



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **COUNCIL AIRPORT COMMITTEE**

**APRIL 23, 2015**

---

## Table of Contents

|  |    |
|--|----|
| Agenda . . . . .   | 2  |
| Summary Minutes for January 22, 2015   |    |
| Minutes . . . . .  | 4  |
| APP Jet Center Agreement Renewal and Construction Plans                                  |    |
| Staff Report . . . . .   | 11 |
| Attachment I . . . . .   | 14 |
| Attachment II . . . . .  | 15 |
| Attachment III . . . . .   | 16 |
| Federal Aviation Administration Grant for Runway Pavement<br>Rehabilitation              |    |
| Staff Report . . . . .   | 17 |
| Attachment I . . . . .   | 20 |
| Attachment II . . . . .  | 21 |
| Sulphur Creek Mitigation – Acceptance of Grant for Design                                |    |
| Staff Report . . . . .   | 22 |
| Attachment I . . . . .   | 25 |
| Unmanned Aerial Vehicles   |    |
| Staff Report . . . . .   | 26 |
| Attachment I . . . . .   | 29 |
| Quarterly Evaluation of the Performance Based Noise<br>Ordinance - First Quarter CY 2015 |    |
| Staff Report . . . . .   | 30 |
| Attachment I . . . . .   | 33 |



---

**COUNCIL AIRPORT COMMITTEE MEETING  
THURSDAY, APRIL 23, 2015  
AIRPORT ADMINISTRATION BUILDING MEETING ROOM  
TIME 5:30 PM**

**CALL TO ORDER**

**ROLL CALL**

---

**PUBLIC COMMENTS:** *(The Public Comment section provides an opportunity to address the City Council Committee on items not listed on the agenda. The Committee welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Committee is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

---

1. Summary Minutes for January 22, 2015  
[Minutes](#)
  
2. APP Jet Center Agreement Renewal and Construction Plans  
[Staff Report](#)  
[Attachment I](#)  
[Attachment II](#)  
[Attachment III](#)
  
3. Federal Aviation Administration Grant for Runway Pavement Rehabilitation  
[Staff Report](#)  
[Attachment I](#)  
[Attachment II](#)
  
4. Sulphur Creek Mitigation – Acceptance of Grant for Design  
[Staff Report](#)  
[Attachment I](#)
  
5. Unmanned Aerial Vehicles (UAVs)  
[Staff Report](#)  
[Attachment I](#)
  
6. Quarterly Evaluation of the Performance Based Noise Ordinance - First Quarter CY 2015  
[Staff Report](#)  
[Attachment I](#)

7. Committee Members and Staff Announcements, Referrals

8. Future Agenda Items

**ADJOURNMENT**

**NEXT REGULAR MEETING – 5:30 PM, JULY 23, 2015**

---

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the Assistant City Manager at (510) 583-4300 or TDD (510) 247-3340.*

---

777 B STREET, HAYWARD, CA 94541  
[HTTP://WWW.HAYWARD-CA.GOV](http://www.hayward-ca.gov)

AUGUST 2, 2011



**DATE:** April 23, 2015  
**TO:** Council Airport Committee  
**FROM:** Morad Fakhrai, Director of Public Works - Engineering & Transportation  
**SUBJECT:** Summary Minutes for January 22, 2015

### **CALL MEETING TO ORDER**

The meeting began at 5:30 p.m. with Council Member Zermeño and Council Member Jones present, and Council Member Márquez absent.

**City staff:** Morad Fakhrai, Director of Public Works – Engineering & Transportation  
Doug McNeeley, Airport Manager  
David Decoteau, Airport Operations Supervisor  
Noemi Dostal, Administrative Analyst II  
Sean Moran, Noise Abatement Analyst  
Amy Toste, Secretary  
Micah Hinkle, Economic Development Manager

### **Members of the public present:**

|                |               |              |
|----------------|---------------|--------------|
| Deanna Bogue   | Clive Hughes  | S. Sam       |
| Edward Bogue   | Greg Johnson  | David Simon  |
| Gary Briggs    | Craig Miller  | Chris Verbil |
| Victor Cushing | Tom Neale     | Craig Zirzon |
| Jamal Hemenway | Thomas Panico |              |

### **PUBLIC COMMENTS**

Chris Verbil, former Chair of the Hayward Air Rally, presented a plaque to the City and the Airport for its support of the non-profit event over the past fifty years. Mr. Doug McNeeley, Airport Manager, accepted the plaque.

#### **1. Summary Minutes for October 23, 2014**

Summary Minutes approved as submitted.

#### **2. APP Jet Center Lease Renewal and Construction Plans**

This item was postponed to the next Council Airport Committee meeting on Thursday, April 23, 2015.

## **PUBLIC COMMENTS**

None

### **3. Caltrans Grant for Runway Rehabilitation**

Mr. McNeeley presented an overview of pavement issues on Runway 10R-28L and the details of a potential monetary grant from the California Department of Transportation (Caltrans) to help address these issues.

When Runway 10R-28L received a two-inch asphalt overlay in 2004, the asphalt mix contained a quantity of iron ore. The presence of moisture causes the iron ore to rust, and this in turn could potentially present two safety issues. First, the runway markings became discolored, creating a lack of contrast between the markings and the surrounding pavement. Second, the iron ore particles embedded in the asphalt have the potential to become dislodged and become Foreign Object Debris (FOD) that can be ingested by aircraft engines or degrade runway breaking action, although to date this has not been observed.

In 2009, the Airport applied a slurry seal to address these issues, but it was ineffective. In 2011, Airport staff began refreshing the runway markings with special rust-inhibiting paint, but this also proved to be ineffective over the long term. Pavement consultants with URS Griener subsequently recommended the Airport remove the existing asphalt pavement and replace it with a two-inch asphalt lift with a proper mix.

