ORAL ARGUMENT NOT YET SCHEDULED
No. 24-2477

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CITY OF CULVER CITY, CALIFORNIA, a chartered municipal corporation,

Petitioner,

v.

UNITED STATES DEPARTMENT OF TRANSPORTATION; PETE BUTTIGIEG, Secretary of Transportation; FEDERAL AVIATION ADMINISTRATION; MICHAEL WHITAKER, Administrator, Federal Aviation Administration,

Respondents

On Petition for Review of Actions by the Federal Aviation Administration

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PETITIONER CITY OF CULVER CITY'S OPENING BRIEF

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CORPORATE DISCLOSURE STATEMENT

Petitioner City of Culver City, California, is a municipal corporation, organized under the provisions of the City of Culver City Charter, and not a "nongovernmental corporate entity." Therefore, Petitioner is not required to file a corporate disclosure statement pursuant to Federal Rule of Appellate Procedure 26.1(a).

Dated: October 7, 2024

Respectfully submitted,

/s/ Barbara E. Lichman

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INTRODUCTION

If this Court feels a sense of déjà vu, it is for a good reason. This Petition represents the third time the Federal Aviation Administration (FAA) has thumbed its nose at its obligations under the National Environmental Policy Act of 1969, 42 USC 4321 *et seq.* (NEPA), FAA Order 1050.1F (Environmental Impacts: Policies and Procedures), and the lawful orders of this Court to fully evaluate FAA's proposed changes to the HUULL, IRNMN, and RYDRR STANDARD TERMINAL ARRIVAL ("STAR") PROCEDURES (Arrivals Procedures) at Los Angeles International Airport (LAX) ("Project"). FAA would have this Court believe that its latest CATEX/ROD meets FAA obligation under NEPA and FAA Order 1050.1F because a categorical exclusion ("CATEX") is merely another level of environmental review. CATEX is however, more than that. It is equivalent to FAA saying that it does not have to perform environmental review because the Project causes no environmental impact. Once again, FAA attempts to support its position with the same tired bag of excuses and nothing new to offer.

Specifically, FAA's Final CATEX/ROD has numerous deficiencies, which cause it to fail as a valid environmental disclosure. First, a CATEX is only available when the action is not highly controversial on environmental grounds such that there is no reasonable disagreement over the action's risk of causing environmental harm. AR 223; p. 49 (FAA Order 1050.1F, para. 5-2(10)). Clearly, FAA's changes to these

Arrival Procedures are in a constant dispute since this is Petitioner Culver City's ("Petitioner" or "City") third appearance before this Court on the same issue. The FAA's own report acknowledges that impacted communities have, and continue to, object. *See* AR 001; p. 64 (Final CATEX/ROD p. 64, Section 4.2.15.a.).

Second, FAA attempts to shift its burden to Petitioner by claiming Petitioner is only trying to relitigate the results of *Vaughn v. FAA*, 756 Fed. App'x 8 (D,C. Cir. 2018). In fact, it is this Court that has previously disagreed with FAA's argument and mandated FAA conduct a new environmental evaluation of the North Downwind Arrivals, a mandate that FAA has blatantly ignored for five (5) years.

Third, as part of its continuing attempts to entirely avoid its responsibilities under NEPA, FAA attempts to further alleviate its "burden" by denying the existence of the "Extraordinary Circumstances" giving rise to the requirement for more complete environmental review. Specifically, FAA recuses itself from the need to perform a full Environmental Impact Statement (EIS) by claiming (a) the lowering of the altitudes of overflights will have no impact on underlying populations, even though FAA never performed any operational analyses to confirm that conclusion, AR 009; p. 5 (Final CATEX/ROD, Appendix G at p. 5, Section 2); (b) presupposing that the new procedures will have no impact on "Cultural Resources" such as churches and schools, or the iconic Sony Studios, because "none of the resources have quiet as a generally recognized feature or attribute," *Id.*, at p.

42-3 (Sections 4.2.8.3 and 4.2.8.4), without a shred of analysis, and on the pretext that ambient traffic noise masks the noise of an aircraft at 4000 feet overhead, *Id.*, at p. 43, (Section 4.2.8.4); and (c) completely failing to analyze the project's cumulative impacts, when taken together with existing noise.

Last but not least FAA admits that it is unable to determine if there will be Environmental Justice impacts on the substantially minority communities in the Eastern portion of Los Angeles and Culver City that will be overflown, because "FAA has not established a significance threshold for Environmental Justice", *Id.*, at p. 59, (Section 4.2.12.2).

