over FAA funding and re-authorization, and while crucial air traffic control and navigation upgrades lag.

For 2012, expect more of the same at MSP — higher fares, fewer choices and little competition for Delta. If Minnesota's economy grows at all, demand for air service will easily outstrip supply, and airfares will remain high. As Delta continues migrating Northwest's former operations, expect fewer gross airport-related jobs.

Consolidation, less competition and higher fares are a national airline trend, as carriers extract the greatest possible revenue per mile flown, the New York Times reported. The wild card for Minnesota travelers is lesser-known Pinnacle Airlines, which has had serious financial troubles lately. <http://www.pncl.com/about.php>

A finding, by the US Department of Transportation Inspector General, said FAA oversight of airline pilot training and proficiency programs "lacks the rigor needed to identify and track poor performing pilots and address risks". The February 2009 crash of a Colgan Air Bombardier Q400 near Buffalo, was partly attributed by the NTSB investigation to the captain's lack of training or rest. The accident spawned a wide variety of pilot training studies by the FAA in June 2009. Congressional hearings on the crash led to laws directing FAA to impose the preventative regulations now planned for 2012 implementation, but held up until the FAA 2012 budget and long-term re-authorization is passed.

While Delta is MSP's main carrier, Pinnacle and its subsidiary Mesaba Airlines operate nearly half of

Delta's flights, especially between smaller markets. A business publication in Memphis, TN—Pinnacle's home base—is calling for the airline to seek Chapter 11 protection and cut unprofitable Midwest routes.

<http://www.commercialappeal.com/news/2011/dec/29/editorials-bankruptcy-may-be-best/>

What might wind up saving Pinnacle — a transition to larger more fuel efficient aircraft and cutting costly routes — could be mixed news for Minnesota. That's if Pinnacle can survive the switch from 40+ seat turbo props to 70+ seat jets in the first place.

Pinnacle would be able to fly similar passenger numbers with fewer flights, an industry trend. There are a couple of consequences, and not all of them are bad. Yes, Minnesota flyers would have fewer flight options, but it could help mitigate some of our peak congestion problems at MSP.

It would also help airlines comply with the newly passed regulations limiting pilot hours. Fewer flights would ease two of regional carriers' biggest issues, pilot shortages and crew training. Major airlines and regional contract operators complained that the rules raise costs — through *paperwork and audits*. No one seems to be asking the right questions about this.

Why aren't the major carriers, Delta in this case, applauding safer operating rules? Also, will these new regulations truly lead to better trained and rested air crews? And, how will such costs be adsorbed? The Metropolitan Airports Commission (MAC) and staff at MSP maintain a forlorn optimism about more, and more-affordable, Delta service at MSP. They boast about Delta's direct flights and destinations while constricting Southwest, Sun Country, and Frontier operations.

But do Minnesota's aviation policymakers have a contingency plan for either a Pinnacle financial or safety crisis?

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The public and Minnesota need Congress to do a better job working toward a comprehensive transportation funding bill. Infrastructure all over Minnesota depends on it. When the Federal government spends this money in Minnesota, private sector jobs will follow.

The way Florida conservative John Mica, who chairs the U.S. House Transportation Committee, wants to fund the FAA is causing serious concerns about less funds for oversight of airliner airworthiness and maintenance, for pilot and air crew training certifications, and for crash investigations. The bill provides for more airline subsidies for avionics, (cockpit aviation electronics) for navigation, although the specifications for Next Gen GPS avionics are unsettled.

The House majority expects little debate or compromise: they hold the power to impose authority (policy) changes or cause a shut-down.

Over the summer, the White House and FAA proposed a compromise 2012 budget that, in essence, would have reduced appropriations and cut yearly spending for the Next Gen development in favor of dealing with more imminent safety problems: contract operators, retiring controllers, and congested corridors and airports. At this stage, arguing and political debates over funding basic safety needs is ridiculous. Present day safety should be in the forefront without question.

By now, FAA should have figured out interim congestion mitigation and acted on the National Transportation Safety Board's long-standing and urgent requirement for improved safety on the ground at major airports

Updating *en route* air traffic control and safety systems and procedures, now scheduled for 2018 or later, is premised on the need for more capable and reliable air traffic control systems first announced by FAA in 2007.

The Next Gen improvements to air traffic control tower systems would be further downstream.

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Temporary Funding for FAA

By Jim Spensley (First published at MN2020 Hindsight)

Last week, Congress approved a measure providing operating funds for FAA through January 15, 2012 and the bill was signed into law by President Obama. Details were scarce, as they often are in rushes like this.