Staff submitted a grant application to Caltrans in February 2012, but it was not approved until October 2014 due to a lack of state resources. Caltrans tentatively approved an award of \$554,000 for distribution in July 2015, with the Airport providing matching funds of \$55,400. This amount is adequate to repave approximately 35% of the runway. Funding for the remaining 65% is anticipated from the Federal Aviation Administration (FAA) in FY 2017. If the project is approved by the CAC, a resolution will be brought to Council for action at the next available meeting.

Mr. McNeeley stated a runway closure of up to two weeks is anticipated in order to pave 35% of the runway. Since the release of the staff report regarding this project, Mr. McNeeley has talked with several tenants regarding the anticipated runway closure. He assured everyone in attendance that he will provide ample notice to Airport users and will schedule the closure to minimize runway downtime. Mr. McNeeley asked that the CAC pass a resolution to recommend this item for action by Council at the February 28, 2015 meeting.

Council Member Jones stated his desire to minimize runway downtime and suggested the Airport pave less of the runway (instead of 35%) as a way to minimize the length of closure time. By doing so, the Airport would have funding for overtime work at night or on the weekend. He also asked for clarification on what CAC is being asked to approve. Mr. Morad Fakhrai, Director of Public Works - Engineering & Transportation, responded that approval is being sought for acceptance of the Caltrans grant. Planning can begin once the funds are received.

Council Member Zermeño asked if the Airport has the matching funds necessary for the project, and staff indicated funding is available. He inquired about plans to keep the Airport open during

the closure of Runway 10R-28L. Mr. McNeeley responded that Runway 10L-28R is of an adequate length to accommodate virtually all piston-powered general aviation aircraft, and it would also accommodate smaller turbine-powered aircraft such as the King Air or Pilatus PC-12. However, it would not be adequate for most jet aircraft. Subject to further review, a phasing plan for paving work on Runway 10R-28L may allow a portion of it to remain open for a limited period while the project is underway. Nighttime work could also reduce the impact to Airport users. Mr. McNeeley said he would keep airport users informed of construction plans in addition to issuing Notices to Airmen (NOTAMs).

Council Member Jones asked if the FAA must approve the construction plans, and Mr. McNeeley said they must approve all work accomplished with federal funding.

Council Member Zermeño asked how long the new pavement is expected to last. Mr. McNeeley said the design life of asphalt paving is approximately twenty years.

## **PUBLIC COMMENTS**

Gary Briggs, President of Ascend Development, expressed concern about the downtime necessary to pave the runway. Based on his observation of other paving projects at the Airport, he was skeptical that all of the work could be completed according to schedule. In his view, even a closure of a short duration is unacceptable to aircraft owners based at Hayward. In addition to a loss of revenue for his company and the Airport, he also expressed concern that some tenants may relocate to other Bay Area airports and never return to Hayward. He said he and other tenants would like input during the planning process for the project.

Council Member Zermeño asked about the possibility of a task force to provide feedback during the planning process. Mr. McNeeley said he would welcome input from Mr. Briggs and other tenants. He stated that he is sensitive to the potential financial impact to the Airport, but that he is also dedicated to mitigating potential safety issues.

Council Member Jones inquired if the Airport must begin construction upon receiving the Caltrans grant. Mr. McNeeley said that construction does not have to begin immediately. Mr. Fakhrai added that the Airport staff would begin to engage tenants as soon as possible.

Craig Miller, President of based tenant AO Sky, stated that a two-week closure of the runway is unacceptable to him since it would require the relocation of his jet aircraft, support equipment, and his office to another airport. Mr. Miller suggested that a cost-benefit analysis be conducted for the project. He suggested the project could be accomplished at night and on the weekend, similar to a project at Teterboro Airport. He stated that he would like input during the planning process, and Council Member Zermeño affirmed the desire of Airport staff to limit runway downtime.

Council Members Jones and Zermeño recommended this item for action at the scheduled Council meeting on February 28, 2015.

## **4. Status of Meridian Aviation Project**

Mr. McNeeley provided an update of the Meridian Aviation project. A ground lease was executed with Meridian Aviation in December 2013. On December 4, 2014, the California Department of Toxic Substances Control (DTSC) issued a letter confirming satisfactory remediation of

environmental issues on the former California Air National Guard (CANG) site. This is noteworthy because a portion of the Meridian Aviation leasehold extends onto the CANG site. On December 15, 2014, Meridian Aviation executed the option to extend their lease beyond the initial due diligence period for the remaining forty-nine years. In that letter they also requested that, according to provisions of the lease, the Airport remove a stockpile of soil on the Meridian leasehold and investigate the source of potential pollution in the northwest corner of Meridian's leasehold. Staff is in process of receiving bids for this work. The objective is to have the work completed within the next 30 days.

The options for electrical service to the Meridian leasehold are currently being evaluated. These include a new transformer to replace the obsolete equipment currently on-site, or an agreement that each tenant contract directly with Pacific Gas and Electric for service.

The City of Hayward is responsible for constructing an access road from the intersection of Winton Avenue and Clawiter Road to the Meridian leasehold, which will also provide access to all future tenants of the CANG site. The road is in the design phase and construction should be completed this fall.

Mr. McNeeley said Meridian Aviation is determining the final design criteria for their project, including the size of the hangar and office space in the first phase. Meridian is also determining if they can be open in time for Super Bowl 2016 and the large influx of transient general aviation aircraft expected for the event.

Council Member Zermeño asked about the expected date for groundbreaking. Mr. McNeeley responded that it would be in late summer.

Council Member Zermeño inquired about the location of the proposed entrance road for Meridian Aviation. Mr. Fakhrai said it will begin at the intersection of Winton Avenue and Clawiter Road and proceed north across the CANG site to the Meridian leasehold. He emphasized that the road is for the benefit of all future tenants on the CANG site as well as Meridian Aviation. He noted that under the terms of the lease with Meridian they are responsible for utility costs to their site.

