



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: November 20, 2012

To: Honorable Mayor & City Council

From: Cheryl Friedling, Deputy City Manager

Subject: Request from the Legislative Committee for the City Council to Review Two Legislative Items

Attachments:

1. Legislative Issues Summary
2. Press Release – Congressman Howard Berman – H.R. 2677
3. Los Angeles Times Article – L.A. Basin Residents Complain about Helicopter Noise at Hearing
4. City of Culver City Correspondence to Governor Brown
5. Los Angeles Times Article – Inglewood Oil Field Fracking Study Finds No Harm from the Method

INTRODUCTION

The City Council Legislative Committee (Mayor Brien and Vice Mayor Mirisch) met on October 9, 2012 to review several legislative issues. At the conclusion of the meeting, the Committee requested that the City Council receive information and consider these items to provide direction to staff.

The City Council reviewed one item – Measure J – at the Council meeting of October 23, 2012. The other legislative item – Proposition 30 – is on the California ballot for the November 6 election and status will be determined prior to the November 13 City Council meeting.

DISCUSSION

The Legislative Committee did not take a position on the two remaining items and instead referred the following items to the full City Council:

1. H.R. 2677 – Los Angeles Residential Helicopter Noise Relief Act of 2011
2. Hydraulic fracturing (“fracking”) – request by Culver City and Westside Cities Council of Governments to request a State moratorium (or ban) until further research can be conducted and regulations can be developed.

FISCAL IMPACT

Undetermined at this time.

RECOMMENDATION

Staff seeks City Council direction regarding these two legislative initiatives.

Cheryl Friedling
Approved By



Attachment 1

Legislative Issues Summary

1.) HR 2677 – Los Angeles Residential Helicopter Noise Relief Act of 2011

Representative Howard Berman has sponsored legislation that would direct the Federal Aviation Administration (FAA) to establish flight paths for helicopters and set minimum altitudes at which they can operate over certain areas of the country. This bill was introduced at the request of homeowners in the San Fernando Valley, who have experienced disruptive low-flying helicopter traffic which jeopardizes residential quality of life. The Los Angeles City Council has voted to endorse this measure.

Bill language would allow the FAA to exempt certain emergency, law enforcement and military helicopter operations from the regulations it develops for civilian aircraft.

The Beverly Hills Police Department indicates that complaints regarding helicopter flights are extremely rare; the majority of complaints reference law enforcement activities, news media and life flight from Cedars Sinai Medical Center or UCLA. If the call is unrelated to law enforcement, the callers are referred to the FAA, as the Police Department has no jurisdiction to take enforcement action. The FAA indicates that it does not track or log these calls since there is no FAA violation.

2.) Hydraulic Fracturing ('fracking')

The City of Culver City and the Westside Cities Council of Governments has requested that local communities call on State lawmakers and regulatory agencies to extend a ban (or moratorium) on fracking, a technique that fractures rock formations to release trapped oil and natural gas. The process involves a high-pressure injection of water, sand and chemical additives into a drill site's wellbore. Fracking has come under scrutiny amid allegations that it increases seismic activity and that it contaminates water supplies. A new study released addressed risks of fracking at Inglewood oil field near Baldwin Hills.

Attachment 2



For Immediate Release
July 28, 2011

Congressman Howard Berman Heeds Calls From Valley Residents, Introduces Bill to Curb Helicopter Related Noise and Safety Concerns

Washington, D.C. - Today, Congressman Howard L. Berman introduced legislation to provide Los Angeles County residents relief from the ear-shattering noise and safety concerns caused by low-flying helicopters above residential neighborhoods. The Los Angeles Residential Helicopter Noise Relief Act of 2011, H.R. 2677, would force the Federal Aviation Administration (FAA) to restrict helicopter flight paths and set minimum altitudes within 12 months.

“Residents deserve relief from the thunderous clacking of helicopter blades hovering directly over their homes, and instead all they’ve been getting is the runaround from government agencies,” said Congressman Berman. “The buck stops here because it is simply unacceptable for residents to be forced to contend with these brazen helicopter operators on their own. This bill requires the regulations that will give residents the relief and increased safety they are so desperately looking for.”

“Helicopters are hovering right above our homes at all hours of the morning and night. It’s the wild, wild West up there and until now nobody has been taking control,” noted Richard Close, President of the Sherman Oaks Homeowners Association. “Our community appreciates Congressman Berman’s willingness to work with us and tackle this issue head on. This is about our quality of life and the safety and privacy of residents across the Valley. Finally, someone is listening and something is being done.”

Currently, residents across Los Angeles are battling intrusive and disruptive low-flying helicopter traffic above their neighborhoods. San Fernando Valley residents suffer more than most from the foundation-rattling flyovers due to the heavy helicopter traffic in and out of the Van Nuys Airport. When residents have attempted to address this disturbance they’ve reached a dead end, unable to find a way to require helicopter operators to change their behavior.