The bill (H.R. 2887) was authored by the Chairman of the House Committee on Transportation and Infrastructure, U.S. Rep. John L. Mica (R-FL). Mica said. ***"With the FAA (reauthorization) delayed four and half years, Congress must now act responsibly to enact long-term reauthorizations that will put Americans back to work and build our nation's infrastructure. The 22nd FAA extension... must be the last."***

FAA funding has been a mess, and is getting worse. I understand the Mica bill pointedly omits some programs. Traditionally, continuing resolutions kept all existing funding authorities in place.

The public needs FAA to do its job, and its job is seeing to safe, sufficient, and affordable air services supporting economic growth. ***That leads to jobs of all kinds.***

Mica is hiding cuts in serious matters such as air traffic control issues, aircraft safety inspections, and investigations of violations and accidents. He doubts FAA oversight of airliner airworthiness and maintenance, pilot and air crew training certifications, and crash investigations should be funded ***proportionally to the number of simultaneous flights.***

The House majority expects little debate or compromise while they hold the power to impose authority changes or a government shut-down.

I would be the last to say that FAA could never do more with less funding. I am saying that our fears about what impacts the delays, the politicized arguments, and any likely compromises will cause are fully justified.

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Temporary Funding for FAA

[From Page 4]

The President's budget favored dealing with more imminent problems: retiring controllers, congested corridors and airports. And, Congress was finally getting around to the 2009 Colgan crash that resulted in 149 deaths, one on the ground in upstate New York. "Contract operators" like Colgan, flying connections for the major airlines, were saving money in the wrong places.

"With the FAA (reauthorization) delayed four and half years, Congress must now act responsibly ... The 22nd FAA extension... must be the last."

US Representative John Mica

One point in the White House budget was funding FAA to get a handle on training and inspection needed if en route improvements either weren't funded or were funded but required familiarity training when deployed.

Our fears about what impacts the FAA delays, the politicized arguments, and any likely compromises will cause are fully justified.

FAA dogma is that the \$50 billion Next Gen systems are needed for efficiency. In fact, the planned Next Gen/ GPS changes so far involve only *en route* flight navigation and the airline lobby is lining up for more subsidies for airline avionics and infrastructure.

MSP remains the smallest hub airport (area); it operates two old and long runways and the new runway (with its conflicting headings) at higher than necessary rates. The specific concerns about rates and safety here are caught up in Washington politics.

Note from Congressman Ellison (15 Sept 2011): *Congress passed a bill funding many FAA programs until 15 January 2012 to avoid another shut-down. H.R. 2887 was authored by U.S. Rep. John L. Mica (R-FL). Chairman of the House Committee on Transportation and Infrastructure, SMAAC noted that the FAA Re-Authorization and the FAA/*

USDOT budgets appropriations legislation are being negotiated, but the power lies with the Republican House.

No telling the outcome. The only good news is that it is unlikely that FAA spending will be directed to specific airports by Congress, and FAA will have some wiggle-room for MSP needs.

Some funding was authorized for Airport Improvement Program (AIP) projects and for the New York-Newark airspace overhaul and the east-coast en route corridors.

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24 August 2011

## How Will Minnesota Elected Officials Deal with the FAA Budget Now?

FAA not asked for R&D monies for ground traffic safety improvements since 2007, although MSP and other major hubs are very congested at peak hours.

The 2012 budget applies more funds for recruiting and training air traffic controllers and inspectors, related to disproportionate needs arising from newly independent regional carriers, a greater variety of aircraft in service, and more flights using major hubs.

The overall Federal budget, held up for lack of policy or plan and political disagreement, will probably not do much to resolve the FAA's budget. SMAAC therefore advised directly approaching FAA seeking administrative changes supporting fewer flights at MSP at peak hours.

Minnesota's federal policymakers, led by Congressman Keith Ellison, are advancing such ideas by asking FAA to change air traffic control procedures, reduce congestion and slow down operational rates at MSP and other major hub airports.

Around MSP, we have the Hobson's choice between less safe and more expensive air service and slower or negative job growth and economic development – ***unless operations are more spread out during the day.*** Fewer but larger aircraft in the hub banks, or slots auctioned off as has been done in New York –New Jersey, or new airlines brought in to increase local competition.

**Who would want to risk airline accidents to make union organizing harder?**

## Continuing Resolution Ends

### Government Shut-down

*The FAA is back in full operation, but future budget plans don't leave room for optimism around Minnesota.*

*--Minnesota 2020 Hindsight blog.*

FAA received a bump in funding for recruiting and training air traffic controllers and inspectors, but needs in those areas are great because of newly independent regional carriers, a greater variety of aircraft in service, and a higher percentage of flights using major hubs.

The overall federal budget, held up for lack of policy or plan and by political disagreement, will probably not do much to resolve the FAA's problems. It is likely that the present airport air traffic control systems, already less than adequate, will be left in place at MSP for several years.