## **PUBLIC COMMENTS**

Jamal Hemenway of Mather Aviation asked if Meridian would offer maintenance and fuel services. Mr. McNeeley said that Meridian will offer fuel service, but plans for a maintenance facility are uncertain at this point. Meridian's Director of Business Development, Greg Johnson, was present and stated that Meridian has a Part 145 maintenance facility in Teterboro, NJ, and they are considering similar capabilities in Hayward.

### **5. Airport Development Sites**

Airport Manager McNeeley gave a summary of four vacant parcels of land available for development on Airport property:

- 163,957 square feet at the corner of A Street and Skywest Drive
- 80,570 square feet on Hesperian Boulevard
- 79,977 square feet on Hesperian Boulevard
- 24 acres on Winton Boulevard, which is the former CANG site

The parcels on A Street and Hesperian Boulevard are all available for non-aviation use such as retail stores. The former 24-acre CANG site is available for aviation-related development only.

The City's Economic Development staff will assist regarding the three non-aviation parcels, and Airport staff will be responsible for the former CANG site. Economic Development Manager Micah Hinkle made a presentation about proposed marketing activities that include outreach to existing companies in the area and targeted advertising. He outlined the need for a vehicle traffic count, market analysis, and a review of permitted uses under the City's zoning code.

Council Member Jones inquired about potential uses for the Hesperian Boulevard sites. Mr. Hinkle responded that a hotel would be one option given proximity to the Airport, but it is not the only option.

Council Member Zermeño asked if the La Quinta Inn would be subject to FAA height restrictions, in the event they expand their existing facility. Mr. McNeeley said they would be subject to Part 77 restrictions, but given La Quinta's location relative to the Airport's runways, he did not expect those restrictions to be unduly burdensome.

Council Member Jones suggested that staff provide a package of information to potential tenants, including information regarding applicable height restrictions on Airport property. Mr. McNeeley said that is staff's intention.

Mr. McNeeley thanked Mr. Hinkle for his assistance with the Meridian Aviation project.

## **PUBLIC COMMENTS**

Victor Cushing, President of Mather Aviation, said he was in favor of additional hotel options near the Airport.

### **6. Quarterly Evaluation of the Performance Based Noise Ordinance**

In response to a previous request from CAC members, Mr. McNeeley stated that a report regarding noise complaints would be presented at this and all subsequent quarterly CAC meetings. Noise Analyst Sean Moran then presented a summary of the results for CY 2014.

The overall trend is positive, with the number of annual aircraft operations increasing 12.5% from 100,138 to 112,726 operations, and the number of complaints received declining 53% from 1,028 to 483. As in the past, aircraft departing from the Airport generated a majority of the noise complaints because aircraft engines are running at or near full power during takeoff. Jets generated the largest number of complaints by aircraft type, but Mr. Moran noted that jets are becoming quieter due to technological advances. The largest number of noise complaints were received between the hours of 7:00 am to 7:00 pm during the peak traffic period. The community of San Lorenzo generated the most noise complaints due to normal aircraft departure patterns. Mr. Moran also noted that complaints in the overnight hours have recently decreased due to the cooperation of a based freight forwarding company, Ameriflight.

Council Member Jones asked how exceedances of the airport noise ordinance are determined. Mr. Moran said he uses a variety of tools including the ANOMS noise program, the four noise

monitors that surround the airport, and flight-tracking data to differentiate our traffic from aircraft bound for Oakland International Airport

Council Member Jones commented that he has noticed more commercial airliners over his neighborhood and asked if it was due to flight path changes at the Oakland Airport. Mr. McNeeley said flight patterns were changed for a runway construction project at Oakland, but that project has just concluded.

Council Member Jones attended a recent meeting of the Oakland Airport-Community Noise Forum and said there was a discussion of local helicopter operations. He asked if Hayward Executive Airport holds training sessions with based helicopter pilots to reduce noise impact. Mr. McNeeley said that Airport staff conducts annual meetings in conjunction with Oakland International Airport. He noted a majority of helicopter noise complaints originate in Oakland and the City of Berkeley due to coverage of breaking news events in those communities. However, news helicopter pilots can reduce noise impact by flying at higher altitudes or adjusting rotor pitch. Council Member Zermeño asked that CAC members be included in the next Hayward meeting.

Council Member Zermeño asked about the procedures used by the based freight forwarding company to reduce noise impact. Mr. McNeeley said the name of the company is Ameriflight. They relocated to Hayward from Oakland International Airport, and when they started operating at Hayward, there was a spike in nighttime noise complaints. Staff spoke with the local Ameriflight station manager and asked that when conditions permit, pilots refrain from using reverse thrust on aircraft engines. They were also asked to exit the runway before the end to reduce noise impact to nearby residents. In addition to these procedural changes, over time the company has reduced the number of flights with a corresponding overall reduction in noise complaints.

## **PUBLIC COMMENTS**

None

### **7. Committee Members and Staff Announcements, Referrals**

Council Member Jones said a topic at the most recent Oakland Airport-Community Noise Forum was drones and the restriction of their operation near airports. It could be an issue in the coming years that will affect Airport safety since 200,000 drones are currently sold per month. Drones have the potential to damage low-flying aircraft. He asked Airport staff to determine if the Hayward Airport will restrict the flight of drones near its airspace, and for a staff report on this subject at the next CAC Meeting.

Mr. McNeeley reported that his original estimate of aircraft operations for CY 2014 of 107,000 was conservative. The final result was 112,726 operations, a robust increase of 12.5% in comparison with CY 2013. There was also an increase in fuel sales based on market rate pricing and other management practices by APP Jet Center.