In the final analysis, FAA has failed to provide not merely adequate environmental review, but rather has provided none at all. It appears that the only way to encourage FAA's compliance with the law is for this Court to utilize the mechanism of injunctive relief to further prevent FAA from getting away with the rejection of its legal responsibilities to the detriment of underlying communities who have no recourse but this Court.

SUBJECT MATTER JURISDICTION

This Court has jurisdiction over this Petition under 49 U.S.C. § 46110. *See also, City of Los Angeles v. Dickson*, No. 19-71581 (9th Cir. July 8, 2021).[1]

[1] City of Culver City was also a Petitioner-Intervenor in a prior case addressing the same subject matter, over which this Court determined it had subject matter jurisdiction.

The Court has subject-matter jurisdiction over FAA orders, which are defined "broadly as 'the whole or part of a final disposition ... of an agency in a matter other than rulemaking.'" *S. California Aerial Advertisers' Ass'n v. F.A.A.*, 881 F.2d 672, 675 (9th Cir. 1989), *Air California v. United States Department of Transportation*, 654 F.2d 616, 620 (9th Cir.1981) and *see also* 49 U.S.C. § 46110(a), (The Court "may review an order issued by the FAA based on a petition filed not later than 60 days after the order is issued unless there are reasonable grounds for not filing by the 60th day." *Dickson*, No. 19-71581.)

The City has a substantial interest in an order issued by the Administrator of the FAA, and therefore "may apply for review of the order by filing a petition for review in. . . the court of appeals of the United States for the circuit in which the person resides or has its principal place of business." 49 U.S.C. § 46110(a). The City is a charter city in the State of California, independent of the State, and is located entirely within the geographic boundaries of this Court. Thus, this Court "has exclusive jurisdiction to affirm, amend, modify or set aside part of an order and may order the . . . Administrator of the [FAA] to conduct further proceedings." 49 U.S.C. § 46110(c).

STATEMENT OF ISSUES PRESENTED

1. Does FAA's after-the-fact use of a CATEX, rather than going through the NEPA analysis required to justify its environmental conclusions, despite overwhelming evidence of Extraordinary Circumstances in the form of noise, environmental justice, and continuing years long legal controversy by cities and residents underlying those routes, constitute a violation of NEPA?

2. Did FAA err in determining that there is no controversy when Petitioner and other local governments have been contesting the North Downwind Arrival Procedures for years?

3. Did FAA fail to adequately consider Project's impacts on cultural resources?

4. Did FAA fail to consider the Project's cumulative impacts?

5. Did FAA fail to consider Project's severe detriment to environmental justice?

6. Is the penalty of Injunctive Relief appropriate in light of the Supreme Court's ruling in *Loper Bright Enterprises v. Raimondo*, No. 22-451 (2024)?

STATUTORY AND REGULATORY AUTHORITY

Under Circuit Rule 28-2.7, relevant statutes, regulations, agency orders, and other pertinent authorities are submitted in an addendum to this Opening Brief.

STANDING

Petitioner Culver City is a public entity, which has suffered substantial, concrete, and direct injury caused by FAA's approval and ultimate implementation of the Arrival Procedures, which injury has not been overcome by events, and is now ripe for adjudication by this Court.

"'Federal courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto.' [Citation omitted] 'The Constitution limits . . . [the federal courts'] "judicial power" to "Cases" and "Controversies,"' [citation omitted, citing U.S. CONST. art. III, § 2, cl. 1], and 'there is no justiciable case or controversy unless the plaintiff has standing,'" *Ctr. for Biological Diversity v. EPA*, 861 F.3d 174, 181 (D.C. Cir. 2017), quoting *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 102 (1998).

> Article III's "irreducible constitutional minimum of standing" requires a plaintiff to meet three requirements. (Citation omitted). "First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical." (Citations and internal quotation marks omitted). Second, the plaintiff must demonstrate "a causal connection between the injury and the conduct complained of" such that the "injury in fact" is fairly traceable "to the challenged action of the defendant," and not the result of "the independent action of some third party not before the court." (Citation and internal quotation marks omitted). Finally, a favorable decision

> must be "likely" to redress the alleged injury; "[w]hen conjecture is necessary, redressability is lacking."

Ctr. for Biological Diversity, 861 F.3d 174 at 181-2.