Minnesota passengers pay premium fares for hub-airline service, because passenger capacity (seat supply) is limited by Delta Airlines in several ways: fewer seats per flight (small regional aircraft dominate), fewer local seats per flight (many seats are held for connecting passengers), and the absence of flight choice (competition) for many destinations or times of day artificially raises demand and fares for business travel from and convention travel to Minnesota.

**Just as inadequate roads and bridge infrastructure slows economic growth, so do outdated airport systems.**

The South Metro Airport Action Council (SMAAC) advocates eliminating high concentrations of flights at peak hours, spreading flight throughout the day. This might take scheduling adjustments for travelers, but should lead to safer skies and more economically efficient airport staffing.

Airport facilities and staffs are sized for the busiest hours and are more expensive than a more uniform daily schedule for most airport functions.

Safety systems and staffs are also sized for the busiest hours. There is no spending relief if safety is just maintained, no funding for more staff even as flights are switched to less-well-trained crews.

The FAA's Next Gen program does not even address airport air traffic control until 2018.; piecemeal GPS-enabled *en route* implementation complicate peak-hour operations at hubs due to more arrival headings (landing patterns).

August 5, 2011

### FAA Shutdown Orchestrated by Airline Lobby

*Congress has been unable to pass a multi-year Federal Aviation Administration Re-authorization bill because of opposition by Delta Air Lines CEO Richard Anderson, now Board Chairman of the Air Transport Association (ATA), and by anti-union Members of Congress, according to a story in the Memphis Commercial Appeal (August 3, 2011).*

The writer, Bartholomew Sullivan, said that "extraneous labor issues" produced the impasse that shut down FAA. On August 3rd, USDOT Secretary Ray LaHood urged the House Republicans and Senate Democrats to stop the political games and get the FAA and its contractors back to work. "The shutdown may have already cost the U.S. Treasury a billion dollars in uncollected revenues," LaHood said "and the public is safe only because FAA Inspectors are working without pay and at their own expense."

House conservatives were lobbied and threatened by ATA to revise a labor rule that made it easier for unions to win representation elections. As a result, Congress failed to pass a temporary extension and FAA was required to close except for air traffic control operations and flight security.

Delta management spent heavily opposing recent unionization contests; unions lost the elections but claimed ethical and legal violations by Delta, now under investigation by the National Labor Relations Board (NLRB).

Sen. John D. Rockefeller, (D-WVA), condemned the House conservatives' effort as an "un-American and unprecedented" gift to Delta. Rockefeller said that *Delta Air Lines caused 4,000 employees to be furloughed, while CEO Anderson – who reportedly is salaried at \$9 million per year – dangerously cut Delta wages and contracted-out flights to less-well-qualified regional operators.*

Some of the furloughed FAA workers were responsible for repair and maintenance of air traffic control systems; some were recruiting and training FAA safety inspectors and air traffic controllers; and, others were managing billions of dollars in R&D programs that were re-scheduled or dropped.

Despite what Sec. LaHood says, it hard to imagine this shutdown won't someone how result in unsafe operations.

The 2-week shutdown probably had lasting negative impacts, not the least of which is the ongoing safety and welfare of air passengers.

July 26, 2011

### Caught Up in Politics

Congress failed to pass a re-authorization bill again, this time without a continuing resolution. In a grim preview of what can happen in a government shut-down in other Federal agencies and departments, the FAA had to sort out a variety of programs and a variety of funds and revenue sources, decide what essential services to provide and how to pay for them from a variety of fees, taxes, and trust funds

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May 14, 2011

FY2012 FAA Budget

The White House and the FAA have requested a bit less in the 2012 budget than was appropriated in recent years, \$18.66 billion. Somewhat less than that likely will be appropriated for the fiscal year beginning in October 2011

FAA Administrator Randy Babbitt highlighted limited objectives, but left several conflicts unresolved in his testimony.

1. Mr. Babbitt and FAA recognize that air traffic controllers and pilots sleeping on the job is not good news. The solution would seem to be more, better trained and supervised, controllers and pilots. Instead, *controller training would, somehow, be beefed up in spite of new cuts in the Air Traffic Controller recruiting and training budget*, FAA says.

As for pilot training and work-rules, little change is expected: the airlines are in a cost-avoidance mode -- sloughing off regional subsidiaries and contracting for regional operations without requiring much proof of safe performance. The airlines plan, however, is "more pilot and operator freedom to make decisions" for safety and efficiency.

2. The budget objectives for Next Gen are limited to en route navigation aspects, with test and deployments stretched out.

3. A lower budget for airport Improvements will delay air traffic control, airfield maintenance and "increased capacity" projects. Few airports will assess airlines for facilities costs by raising landing fees or lease rates. Allocations to hub airport improvements add to the staffing and training problems, and favor *use of existing runway capacity at commercial airports* rather than airfield expansion.