## **PUBLIC COMMENTS**

None

### **8. Future Agenda Items**

Council Members Zermeño and Jones requested a staff report on drones at the next CAC meeting.

### **PUBLIC COMMENTS**

Mr. Gary Briggs inquired if there is a market rate study in progress for the aviation land leases or the non-aviation land leases on the Airport, and if so, if it represents a change in the policy established in 1998 for a study every ten years. Mr. McNeeley replied that an informal study was underway due to the quickly changing economic picture in the San Francisco Bay Area, but it was not a reflection of a new policy. Council Member Jones added that a change in policy requires formal action by the City Council.

### **ADJOURNMENT**

The meeting adjourned at 6:54 p.m.

**DATE:** April 23, 2015  
**TO:** Council Airport Committee  
**FROM:** Director of Public Works - Engineering & Transportation  
**SUBJECT:** APP Jet Center Agreement Renewal and Construction Plans

**RECOMMENDATION**

That the Committee reviews this information, provides comments regarding the proposed agreement renewal, and makes a recommendation for action to Council.

**BACKGROUND**

On September 20, 2007, Hayward Jet Center, Inc. (now dba APP Jet Center), entered into an agreement for temporary use of City-owned property located at 21599 and 21587 Skywest Drive, Hangar Lots 3 and 4, also known as the Bendor Parcel. The property is improved with utilities and asphalt paving on certain portions of the premises, and two metal hangars that were constructed in the 1950s and 1960s are also on-site and rented to subtenants.

Hayward Jet Center is presently the only Fixed Base Operator (FBO) providing fuel sales at Hayward Executive Airport, and they have two other separate leaseholds from which they conduct business under their corporate name. They are a tenant in good standing with an excellent payment record, and they wish to renew this agreement.

**DISCUSSION**

The original agreement for the Bendor Parcel expired on September 14, 2014. However, prior to that expiration date, Hayward Jet Center informed the City of their desire to renew the lease, and pending the conclusion of negotiations, they have been occupying the parcel on a month-to-month basis.

In addition to APP Jet Center's request to renew the agreement for the Bendor Parcel, and in conjunction with their tenancy at the Airport, APP Jet Center (APP) has announced their interest in constructing a new multi-million dollar FBO facility on a separate, adjacent parcel. These new facilities include the construction of an aircraft hangar that is approximately 12,000 square feet in size, and a new one-story FBO office facility. These improvements should benefit both Airport based and transient customers of APP by providing new and modern facilities, and it will also benefit the Airport, by improving the appearance, helping retain current businesses and attracting new customers, which could result in additional fuel sales. The new facilities will not include the

construction of a new fuel farm as APP will continue to use its existing fuel farm facilities. This proposed investment demonstrates APP's continuing commitment to the Airport and the City.

As depicted in Attachment I, the location of the new hangar and office facilities is adjacent to and west of the hangar currently occupied by Ameriflight LLC, an FAA Part 135 freight carrier. Ameriflight is a subtenant of Hayward Jet Center. As part of the project, the exterior of the Ameriflight hangar will be renovated with an appearance similar to the proposed new hangar.

As depicted in Attachment II, the exterior of the hangar will be metal construction. The hangar floor will be approximately 110 feet by 110 feet, and the hangar door will be 28 feet in height. This is sufficient to store one Gulfstream 650 aircraft, or a number of smaller aircraft. The office exterior area will also be of metal construction. As depicted in Attachment III, the office interior will be 1,500-2,000 square feet and will include a lobby, conference room, crew area, and galley.

A firm construction timeline will be established once design work is finished, but at this time, the estimated schedule for construction completion is winter of 2016. Staff is responsible for modifying the Airport Layout Plan (ALP) to depict the proposed development, and for preparation of an environmental study utilizing a consultant. Part of the APP design work will include a line-of-sight study approved by the Federal Aviation Administration (FAA) to ensure the new structure does not obscure essential portions of the Airport Movement Area from the FAA Air Traffic Control Tower. APP's general contractor will also be responsible for filing an FAA Form 7460 before construction begins to ensure the new structure does not impact flight procedures at the Airport.

## **FISCAL IMPACT**

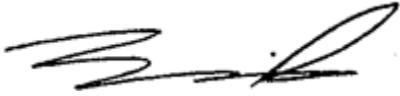
The Bendor Parcel currently generates total annual revenue in the amount of \$60,000. To help establish rental rates, a market study of Airport rates and charges is conducted every ten years by an outside consultant. The last study was completed in 2008, and the next regularly-scheduled study is due in 2018. However, FAA policy encourages Airport operators to reasonably increase revenue and the City is not precluded from negotiating higher annual rent based on current economic conditions.

Staff recommends that Council authorizes the City Manager to negotiate and execute a new agreement for the temporary use of City-owned property with Hayward Jet Center, Inc., dba APP Jet Center, which will probably include an increase in rates. APP indicates they prefer to continue with a temporary agreement instead of a ground lease for the subject property, and staff has no objection.