Here, an injury in the form of the violation of the procedures required by NEPA is at issue. In the case of procedural injury, the standard for causation is less stringent. "Establishing causation in the context of a procedural injury requires a showing of two causal links: 'one connecting the omitted [procedural step] to some substantive government decision that may have been wrongly decided because of the lack of [that procedural requirement] and one connecting that substantive decision to the plaintiff's particularized injury.'" *Ctr. for Biological Diversity*, 861 F.3d at 184, citing *WildEarth Guardians v. Jewell*, 738 F.3d 298, 306 (D.C. Cir. 2013); *see also City of Dania Beach v. FAA*, 485 F.3d 1181, 1186 (D.C. Cir. 2007); *Nat'l Parks Conservation Ass'n v Manson*, 414 F.3d 1, 5 (D.C. Cir. 2005). "All that is necessary is to show that the procedural step was connected to the substantive result." *Ctr. for Biological Diversity, supra*, 861 F.3d at 184.

Similarly, "[a] procedural-rights plaintiff need not show that 'court-ordered compliance with the procedure would alter the final [agency decision]." *Ctr. for Biological Diversity*, 861 F.3d at 185. Instead, as the plaintiff did in *WildEarth Guardians*, "all the [petitioner] need show is that a revisitation of the [NEPA analysis] … and any required consultation would redress [petitioner] members'

injury because the [agency] could reach a different conclusion." *Id.* (emphasis added), quoting *WildEarth Guardians*, 738 F.3d at 306.

Nevertheless, "[r]egarding the second link, a plaintiff 'must still demonstrate a causal connection between the agency action and the alleged injury.'" *Ctr. for Biological Diversity*, 861 F.3d at 184, quoting *City of Dania Beach*, 485 F.3d at 1186. "That is not to say that the [petitioner] need establish the merits of its case, i.e., that harm to a [petitioner] member has in fact resulted from the [respondent's] procedural failures; instead, it must demonstrate that there is a 'substantial probability' that local conditions will be adversely affected and thus harm a [petitioner]." *Ctr. For Biological Diversity*, 851 F.3d at 184, citing *API v. United States EPA*, 216 F.3d 50, 63 (D.C. Cir. 2000) (per curiam); *Sierra Club v. EPA*, 755 F.3d 968, 973 (D.C. Cir. 2014).

Direct standing is, therefore, conclusively established where, as here, Culver City has more than sufficiently alleged a probability that local conditions will be adversely affected and, consequently, injure Culver City in its ability to carry out its role as governing body. In fact, Culver City has brought to the attention of Respondents on multiple occasions the direct harms to Culver City and the citizens for the health, safety and welfare of which it has responsibility, already arising from the Arrival Procedures, including, but not limited to: (1) increased noise over parts of Culver City not previously overflown and (2) FAA's failure to consider these

impacts in concert with similar, cumulative impacts arising from projects at Los Angeles International Airport ("LAX"), lying only two miles west and south of Culver City, which cumulative impacts materially enhance the impacts of the Project alone.

Moreover, Culver City has sufficiently alleged injury to itself as a City, not just to its citizens. Petitioner Culver City has long understood and acknowledged that "[a] State does not have standing as parens patriae to bring an action against the Federal Government'" on behalf of its citizens. *West Virginia v. EPA*, 362 F.3d 861, 868 (D.C. Cir. 2004). That is not the case at bar for at least two reasons. First, Culver City is not a subdivision of the State of California, but an independent entity, as a charter city, under Cal. Constit. art. XI and Cal. Gov. Code § 34101, *et seq*. Thus, it is not acting as the "state" in bringing this action.

Second, even if it were not a charter city, which it is, Culver City is not suing to redress the injuries of its citizens, but to redress its own injuries, i.e., the injuries as "city qua city." *See City of Olmsted Falls v. FAA*, 292 F.3d 261, 268 (D.C. Cir. 2002). These injuries include the Project's interference with Culver City's responsibility to protect its citizens' "health safety and welfare," *See* Culver City Municipal Code, § 1.02.005 in that, among other things, the FAA still improperly failed to perform any NEPA review of the revised flight paths; and, when it did,

applied a CATEX despite the "Extraordinary Circumstances" demonstrated by the vocal complaints of residents residing under the flight path.

Therefore, Culver City, in bringing its Petition, has adequately alleged its intent to protect the performance of its own responsibilities as a City under federal, state and municipal law, and has successfully established its independent standing.