4. Any hope for safer air travel needs FAA training and work-rules efforts matched more than equally by airlines. GPS navigation in the cockpit will be more of a burden than an asset at busy airports for years to come.

"It should be a matter of urgent concern when Transportation Secretary LaHood warns the nation that national air traffic control needs are unmet; Administrator Babbitt is urgently juggling priorities; and airlines are generally using hubs like MSP for more flights at peak hours every month."

July 22, 2011

If alternatives are nil, make MSP Safer

SMAAC held a public forum on rates and safety at MSP in December 2010. As a follow-up, FAA was asked to reduce peak-hour rates at MSP pending re-authorization and until cost and implementation issues were resolved.

The issues are:

1. Flight schedules, daily operations by commercial carriers, at MSP are far less than in 2005 but peak rates (operations/hour) are just as high with hub flights are increasingly operated by regional carriers;
3. FAA pilot training and certification programs and aircrew work rules enforcement are lack force and funding;
4. FAA has delayed development and deployment of improved air traffic control systems, making MSP improvements no earlier than 2018;
5. FAA announced that it was planning to use more of its 2012 budget for safety training of pilots and air traffic controllers and add controllers at hubs and for overnight shifts at many airports.
5. Improved systems for en route centers are first in line for Next Gen, major airport systems would follow, and less-used airports after that, raising the question of training curricula and funding for proficiency training for different implementations.

July 5, 2011

No FAA Action by Congress

The U.S. Congress failed to re-authorize the FAA or approve the agency's 2012 budget/appropriations request. DOT Secretary Ray LaHood announced the dismay of the Obama administration in a press conference, saying that *air transportation and the national economy would be crippled without funding for current air traffic control functions and the progress of badly needed training and system improvements delayed indefinitely.*

The re-authorization hold-up was in spite of a last-ditch change in the FAA appropriations request postponing Next Gen development and deployment for years, and focusing resources on pilot and controller training, safety inspections, and service reductions.

At MSP, peak-rates could be reduced without an awful economic growth impact and should be done at least until the economic recovery increases the need for more passenger capacity. Delta's announced intent to abandon small cities will have a negative effect on State jobs and growth, but safety is the foremost need and lower rates are a partial solution to the dilemma cited by Secretary LaHood.

March 17, 2011

FAA Bill in Deep Trouble

On March 16, the US House of Representatives Ways and Means Committee was scheduled to mark up H.R.1034, the Airport and Airway Trust Fund Financing Reauthorization Act of 2011, introduced by Chairman Dave Camp (R-MI.). If it passes, the bill will extend aviation trust fund taxes and the FAA's authority to spend the funds until October 2014. This four-year bill sets the same date as the FAA Reauthorization and Reform Act (H.R.658). As far as we can tell, neither bill specifies how or where the appropriations will be spent.

There is no way to assure that needed safety improvements at MSP will be funded, including Next Gen and MSP Tower training and levels of controller staffing. Ground safety systems supporting traffic increases during and after gate construction and remodeling as in the Long-Term Comprehensive Plan are not forthcoming or will be delayed by years. If the economic recovery continues, airline service (passenger capacity) increases at MSP appear to be a restoration of Delta/Sky Team schedules at peak hours.

Congress needs to be more thorough evaluators of air traffic control systems and technologies. Since 2006, when FAA development, staffing, and systems repair and upgrade programs were cut or abandoned, in favor of the overly ambitious and technologically unproven Next Generation concept, progress has been unclear and not appropriately funded. **Air travelers are not aware of the risks; businesses are unprepared for the consequences, and elected officials are stymied.**

Regional and contract operators generally have a less rigorous personnel training program and certification minimums. Decades of cost-cutting went too far: FAA inspectors are well behind appropriate schedules.FAA is overworking and under-assigning controllers and inspectors. ***This isn't a healthy situation.*** Meanwhile:

March 23-24, the tower at Reagan National Airport was staffed by a single air traffic controller, who fell asleep. A commercial passenger flight landed without clearance (and luckily without incident). FAA, more than the controller, and Congress, more than the FAA, dropped the ball and lives were endangered.

April 15, 2011, four air traffic controllers were caught asleep on the job. Administrator Babbitt assigned additional controllers to night shifts at 26 airports where overnight traffic is infrequent and staff was inadequate for 24/7 service. The FAA Director of Operations "resigned." Fortunately, there were no crashes. But these incidents confirm that FAA staffing and training cuts caused unsafe strains in the system.

April 18, 2011 Cabin Rupture. SMAAC welcomed Southwest Airlines to Minnesota as competition to the high-fare/high fee Delta hub flights. But one Southwest plane was forced down after rapid decompression from a big hole in the cabin roof. The FAA, the manufacturer and the using airlines need, without question, to improve inspections. This need existed before the incident.

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