*Prepared by:* Douglas McNeeley, Airport Manager

*Recommended by:* Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



---

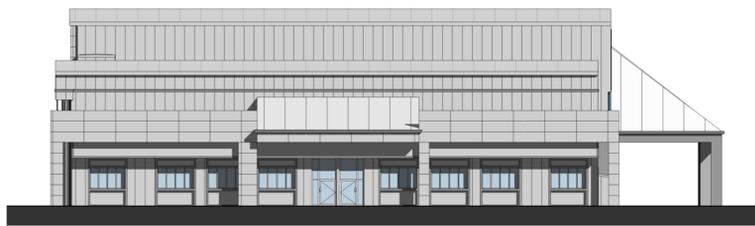
Fran David, City Manager

|                 |                              |
|-----------------|------------------------------|
| Attachment I:   | Aerial Map of FBO Leaseholds |
| Attachment II:  | Proposed Exterior Elevations |
| Attachment III: | Proposed Floor Plan          |



Current Location of  
APP FBO

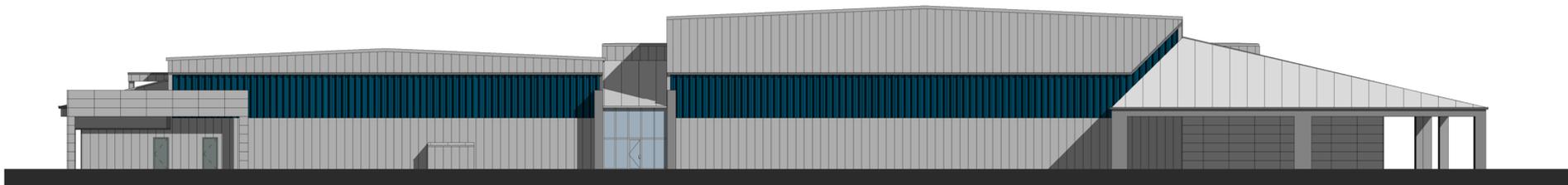
Location of  
Bendor Lease



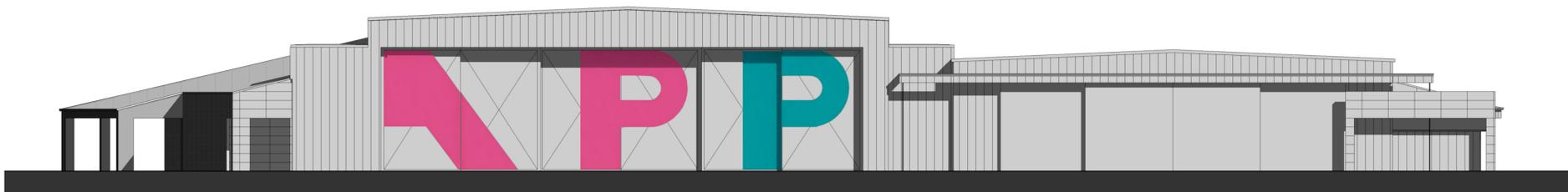
① East Elevation  
1/16" = 1'-0"



④ West Elevation  
1/16" = 1'-0"



② North Elevation  
1/16" = 1'-0"



③ South Elevation  
1/16" = 1'-0"



⑤ South Elevation render



**DATE:** April 23, 2015

**TO:** Council Airport Committee

**FROM:** Director of Public Works – Engineering & Transportation

**SUBJECT:** Federal Aviation Administration Grant for Runway Pavement Rehabilitation

### **RECOMMENDATION**

That the Committee reviews the attached information and makes a recommendation to Council for action.

### **BACKGROUND**

A key staff objective is to reduce the overall cost of capital projects through the use of grants from local, state, or federal government. On October 15, 2014, staff was informed that the California Transportation Commission had approved a list of projects for funding over the next two fiscal years, and that a project to resurface Runway 10R-28L was on the list with a high priority ranking in the amount of \$554,000. This grant requires the City to provide ten percent of the cost in matching funds of \$55,400. The State is responsible for ninety percent of the cost, or \$498,600. In subsequent discussions with Caltrans, staff was informed that funding is available in the State's FY 2016 budget, beginning July 1, 2015, and Council approved a resolution on February 17, 2015 authorizing the City Manager to accept this grant.

The Caltrans grant is sufficient to pave approximately 30%-35% of the runway. The remainder of the runway will be paved using a separate grant from the Federal Aviation Administration (FAA). This grant is currently programmed in the FAA FY 2017 budget beginning on October 1, 2016. However, there is a possibility that funding may be available sooner if other airports are unable to move forward with previously scheduled construction projects and funds are reallocated to Hayward. While far from certain, this sort of reallocation does occur from time to time. Accordingly, the FAA Airports District Office (FSDO) in Burlingame has requested an application package from the City including a Council resolution accepting the grant.

### **DISCUSSION**

As part of the Airport's ongoing pavement maintenance plan, an asphalt overlay was constructed on Runway 28L-10R in 2004. After a period of time, the pavement surface began to discolor, and it was discovered that the asphalt mix used contained iron ore. The presence of moisture caused the iron ore to rust in the pavement. The rust appeared after the warranty period, and at the time it seemed there was no recourse with the contractor. Staff is working with the City Attorney's Office to explore possibilities to recover parts or all of the cost to fix this issue.

The rust is creating two conditions that are a cause for concern. First, rust has been bleeding through the white pavement markings on the runway, likely turning the markings a shade of yellow in certain locations (Attachment II). Pilots rely on the markings during both daylight and nighttime conditions to visually determine the location of the runway threshold and alignment on the runway centerline, among other items, but the yellow color reduces the contrast between the dark pavement and the white paint markings. In addition, if the rusting is allowed to progress, particles will begin to flake and loosen from the pavement surface. This could adversely affect braking action on the runway and the rust particles could be ingested into aircraft engines. The flaking and loosening of rust particles is not yet occurring and the general condition of the pavement has been rated as “good” during the most recent pavement inspection by Caltrans and separately by an outside pavement expert.

To address these concerns, a slurry seal was applied to the entire runway in 2009 and the markings were repainted. Slurry seal is a thick oil emulsion that coats and rejuvenates asphalt pavement. However, this proved ineffective over time and rust spots reappeared on the pavement.

In April 2011, a new twice-daily Airport inspection plan was implemented. These regular inspections allow staff to closely monitor and record the condition of pavement throughout the Airport and address deficiencies. As a result, the markings on Runway 28L-10R were repainted in 2013 and 2014 by the Airport maintenance staff, and they will continue to be repainted as necessary to maintain an adequate level of safety. In the meantime, a pavement specialist from airport consultant URS Greiner evaluated the runway and recommended that milling the existing pavement and applying a two-inch asphalt lift with a proper mix should alleviate the rust issue. It was determined there are no sealants or other chemical products on the market that can successfully address the rust issue at Hayward as an alternative to paving.