RIPENESS

"Ripeness is a question of law reviewed de novo." *California ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d 999, 1010 (9th Cir. 2009) (internal citations omitted). "Ripeness serves to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties." *Id.*, at 1010-11. "To determine ripeness in an agency context, [the Court] must consider: (1) whether delayed review would cause hardship to the plaintiffs; (2) whether judicial intervention would inappropriately interfere with further administrative action; and (3) whether the courts would benefit from further factual development of the issues presented." *Cottonwood Env't L. Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1083 (9th Cir. 2015); *Ohio Forestry Ass'n, Inc. v. Sierra Club*, 523 U.S. 726, 733, (1998); *Ctr. for Biological Diversity v. U.S. Fish*

& Wildlife Serv., 450 F.3d 930, 940 (9th Cir.2006) "The Supreme Court has held that a person with standing who is injured by a failure to comply with NEPA procedure may complain of that failure at the time the failure takes place, for the claim can never get riper." *California ex rel. Lockyer*, 575 F.3d 999 at 1011 *quoting Ohio Forestry Ass'n*, 523 U.S. at 737 (1998).

The Court in *Dickson*, No. 19-71581, gave deference to FAA and permitted FAA to implement these procedures without a proper environmental report. FAA has dragged its feet more than two years creating a hardship for Plaintiff. FAA faces no hardship upon review since the Court permitted them to implement the procedures pending a proper environmental review. The Court would benefit from further factual review since FAA has chosen a CATEX, the equivalent of saying that they do not have to do a complete, detailed environmental review, instead of conducting an environmental required under NEPA and FAA's own regulations.

In short, FAA's February 2024 CATEX/ROD is the final report. FAA unequivocally stated that the "proposed actions . . . has been determined . . . to be categorically exclude from further environmental analysis and documentation according to the FAA Order 1050.1F . . . ." The matter cannot get riper.

MOOTNESS.

"'[A]n actual controversy must exist not only at the time the complaint is filed, but through all stages of the litigation.'" *Native Vill. of Nuiqsut v. Bureau of Land Mgmt.*, 9 F.4th 1201, 1210 (9th Cir. 2021) *quoting Already, LLC v. Nike, Inc.*, 568 U.S. 85, 90–91 (2013). "'A case may become moot after it is filed, when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.'" *N.D. v. State of Hawaii Dep't of Educ.*, 469 F. App'x 570, 572 (9th Cir. 2012) *quoting Wolfson v. Brammer*, 616 F.3d 1045, 1053 (9th Cir.2010). The Court's "precedent has focused on whether the environmental report at issue is confined to the challenged action only, or whether the agency will use that same report in approving a future project . . . . [i]f the latter is true, then the case is not moot." *Native Vill. of Nuiqsut*, 9 F.4th at 1210 (internal cation omitted). In determining mootness, "'[t]he central question . . . is whether changes in the circumstances that prevailed at the beginning of the litigation have forestalled any occasion for meaningful relief,'" *Cantrell v. City of Long Beach*, 241 F.3d 674, 678 (9th Cir. 2001) quoting *West v. Secretary of the Department of Transportation*, 206 F.3d 920 (9th Cir.2000) ("In *West*, [the Court] held that an action challenging an agency decision to exclude a two-stage highway interchange project from review under NEPA was not moot even though the first stage of the project was complete and the new interchange was carrying traffic.")

This Court in *Dickson*, No. 19-7158, held "that the FAA violated NEPA, NHPA, and section 4(f) in issuing the amended Arrival Routes." Nevertheless, FAA procedures remain in place, even though FAA has yet to meet its obligations. Petitioner's challenge in this forum and the imminence of the project's impacts, make it urgent, not merely timely, that petitioners seek this court's intervention now. Petitioner's claim is, therefore, clearly ripe.

JUDICIAL DEFERENCE

On June 28, 2024, the United States Supreme Court overruled *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc*., 467 U.S. 837, (1984) (hereinafter *Chevron*) in its landmark decision in the case of *Loper Bright v. Raimundo*, No. 22-451. In that decision, the Court defied the long-accepted principal of "Judicial Deference" to the challenged decisions of Federal agencies to which Congress had granted the responsibility of enacting regulations within their areas of technical expertise.

