

Feltus Open Records Case Update
June 22, 2006

The Win

In August 2005, the Superior Court of DeKalb County determined that the County, PDK Airport, CEO Jones and Airport Director Remmel had violated the Georgia Open Records Act when they refused to give Mickey Feltus access to records he had requested about operations at PDK. Mickey sought records about what types of aircraft use PDK; who owns and operates those planes; and how those planes are operated near our Airport – How loud are they? How large are they? I.e., how much fuel do they burn over our homes, schools, churches and businesses?

Mickey also requested records about County and FAA decision-making about how PDK is used. Mickey was motivated by concern for the health and safety of his community in terms of pollution and increased use of PDK by dangerously large planes. He was also concerned and angered by the increasingly obvious flouting of the weight limit on aircraft at PDK.

The Win Means We Are an Educated Populace:

Unlawful Oversized Aircraft Regularly Use PDK

1. We now know that as of July 2005 (the last data produced by the County), there were approximately 200 operations a month of Oversized Aircraft, those with certified maximum takeoff weights (MTOW) in excess of 66,000 lbs. The size/weight limit of 66,000 MTOW aircraft was agreed to by the County and the FAA in 1987 when the FAA approved, without otherwise mandatory environmental analysis, the addition of 1000' to the then-longest runway at PDK.

Although the County is subject to a Court Order requiring the production to Mickey Feltus of operational information from July 2005 to the present, it has so far refused to produce that and other withheld information. The Court Order is available at <http://opendekalbinc.org/open-records/2007FinalOrderFeltusOpenRecordsCase.pdf>.

2. Unknown Aircraft

The information produced by the County also reveals that 25- 40% of the aircraft operations at PDK are *unidentified*. They show up only as "unknown" aircraft. This raises serious homeland security and safety issues. To learn more, see the Channel 2 News report on this issue at www.opendekalbinc.org.

3. You can get it:

Today, when you experience an airplane flying over your home that makes you concerned, you can obtain information about it by contacting Mario Evans, PDK Airport Noise Abatement Officer, via email (maeveans@co.dekalb.ga.us), regular Mail or in person. All you need to provide is the time, date and location of the aircraft about which you want information. The approximate location could be your address, if the flight was over your house when you noticed it, for example. See more details on how to make a request at www.pdkwatch.org. You can obtain the type of plane and the N# of its owner. Then go to the FAA's website, www.FAA.gov and search the aircraft registry online, for

free and find out who the owner is. You can then take whatever action you deem appropriate, such as complaining to the County, to the Airport *and to the aircraft's owner* about the disturbance you suffered. You can object to the level of air pollution or noise pollution to which you and your neighbors are being subjected.

What has been done with the hard won information so far:

The Environmental Assessment (EA) on departure paths was stalled because we were able, using the hard-won data, to show the FAA that the Fleet Mix developed by the County prior to the Open Records lawsuit being filed in 2004 assumed the propriety of larger aircraft AND under-included such aircraft in the mix. See letter to Jim DuGuay from Mike Principino and Susan Gouinlock on www.pdkwatch.org. The Fleet Mix developed for the EA was also to be used for major future planning of the need for more development of PDK (in the "Master Plan"). The ability to use data to stall otherwise hidden development plans and mandate appropriate review is a major victory for the community.

What is next?

We do not expect adherence to the weight limit by the County or enforcement by the FAA. As a result, we fully expect that litigation with the FAA will be necessary to protect community health and safety. Pollution aspects of operations at PDK are not debated. That is precisely why the FAA set limits on PDK operations when it agreed to lengthen the runway back in 1987. No one is asking that the additional 1000' of runway be torn up, but that the safety margin created by that 1000' be maintained and our skies should be kept free of the unaccounted for and dangerous jet fuel emissions coming from PDK. In addition, the community should not be facing the dangers of DC-9's crashing near PDK: A Cessna crashing may take out a home, a DC-9 crashing would take out a neighborhood.