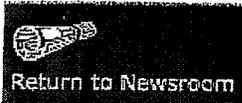
The FAA has refused to regulate helicopter flights above Los Angeles. This failure to act is what allows helicopter operators to fly in a manner that creates excessive noise pollution and jeopardizes the safety and privacy of residents in their homes. Additionally, this refusal by the FAA to set regulations above Los Angeles has left residents without any means to seek and secure relief from the problem.

Congressman Berman’s bill solves this problem by requiring the FAA to exercise its

explicit legal authority to regulate helicopter operations above Los Angeles within 12 months of being signed into law. Specifically, the bill calls for the Administrator of the FAA to set guidelines on flight paths and minimum altitudes for helicopter operators in residential areas of Los Angeles County. Exemptions would be allowed for law enforcement, emergency responders, and the US military.

Earlier this year, Senator Charles E. Schumer of New York successfully included an amendment to the FAA Reauthorization Bill, which passed the Senate, requiring similar regulations to helicopter operations above Long Island. This legislative precedent lays the groundwork to require regulations be put in place to curb aggressive helicopter operations above residential areas in Los Angeles.

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Attachment 3

latimes.com/news/local/la-me-chopper-noise-20120808,0,6731816.story

latimes.com

L.A. Basin residents complain about helicopter noise at hearing

Rep. Howard Berman and two FAA officials listen to complaints from several hundred people, including customers and officials from the Hollywood Bowl.

By Dan Weikel, Los Angeles Times

10:21 PM PDT, August 7, 2012

Zev Yaroslavsky was listening to a Beethoven concerto at the Hollywood Bowl last week when the thunder of a passing helicopter muffled a beautiful violin solo.

"This was an outrage," the Los Angeles County supervisor testified Monday night before a panel of top federal aviation officials. "The Hollywood Bowl is a national treasure. These helicopters are dangerous and disruptive. We don't have years to wait for a solution."

Yaroslavsky was one of several hundred residents from throughout Los Angeles County who attended the public hearing in Sherman Oaks and demanded that Congress and the Federal Aviation Administration do something about the annoying helicopter flights over their neighborhoods.

For more than two hours, residents from the Palos Verdes Peninsula, Brentwood, the San Fernando Valley and other area communities complained to Rep. Howard L. Berman (D-Valley Village) and two top-ranking FAA officials, including William C. Withycombe, the regional administrator for four western states, including California.

One after another they testified about the window-rattling din of rotor blades that made it difficult to talk on the telephone or have a normal conversation.

The president of the Torrance Riviera Homeowners Assn. said there have been as many as 50 flights a day over the community, which is near Torrance Airport and Robinson Helicopter Co., one of the largest producers of helicopters in the world.

People from Los Angeles neighborhoods that have landmarks or celebrity residents testified that they are under constant assault by choppers carrying sightseers, paparazzi and even real estate agents.

Still others questioned the dispatching of noisy, low-flying police helicopters for routine calls, and residents who live near popular flight paths were just as concerned about the volume.

"They come in low and fast over the Sepulveda Pass to go to Van Nuys Airport," said Wayne Williams,

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a member of the airport's citizens advisory council. "I've had enough and so have a lot of other people. These helicopters need to be made quieter or they need to be removed."

Leni Boorstin, director of community and government affairs for the L.A. Philharmonic Assn., testified that the Hollywood Bowl averages five helicopter overflights an evening and has had as many as nine despite past warnings to pilots.

The problem, Boorstin said, is becoming an impediment to broadcasting concerts and, more important, attracting top conductors to the popular venue.

At Berman's request, the FAA held the hearing to help determine the extent of the noise problem, where it is the loudest, which operators are the worst offenders, what safety issues do the flights raise, and what can be done to reduce the noise and risk.

Federal regulators, who also want to meet with helicopter operators in the months ahead, hope the discussion will contribute to a report due within a year that could form the basis for regulatory action.

"My promise to you is that we will follow up on this," Withycombe told the audience. "I can't promise I will solve this overnight. But I will try to solve as many of the problems as I can."

Though he has received constant complaints about helicopters, Berman said, he did not seek a formal hearing until after an onslaught of gripes related to Carmageddon — the weekend closure of the 405 Freeway last July to tear down a section of the Mulholland Bridge. During the work, helicopters carrying media, tourists and other curiosity seekers hovered for hours over and near the site.

Last year, Berman introduced in Congress the Los Angeles Helicopter Relief Act, which has a companion bill written by Sen. Dianne Feinstein (D-Calif.). There has been little action on the measures, which call on the FAA to develop altitude and flight path requirements for helicopters in Los Angeles County with possible exceptions for public safety, emergency and military flights.

Compared to airplanes, helicopters have fewer restrictions. While planes must fly at an altitude of 1,000 feet above heavily populated areas and 500 feet over less congested areas, helicopter pilots usually do not have to comply with the minimum requirements if they don't endanger lives or property.

Helicopter pilots and operators agree there are things that can be done. The industry has already promulgated a number of voluntary programs with recommendations for pilots.