Specifically, the Court in an opinion authored by Chief Justice John Roberts, held that (1) the Administrative Procedures Act, 5 U.S.C. 706 et seq., ("APA") requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; (2) the courts fulfill

that role by recognizing Constitutional delegations, fixing the boundaries of the delegated authority, and ensuring the agency has engaged in "reasoned decision making" within those boundaries; (3) the deference that *Chevron* granted to Federal agencies in 1984 cannot be squared with the mandates of the APA, nor does *Chevron* or any subsequent decision attempt to reconcile its framework with the APA; (4) *Chevron* defies the commands of the APA that the "reviewing court" – not the agency whose action it reviews – is to "decide all relevant questions of law" and "interpret . . . statutory provisions". 5 U.S.C. 706; and, perhaps most important (5) the APA, Section 706, makes clear that agency interpretation of statutes, like agency interpretations of the Constitution, are NOT entitled to deference. [emphasis in original]. Deference may still be granted to the agency's determination of factual issues within its area of expertise for the purpose of giving guidance to the Court, but it is no longer a foregone conclusion.

STANDARD OF REVIEW

"NEPA requires that a federal agency consider every significant aspect of the environmental impact of a proposed action ... [and] inform the public that it has indeed considered environmental concerns in its decisionmaking process." Requires." *Ctr. for Cmty. Action & Env't Just. v. Fed. Aviation Admin.*, 18 F.4th 592, 598 (9th Cir. 2021) *quoting Earth Island Inst. v. United States Forest Serv.*, 351 F.3d

1291, 1300 (9th Cir. 2003). "To accomplish this, NEPA imposes procedural requirements designed to force agencies to take a 'hard look' at environmental consequences." *Id.*, *quoting Earth Island*, 351 F.3d. "Although an [Environmental Assessment] need not conform to all the requirements of an EIS [i.e., Environmental Impact Statement], it must be sufficient to establish the reasonableness of the decision not to prepare an EIS." *Id.*, *quoting Cal. Trout v. F.E.R.C.*, 572 F.3d 1003, 1016 (9th Cir. 2009). "In reviewing an agency's finding that a project has no significant effects, courts must determine whether the agency has met NEPA's hard look requirement, based [its decision] on a consideration of the relevant factors, and provided a convincing statement of reasons to explain why a project's impacts are insignificant." *Id.*, *quoting Bark v. United States Forest Serv.*, 958 F.3d 865, 869 (9th Cir. 2020).

"The statement of reasons is crucial to determining whether the agency took a 'hard look' at the potential environmental impact of a project." *Id.*, *quoting Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998). "An EIS must be prepared if substantial questions are raised as to whether a project . . . may cause significant degradation of some human environmental factor." *Id.* "Thus, to prevail on a claim that the [agency] violated its statutory duty to prepare an EIS, a plaintiff need not show that significant effects will in fact

occur." *Id.* "It is enough for the plaintiff to raise substantial questions whether a project may have a significant effect on the environment." *Id.*

"Judicial review of agency decisions under [NEPA] is governed by the Administrative Procedure Act, which specifies that an agency action may only be overturned when it is 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.'" *Id.*, *quoting Earth Island*, 351 F.3d at 1300. "An agency action is arbitrary and capricious if the agency has: relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Id.*, *quoting Bark*, 958 F.3d at 869. "An agency's factual determinations must be supported by substantial evidence." *Id.*

SUMMARY OF ARGUMENT

This Court in *Dickson*, No. 19-7158, held that FAA "violated NEPA, NHPA, and section 4(f) in issuing the amended Arrival Routes," and such "failure to complete proper environmental review is a serious error." FAA has returned with what is substantively the same non-compliant environmental report that this Court found lacking in 2021. FAA 2024 Final CATEX/ROD once again fails to account for the fact that according to its own order, a CATEX is not available when the

proposed action has impacts "on the quality of the human environment that are likely to be highly controversial on environmental grounds." AR 223; p. 50 (FAA Order 1050.1F, para. 5-2(10)). Part of that test includes considering "[o]pposition on environmental grounds by . . . local government agenc[ies]." *Id.* FAA, three years after implementing the new procedures, and after the prosecution of litigation challenging them, finally got around to conducting a consultation with Petitioner and other local governments, which FAA summarily dismissed since the outcome was presupposed.

As a threshold matter, Petitioner finds FAA's contemplated use of a CATEX entirely unsupported by the legal requirement for a hard look and unjustified in fact and, thus, insufficient to meet the requirements of the NEPA, 42 U.S.C. 4321 *et seq*. FAA's proposed action, which is unlawfully implemented, warranted not merely a higher level of environmental review as there are "Extraordinary Circumstance" that prohibit the use of a CATEX under FAA Order 1050.1F, para 5-2, FAA's own regulation but also some effort at environmental released which is entirely missing from the current documents. *See* AR 223; p. 50.