To move forward with the FAA grant process, a resolution from Council accepting the grant must be received by the FAA no later than May 1, 2015. As noted above, the FAA funding will be sufficient to mill and pave approximately 65% of the entire runway surface, including overrun areas. The timing of the funding from Caltrans and the FAA will, to a large extent, determine the timing of the construction project. Until these questions are resolved, discussion of a construction schedule would be premature. Staff will work closely with paving experts and with based tenants to minimize runway downtime.

## **FISCAL IMPACT**

|                                       |             |
|---------------------------------------|-------------|
| Federal Aviation Administration Grant | \$1,395,000 |
| City’s Matching Portion               | 155,000     |
| Total Project Cost (65%)              | \$1,550,000 |

The City’s matching portion of the grant will be funded through available budget balance in the Airport Capital Fund of the FY16 Capital Improvement Program.

## **PUBLIC CONTACT**

The public was informed of the FAA grant in the packet for the Council Airport Committee (CAC) and during the subsequent presentation at the CAC meeting on January 22, 2015. Public comments were received at that meeting, and as a result, the Airport Manager will form an advisory group of Airport tenants to provide feedback during the initial planning phase of the project. Pavement experts will be invited to participate and present options to minimize any concerns.

Since the prevailing wind favors the use of Runway 28L approximately ninety percent of the time, particularly for use by jet and turboprop aircraft, it is the most critical runway for aircraft approaching the Airport. Therefore, paving work will commence at the approach end of Runway 28L. Paving time will be minimized to the extent possible and Airport staff will form a working committee of Airport tenants no later than April 30, 2015 to provide input during the planning process. The first meeting of the committee will be held no later than May 15, 2015.

## **SCHEDULE**

To be determined based upon grant availability and the construction plan that is adopted.

*Prepared by:* Douglas McNeeley, Airport Manager

*Recommended by:* Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



---

Fran David, City Manager

Attachments:

Attachment I: Aerial Photograph  
Attachment II: Photograph of Pavement





**DATE:** April 23, 2015  
**TO:** Council Airport Committee  
**FROM:** Director of Public Works – Engineering & Transportation  
**SUBJECT:** Sulphur Creek Mitigation – Acceptance of Grant for Design

### **RECOMMENDATION**

That the Committee reviews this information and makes a recommendation for action to Council.

### **BACKGROUND**

A portion of Sulphur Creek crosses Hayward Executive Airport and flows to the San Francisco Bay. Approximately 412 feet of Sulphur Creek flows in an open channel on the airfield within the Runway Safety Area of Runway 10L – 28R (Attachment I). This poses a potential safety hazard in the event that an aircraft on the runway leaves the pavement due to an unforeseen incident or accident. Under these circumstances, the aircraft could impact the open channel with the possibility of significant damage to the aircraft and injury to the occupants.

In 2007, the Federal Aviation Administration Runway Safety Action Team (RSAT) recognized this potential safety issue and recommended that the City of Hayward take steps to cover the open portions of the creek near the runway and grade the immediate area to a smooth surface. Airport management subsequently contacted the Federal Aviation Administration Airports District Office in San Francisco (SFO-ADO) and determined this project would be eligible for federal grant funding, under the Airport Improvement Program (AIP).

### **DISCUSSION**

The Airport Capital Improvement Plan (CIP) includes a construction project to cover open portions of Sulphur Creek to address the concerns outlined above by the FAA Runway Safety Action Team. Staff is requesting that the Committee approve acceptance of an FAA grant for the design of the project.

The purpose of a Runway Safety Area is to provide a prepared surface in the turf area surrounding a runway to reduce damage in the event of an aircraft undershoot, overshoot, or excursion from the runway. Enclosing the open channel in the Runway 10L-28R Runway Safety Area and grading the immediate area will provide important safety benefits to Airport users by preserving the function of the Runway Safety Area.

Before plans and specifications can be developed and construction work can commence to move a portion of Sulphur Creek into enclosed culverts, it was necessary to complete an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA). City staff selected an environmental consultant based upon a qualifications-based selection process in accordance with FAA Advisory Circular 150/5100-14D. A Request for Qualifications was mailed to a list of consultants and Reynolds, Smith and Hills of San Francisco, California was determined to be the most qualified firm with extensive environmental permitting experience with the California Department of Fish and Game, San Francisco Bay Regional Water Quality Control Board, and the U.S. Army Corps of Engineers on similar projects throughout the Bay Area and in the City of Hayward, specifically.

On July 12, 2011, the Hayward City Council authorized the City Manager to negotiate and execute a professional services agreement with Reynolds, Smith and Hills. There will be personnel and equipment working adjacent to runways and safety areas. Periodic temporary closures of pavement may be required with minimal operational impacts.

### **FISCAL & ECONOMIC IMPACT**

The estimated project costs are as follows:

|                                  |                           |
|----------------------------------|---------------------------|
| Phase 1 – Environmental Planning | \$300,000                 |
| Phase 2 – Final Design           | 360,000                   |
| Phase 3 – Construction           | 2,313,000                 |
| Project Administration (5%)      | 150,000                   |
| Total                            | <u>\$3,123,000</u>        |
| Contingency Amount (10%)         | 312,000                   |
| <b>Total with Contingencies</b>  | <b><u>\$3,435,000</u></b> |

The Sulphur Creek Mitigation project was planned in three separate and sequential phases as outlined above. Each phase of the project is reimbursable through grants from the Federal Aviation Administration (FAA) covering 90% of the estimated cost. Please note, only funding for Phase 2, Final Design, is currently before the Committee. Funding for Phase 3, Construction funding, will be brought before the Committee at the appropriate time. Staff is anticipating a FAA grant for the construction phase of the project.