"I am sensitive to the noise issue," said Larry Welk, president of the Professional Helicopter Pilots Assn. "But I don't want to see knee-jerk legislation or arbitrary legislation. Unintended consequences are my biggest fear."

dan.weikel@latimes.com

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Attachment 4



CITY OF CULVER CITY

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July 11, 2012

The Honorable Jerry Brown
Governor, State of California
State Capitol Building, First Floor
Sacramento, CA 95814

Subject: City of Culver City Resolution No. 2012-R057 – Fracking

Dear Governor Brown:

On July 2, 2012, the City Council of the City of Culver City adopted Resolution 2012-R057, whereby the City of Culver City urges the State of California and the California State Department of Conservation, Division of Oil, Gas & Geothermal Resources (DOGGR), to immediately place a ban on hydraulic fracturing and on the disposal of fracking wastewater by injection wells until DOGGR takes all necessary and appropriate actions to adopt, implement and enforce comprehensive regulations concerning the practice of fracking that will ensure that public health and safety and the environment will be adequately protected.

Enclosed herein, please find a copy of Resolution 2012-R057 for your use.

If you have any questions or if you require anything further, please contact me at (310) 993-1689.

Sincerely,

Andrew Weissman
Mayor

Enclosure

cc: The Honorable Members of the City Council
John M. Nachbar, City Manager

Attachment 5

latimes.com/news/local/la-me-fracking-baldwin-hills-20121010,0,5707434.story

latimes.com

Inglewood Oil Field fracking study finds no harm from the method

Yearlong study, conducted by firms chosen by the oil field owner and L.A. County, was meant to address fears about potential groundwater contamination, air pollution and increased seismic activity.

By Ruben Vives, Los Angeles Times

5:30 AM PDT, October 10, 2012

A long-awaited study released Wednesday says the controversial oil extraction method known as hydraulic fracturing, or fracking, would not harm the environment if used at the Inglewood Oil Field in the Baldwin Hills area.

The yearlong study included several issues raised by residents living around the field, such as the potential risks for groundwater contamination, air pollution and increased seismic activity.

For months, water wells on the 1,200-acre field were monitored. Data from ground and air monitors were collected and analyzed, but no effects were recorded before or after the technique was used, the study says.

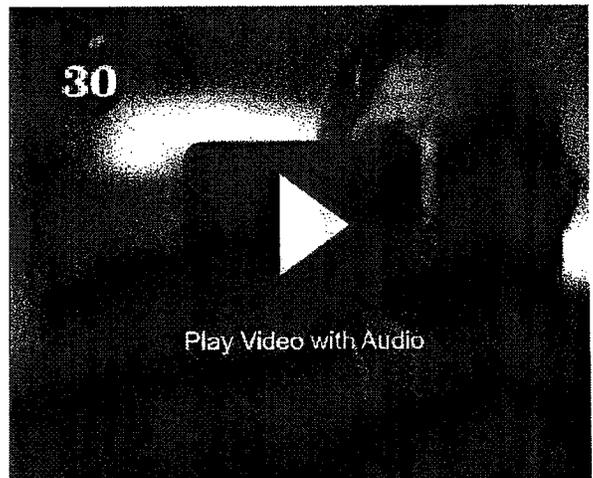
"There were eight contributing studies addressing such things as vibrations at the surface, microseismic activity at depth, noise, ground movement measurements, subsidence, groundwater quality, methane in both soil and groundwater," said Dan Tormey, technical director and principal at Cardno Entrix, the environmental consulting firm that conducted the study. "Each was a study that contributed to the [overall] hydraulic fracturing study."

Plains Exploration and Production Co., the owner and operator of the oil field, paid for the review as part of a settlement agreement with Culver City and environmental and community groups. The report was reviewed by two independent firms selected by the company and Los Angeles County.

The 206-page study is the first of its kind in the state. It comes at a time when environmental and community groups are urging lawmakers to ban fracking, a technique that fractures rock formations to release trapped oil and natural gas. The process involves a high-pressure injection of water, sand and chemical additives into the drill site's wellbore.

Fracking has come under scrutiny in other parts of the country amid allegations that it increases seismic activity and contaminates water supplies.

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Situated two miles south of the 10 Freeway, the field is surrounded by Culver City, Baldwin Hills and Inglewood — making it the largest urban oil field in the country. Plains Exploration is hoping to tap into the oil reserves in the field's shale formations that were identified in 2003.

But people living around the field oppose the idea. Residents say their properties have been damaged by mysterious land shifts, which has increased their fears about fracking.

Some homeowners suspect the movements may be related to Plains Exploration's drilling operations. But the actual cause is unclear; the area sits atop the Newport-Inglewood Fault.

Gary Gless, resident and co-founder of Citizens Coalition for a Safe Community, said he wasn't surprised that the study's findings favored the company.

"We have to look at who the peer reviewers are and have other experts critique it," he said.

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