First, and as acknowledged even by FAA, the North Downwind Arrival Project has been the subject of intense scrutiny by Local governments since the day it began. Local governments, including Petitioner, have vehemently and continuously disagreed with FAA's conclusion that these changes have no impact

on the human environment making FAA decision clearly "highly controversial." Petitioner, and other local governments' concerns have fallen on deaf ears at the FAA. FAA consultations with Petitioner were perfunctory. FAA justification for ignoring Petitioner's legitimate concerns, is that under FAA Order 1050.1F, para 5-6.5(i), FAA can presuppose that no complaint is "highly controversial" when it involves "revised air traffic control procedures conducted at 3,000 feet or more above the ground." *See* AR 001; p. 7 (Final CATEX/ROD, at p. 7, Section 0(i)) *citing* AR 223; p. 62-3 (FAA Order 1050.1F, Section 5-6.5). However, this list of CATEX actions FAA's Final CATEX/ROD relies upon "is not automatically exempt from environmental review under NEPA . . . [FAA] must also review Paragraph 5-2" of FAA Order 1050.1F, listing the "extraordinary circumstances," the existence of any of which eliminates the option of performing a CATEX.[2] AR 223; p. 533 (FAA Order 1050.1F, Section 5-6.1).

[2] FAA Order 1050.1F, para. 5-2 states the following regarding Extraordinary Circumstances. "Extraordinary circumstances are factors or circumstances in which a normally categorically excluded action may have a significant environmental impact that then requires further analysis in an EA or an EIS. For FAA proposed actions, extraordinary circumstances exist when the proposed action meets both . . . . (1) Involves any [enumerated circumstances] . . . and (2) [m]ay have a significant impact . . . . [a]n extraordinary circumstance exists if a proposed action involves any of the following circumstances and has the potential for a significant impact . . . [if] (1) [a]n adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. §300101 et seq.; (2) [a]n impact on properties protected under Section 4(f); (3) [a]n impact on natural, ecological, or scenic resources of . . . local significance . . . (5) [a] division or disruption of an established community, or a disruption of orderly, planned development, or an inconsistency with plans or goals that have been adopted by the community in which the project is located . . . (7) [a]n impact on noise levels of noise sensitive areas . . . (10) [i]mpacts on the quality of the human environment that are likely to be highly controversial on environmental grounds . . . (11) [l]ikelihood to be inconsistent with any Federal, state, tribal, or local law relating to the environmental aspects of the proposed action . . . ." *See* AR 223; p. 49-51.

FAA's Final CATEX/ROD flagrantly ignores this requirement. Instead, FAA relies upon judicial deference to interpret NEPA and its own rules under the *Chevron* Doctrine. As this Court is well aware, deference to FAA's interpretation of the law is, however, no longer available under *Loper Bright Enterprises*. Even if it were, FAA cannot ignore its own instruction to consider Paragraph 5-2, before reaching a final determination. *See* AR 223; p. 49-51 (FAA Order 1050.1F, para. 5-2). Indeed, failing to do so is the essence of arbitrary and capricious. But that is exactly what FAA has done here. It has chosen to selectively comply with its rules and dismiss the palpable impacts reported in its own Final CATEX/ROD. In doing so, FAA ignores, or attempts to avoid, the text of its own orders and its own environmental conclusions, and, thus, the inevitability of further, more complete, environmental review.

Second, FAA disregards extraordinary circumstances with respect to increase in noise over noise sensitive areas and cultural resources caused by, among other things, the reduction in the altitudes of overflights. *See e.g.*, AR 004; p. 24-31 (Final CATEX/ROD, App. B, Figs. 19-25) (Graphically depicts cultural resources under flight paths). FAA's own statistics contradict its finding that it will not increase noise. *See* AR 001; p. 49-55 (Final CATEX/ROD, at p. 7, Section 4.2.11.1.1.) Moreover, FAA has completely ignored the lists of cultural resources and their significance provided by the City in favor of its own judgment without justification.

Third, FAA pays no heed to the Project's impacts on environmental justice. FAA in fact has no standard for assessing whether such a violation has occurred. Under the *Chevron* Doctrine, FAA has been permitted to make up the standard case-by-case without any oversight. This is no longer the case.

