



## Flight Path Lawsuit Timeline 9/3/15

After countless requests to the FAA by the City of Phoenix to engage in a public process before moving their flight paths, the City filed suit. Numerous alternatives for flight paths were proposed to the FAA and the airlines were asked to take voluntary measures to relieve noise to no avail.

On June 1, 2015, the city of Phoenix filed suit against the FAA for implementation of new flight paths without any process for public input. A petition for review is a formal request to a U.S. Court of Appeals to review the legality of an agency's administrative decision. It's a special form of litigation that Congress requires for challenges to the legality of most FAA decisions. It seeks a declaration from the Court that an agency's decision is invalid.

The FAA filed a motion to dismiss the case, claiming that the city should have filed earlier. On July 30, 2015 the City of Phoenix requested that the Court deny the Motion to Dismiss. The new flight paths have been affecting tens of thousands of Phoenix area residents who have previously not experienced regular aircraft noise.

On July 17, the Federal Aviation Administration filed a motion with the Court of Appeals for the District of Columbia Circuit requesting that the Court dismiss the City's case. FAA argues that the City should have challenged the September 18, 2014 implementation of RNAV routes and procedures within sixty days. FAA also argues that the City's lawsuit is too early to challenge its failure to modify the RNAV routes.

On July 30, 2015 the City of Phoenix filed a response to the FAA's July 17 motion to dismiss the City's Petition for Review of FAA flight path changes. In it, the City asserts that it challenged the FAA's decisions in a timely fashion. Also on July 30, 2015 the City of Phoenix filed opposition to the FAA's motion to delay preparing the administrative record until the motion to dismiss is resolved.

On July 31, 2015, several historic Phoenix neighborhoods announced the filing of a Petition for Review against the Federal Aviation Administration (FAA). The legal action was filed on behalf of residents adversely affected by the new flight paths. Petitioners include the Story Preservation Association, Willo Neighborhood Association, Encanto-Palmcroft Historic Preservation Association, and Roosevelt Action Association, together with residents of Woodland Historic District.

On August 10, 2015 the FAA filed two legal documents, one contained additional arguments in support of the FAA's motion to dismiss the City's lawsuit and another included arguments supporting the FAA's motion to delay compiling all of the required records until the motion to dismiss is resolved. The City of Phoenix previously filed two documents 1 and 2 in response to the FAA's two original motions. The FAA's reply filings are the last filings on this issue permitted under the Court rules; the Court will now rule on the FAA's motion to dismiss or request additional information.

On September 2, 2015, the FAA filed a motion to consolidate the two cases filed by the City of Phoenix and by the Phoenix neighborhoods into one case. Neither the neighborhoods nor the City of Phoenix are objecting to the FAA's motion. Consolidation could cause a delay in the court's ruling on the pending motion to dismiss filed by the FAA against the city's case.

There is no current deadline for response by the Court.

*\*Underlined information is available in detail on [skyharbor.com](http://skyharbor.com)*