Based on the scope of work for Phase 2 and subsequent negotiations, a cost estimate of \$360,000 was received from the consultant and determined to be reasonable by the City of Hayward, the SFO-ADO, and by a required independent fee estimate. The FAA AIP grants will cover 90% of the cost estimate, or \$324,000. The Hayward Executive Airport is required to fund the remaining 10% of the cost estimate, or \$36,000. The Adopted FY 2015 Capital Improvement Program includes funding for Phase 2, Final Design and Phase 3, Construction. A formal grant offer from the FAA for Phase 2 activities is expected within the next 90 days.

## **PUBLIC CONTACT**

As part of the scope of work, the consultant prepared a public outreach plan that included key messages, core audiences, and public involvement activities to support the development and release of the draft EA. The public outreach plan ensured that the interested public had an opportunity to provide input, the interests of participants were communicated to decision makers, and that participants were provided with information needed to participate in a meaningful way. Two written comments were received regarding the draft EA by the deadline and were subsequently addressed by the consultant and the FAA. Tenants of the airport will be kept apprised of specific work being done and will be alerted to any short-term, temporary disruptions to runways, if they occur.

## **SCHEDULE**

### Phase 1 – Environmental Planning

|                       |                    |
|-----------------------|--------------------|
| Award Contract        | July 12, 2011      |
| Complete Phase 1 Work | September 30, 2011 |
| Publish Draft EA/EIR  | November 30, 2011  |
| Obtain NEPA Clearance | May, 2015          |

### Phase 2 – Final Design

|                                   |               |
|-----------------------------------|---------------|
| Award Phase 2 Consultant Contract | July 2015     |
| Complete Plans and Specifications | December 2015 |
| Publish Final EA/EIR              | February 2016 |

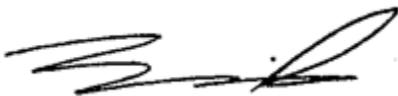
### Phase 3 – Construction

|                             |                |
|-----------------------------|----------------|
| Award Construction Contract | September 2016 |
| Notice to Proceed           | December 2016  |
| Substantial Completion      | February 2017  |

*Prepared by:* Douglas McNeeley, Airport Manager

*Recommended by:* Morad Fakhrai, Director, Public Works – Engineering & Transportation

Approved by:



---

Fran David, City Manager

Attachments:

Attachment I: Location Map



Proposed  
Sulphur Creek  
Improvements

**DATE:** April 23, 2015  
**TO:** Council Airport Committee  
**FROM:** Director of Public Works – Engineering & Transportation  
**SUBJECT:** Unmanned Aerial Vehicles

### **RECOMMENDATION**

That the Committee accepts this report as information only; no action is necessary.

### **BACKGROUND**

An Unmanned Aerial Vehicle (UAV) or “drone” is a type of aircraft that has no onboard crew or passengers. UAVs are produced in sizes ranging from small model airplanes to large general aviation aircraft, and they can be remotely controlled or operate autonomously. They are used by military and civilian organizations as well as private individuals for a variety of purposes, but they are most commonly operated today as a platform for aerial photography.

The use of UAVs is expanding and generating controversy in the United States. Privacy advocates are concerned about the use of UAVs in monitoring the activities of individuals without their knowledge or consent. There are also reports of a growing number of near misses between UAVs and manned aircraft, including commercial airliners, raising concerns about the safe operation of UAVs in airspace controlled by the Federal Aviation Administration (FAA). The increased use of UAVs may pose a future threat of collision at general aviation airports such as Hayward Executive Airport (Airport). The FAA is currently attempting to address regulatory issues regarding UAV operation to ensure the safety of the travelling public.

### **DISCUSSION**

The modern UAV era began with the introduction of the military UAVs such as the Predator in the early nineties. Civilian hobbyists have been flying remote controlled model aircraft for decades, but their capabilities and payloads were limited. The widespread sales of small, modern UAVs to hobbyists with video capability and the ability to hover began in approximately 2012. Today, a small UAV can be purchased online for as little as \$300.

According to recent reports, there was a surge in 2014 in the number of near collisions between UAVs and civilian aircraft. Many of the close calls occurred during takeoffs and landings at some of the nation’s busiest airports. On September 30, 2014, air traffic controllers at LaGuardia Airport in New York reported that a Republic Airlines’ jet was almost hit by a brightly-colored

UAV at 4,000 feet as the airliner was descending to land. Outside Washington, DC, a Porter Airlines flight from Toronto was descending to Dulles International Airport at an altitude of 2,800 feet on June 29, 2014 when it reported that a black and white UAV passed just fifty feet away. These near midair collisions were among more than 175 incidents in which pilots and controllers reported seeing UAVs near airports or in restricted airspace in a six-month period. According to a separate media report, in 2014, California led the country with twenty-five UAV sightings, followed by New York and Florida. On January 26, 2015, a UAV that was too small to be detected by radar crashed into a tree on the South Lawn of the White House, underscoring the potentially stealth nature of UAVs.

To date, there have been no reports to the FAA Air Traffic Control Tower at Hayward of incidents involving aircraft and UAVs. The Airport administration office received one telephone call in the past month regarding UAV operation at Kennedy Park by a concerned citizen, but that activity was not observed when staff arrived on scene several minutes later.

Congress passed the FAA Modernization and Reform Act of 2012 that required the Secretary of Transportation to develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. This act created a special rule for model aircraft that are flown for recreational purposes, including a provision they may not be flown within five miles of an airport unless the operator has notified the air traffic control tower and the airport operator of the proposed operation in advance.