Fourth, FAA's Final CATEX/ROD utterly fails to look at the Project's cumulative effects when taken together with the impacts of simultaneous project's on the ground and in the air. FAA has substituted its own judgment for that of the local government to determine whether Culver City's resources have quiet as an attribute. FAA conducted no study, made no site visits, nor conducted any interviews determining that it knew more than that of Culver City's duly elected local government.

Finally, FAA's blatant conduct and a balancing of equities should lead this Court to grant injunctive relief despite FAA's claims of exclusive jurisdiction over the interpretation of its own regulations until FAA conducts an EIS as required under the law and its own regulations. This Court has given FAA ample opportunities to do so but each time FAA chose to ignore this Court's judgment and decisions. FAA is not hamstrung during the injunctive period, but can use alternative arrival procedures during the preparation period, and, thus, will not suffer undue hardship. Moreover, after more than five years of continuous ongoing controversy, it appears

to be the only way to get FAA to comply with its obligations under the law. It is in the public's interest to grant this relief.

ARGUMENT

I. THE DISPUTE OVER THE CHALLENGED ARRIVAL ROUTES IS PART OF A CONTINUING "HIGH CONTROVERSY."

FAA, in its Final CATEX/ROD, p. 64 Section 4.2.15a, asserts that "[n]o environmental impacts were identified in connection with the action during the course of this environmental review, and so, although further opposition is expected, controversy on environmental grounds is not anticipated." AR 001; p. 64. This claim runs directly counter to FAA's own guidance and extant facts. For example, FAA Order 7400.2P, Section 32-2-1, instructs that where, as here, "route altitudes are increasing or decreasing", from the altitudes specified in the 2016 Metroplex environmental review, which is a factor that must be considered in the decision to prepare a CATEX. AR 221; p. 355. Those specified and admitted decreases in altitude of the Arrival Procedures are even more notable here, because they admittedly take place principally over heavily populated, often minority occupied, frequently historical areas that are already adversely impacted by existing levels of operation. *See* AR 004; p. 24-31 (Final CATEX/ROD, Appendix B, Fig. 19-25).

In short, the three lawsuits previously filed, regarding the new procedures and their potential impacts since 2016 should tell the story of on-going controversy,

which should independently be sufficient to eliminate the option of a CATEX and require complete, and stringent, environmental review that is absent here. *See e.g.*, *Dickson*, No. 19-7158 and AR 001; p. 9-10 (Final CATEX/ROD p. 9-10, Section 0).

II. FAA'S RELIANCE ON THE ABSENCE OF ANY EXTRAORDINARY CIRCUMSTANCE IS UNJUSTIFIED.

FAA's Final CATEX is predicated on the absence of "Extraordinary Circumstances", listed to justify its use. FAA's rejection of the palpable Extraordinary Circumstances caused by the project is insupportable under NEPA and FAA's own rules. FAA does not, and cannot, claim, without some technical analyses, which is with regard to some impacts like Environmental Justice, entirely absent, that environmental impacts will not be created by the Project. Instead it simply ignores them as neither "extraordinary" nor "highly controversial." FAA's claims cannot withstand scrutiny.

A. The Reduced Altitude of the Arrival Routes Will Cause Impacts on Noise Levels in Noise Sensitive Areas.

Contrary to FAA's claim, the revised procedures will have impacts on noise levels in densely populated, often low-income, communities, historic resources, and remaining open spaces in communities surrounding LAX. On page 13 of its Final CATEX/ROD, FAA purports to detail the 2018 amendments to the named

procedures that are the subject of the Environmental Review. AR 001; p. 13. In doing so, FAA first states "procedure altitudes were changed to deconflict with aircraft transitioning from the enroute airway structure and ensure separation from adjacent arrival aircraft," leaving aside the implication that, before the changes, arriving aircraft were "in conflict," without justification. *Id.*

Moreover, FAA goes on to assert that "the altitude restrictions are not considered altitude changes." AR 001; p. 13 (Final CATEX/ROD, at p. 13, Section 1). FAA is relying on a distinction without a difference. Its Final CATEX/ROD, and the respective STAR approach plates, clearly set forth in detail the various changes in minimum and maximum crossing altitudes in the Arrival Procedures. FAA continues to insist that these are simply "restrictions" on the available altitudes, without noise impacts, and does so without a shred of operational analyses substantiating that claim, above and beyond that set forth in the long superseded 2016 Environmental Assessment for the so-called "Metroplex" Project. *See* AR 012; p. 7 (Draft Environmental Review, p. 7) (Background).