On February 15, 2015, the FAA released a Notice of Proposed Rulemaking regarding the operation of UAVs. Some of the major provisions include:

- Unmanned aircraft must weigh less than fifty-five pounds
- The operator on the ground must maintain visual contact with the UAV
- Daylight operation only
- Must yield right-of-way to other manned and unmanned aircraft
- Operators must be at least seventeen years old
- Operators must pass an initial written FAA aeronautical knowledge test

Once enacted, it is not yet clear how thousands of potential users will be informed of these provisions in advance or how they will be enforced.

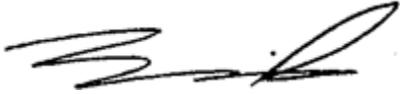
In the meantime, UAV manufacturers are taking some initiative. For example, the company that makes the UAV that crashed on the White House lawn announced it is programming its products to stop flying within fifteen miles of downtown Washington, DC. A spokesperson for the company also said that new products will have firmware to prevent operators from flying within a designated distance of major airports. It is not known whether that protection will also extend to general aviation airports.

Until the UAV industry matures and additional safety measures are in place, the basic concept of “see-and-avoid” will remain the primary source of protection for general aviation pilots from close encounters with UAVs.

*Prepared by:* Douglas McNeeley, Airport Manager

*Recommended by:* Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



---

Fran David, City Manager

Attachments:

Attachment I: Photograph of a UAV



**DATE:** April 23, 2015

**TO:** Council Airport Committee

**FROM:** Director of Public Works – Engineering & Transportation

**SUBJECT:** Quarterly Evaluation of the Performance Based Noise Ordinance - First Quarter CY 2015

**RECOMMENDATION**

That the Committee accepts this report as information only; no action is necessary.

**BACKGROUND**

In July 1991, the City of Hayward adopted Ordinance 91-16 to regulate aircraft noise at Hayward Executive Airport (Airport). As a result, staff administers a noise program that includes the operation of noise monitors and the investigation of every noise complaint that is received. Staff also conducts pilot education seminars, distributes information on noise abatement procedures, and participates in outreach activities.

This report addresses the operational results for the first quarter of 2015 in comparison with the first quarter of 2014.

**DISCUSSION**

The operational results for Q1 2015 are outlined below: (Chart)

| Category                 | Q1 2015 | Q1 2014 |
|--------------------------|---------|---------|
| Aircraft Operations      | 28,114  | 22,569  |
| Complaints Received      | 72      | 69      |
| Complaints Addressed     | 72      | 69      |
| Noise Exceedances        | 20      | 17      |
| Warning Letters          | 13      | 15      |
| Noise Violations         | 0       | 0       |
| Group Presentations      | 0       | 0       |
| Information Distribution | 2       | 1       |
| Individual Counseling    | 3       | 2       |

Following is an explanation of the nine categories of information listed above:

- Aircraft Operations – The number of takeoffs and landings for a defined period.
- Complaints Received – The number of complaints received through email, letters, and calls to the Airport Noise Hotline.
- Complaints Addressed – The number of responses by staff to noise complaints.
- Noise Exceedances – The number of aircraft that exceed published noise limits in decibels established by the City noise ordinance.
- Warning Letters – The number of letters sent to aircraft owners warning of a first exceedance of the noise ordinance.
- Noise Violations – The number of official violations processed.
- Group Presentations – The number of presentations by staff to pilots in flight schools, flying clubs, and other airport organizations.
- Information Distribution – The number of events in which electronic or published information was distributed to based pilots regarding ways to reduce aircraft noise.
- Individual Counseling – The number of sessions in which individual pilots are coached regarding noise abatement techniques.

To provide historical perspective, Attachment I depicts operational and noise trends at the Airport for the first quarters of CY 2014 and CY 2015. There is a well-recognized correlation between the number of aircraft operations and the number of noise complaints received. As the number of operations increase, typically so do the number of complaints. The number of complaints received at Hayward for Q1 2015 increased by 6% over the year, from 69 in Q1 2014 to 72 in Q1 2015, while the number of operations increased by 29% over the same period. In Q1 2015, there were 28,114 aircraft operations and only 72 noise complaints representing 0.25% of total operations. Several complaints were correlated with early morning engine maintenance and run-ups by a based commercial tenant. Staff has met with that tenant and those activities will cease.

There are three factors that staff believes may account for this anomaly. First, the Airport's full-time Noise Analyst is diligent in monitoring noise violations and contacting pilots that exceed published noise standards. Most violators voluntarily comply with noise abatement procedures once they have been notified. Second, the Airport conducts public outreach through seminars and the distribution of information to sensitize local pilots to published noise abatement procedures. Third, each noise complaint received is investigated by the Noise Analyst and contact is made with the individual registering the complaint. This demonstrates that each noise complaint is evaluated and that exceedances of the City's noise ordinance will be addressed. It is critical to maintain a dialogue with the public.

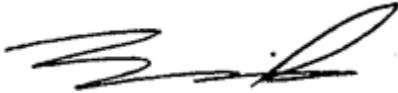
It should also be noted that two households in San Lorenzo filed a total of 36 noise complaints in Q1 2015, 50% of the total complaints received. None of these complaints correlated with an actual exceedance of noise standards.

Staff will continue to monitor noise and utilize public outreach to minimize noise complaints in the future. Furthermore, new noise regulations taking effect on December 31, 2015 will eliminate Stage-II aircraft from operating in the United States. Stage-II aircraft are the noisiest aircraft currently operating and must be modified to meet quieter, Stage-III regulations by the end of the year, or cease operations.

*Prepared by:* Douglas McNeeley, Airport Manager

*Recommended by:* Morad Fakhrai, Director of Public Works – Engineering & Transportation

Approved by:



---

Fran David, City Manager

Attachments:

Attachment I: Comparison Graph of Operational Trends Q1 2014/Q1 2015