Furthermore, Petitioner points out that FAA's claim of compliance with the new "Restrictions" on the Arrival Procedures is belied by the evidence; and that, in fact, aircraft are approaching at a substantially lower altitude than the "Restrictions" purport to allow. These altitudes are as low as 4800 ft. over densely populated areas. *See e.g. Stephen M. Dickson v. FAA*, Petitioner City of Los Angeles Opening Brief,

p. 40, ER94, Record Mot., Attach. 2, Exhs. A-D. The FAA's reliance on the 3,000-foot *en route* exception to avoid conducting an environmental assessment lacks statutory basis and constitutes merely a guideline. This guideline should not apply in the present case, as the route in question traverses one of the most densely populated urban areas in the United States.

Even the Final CATEX/ROD Section 4.2.11 indicates that noise from changes in the lower minimum crossing altitudes will increase. *See* AR 001; p. 49. FAA's formula is misleading in that negative numbers represent increased noise for humans on the ground. FAA formula states that noise will increase at various points on the STARs, HUULL TWO, IRNMN TWO, and RYDRR TWO, by 7.1%, 27%, and 14.3% respectively. *See* AR 001; p. 49-55 (Final CATEX/ROD p. 49-56, Section 4.2.11.1.1). Never mind that Air Traffic Control routinely assigns lower altitudes. *See Id*., at p. 11-2 (Section 0). The FAA analysis includes the lower altitudes in its base line assessment but does not factor those into the revised Arrival Procedures. FAA discounts those numbers as being radar vectors, which take aircraft off the STAR, and, therefore, FAA did not include those into its analysis.[3] However, unaccounted for by FAA is the fact that large jets more often than not will follow published STAR ground tracks in the event that they lose situational awareness,

[3] Final CATEX ROD excludes these lower altitudes from consideration by stating that a lower assigned altitude means that "the aircraft is no longer on the procedure" without considering that the altitude changes the FAA made in the amended Arrival Procedures mean that aircraft may be more frequently assigned lower altitudes.

inadvertently enter instrument meteorological conditions, lose communications, or just because of ease of programing the autopilot and managing descent rates.

Moreover, air traffic control (ATC) tends to keep large jets on published arrival procedures for horizontal separation purposes, only departing from the arrival procedure by assign lower altitudes. *See* AR 004; p. 18 (Final CATEX/ROD Appendix B, Fig. 13).[4] The reason for this is that FAA designed these Arrival Procedures as part of their Next Generation Air Transportation System (NextGen) to permit large heavy turbine jets the ability to maximize decent profiles at a 3.00-degree angle, constant decent while maintaining speed restrictions. *See e.g.*, FAA, *Airman's Information Manual*, para. 5.4.5.m.7 (2024). By lowering the minimum crossing altitudes earlier in the arrival, FAA has made it easier for large jets to cut the Arrival Procedure short and conduct a visual approach by making it easier for ATC to assign lower altitudes.

FAA changes to the altitudes along the Arrival Procedures make it so that large jets can be assigned lower altitudes than those charted. As outlined above, large jet aircraft can only descend so quickly while maintaining speed restrictions and separation. By requiring center controllers at Los Angeles Air Route Traffic Control Center to assign lower altitudes earlier in the Arrival Procedures, approach

[4] Flight tracks taken from 30 random days depicts the high concentration of air traffic concentrated along the published STARs demonstrating how ATC tends to keep traffic on the horizontal path of the STAR.

controllers at Southern California TRACON can better descend these jets along the route at lower altitudes using radar vectors. For example, on the HUULL and RYDRR Arrivals, FAA decreased the minimum and maximum altitude at GNZZO by 1,000 to 2,000 feet from a maximum altitude of 16,000 feet and a minimum of 14,000 to a maximum of 14,000 feet to a minimum of 13,000 feet. *See* AR 004; p. 5 and 17 (Final CATEX/ROD Appendix B, Figures 4 and 12).

FAA has not disclosed the true implications of lowering these altitudes and the affect they will have on increased noise. Instead, FAA states that it is not required to include these lower altitude assignments since a lower altitude terminates the arrival. *See* AR 001; p. 11-2 (Final CATEX/ROD at p. 11-2, Section 0). These factors and statistic on frequency of lower assigned altitudes were not included in the FAA's CATEX.

B. The New Arrival Routes Will Have an Adverse Affect, Not Only on Noise Sensitive Areas, but also on Cultural Resources.

FAA's Final CATEX/ROD defines "Noise Sensitive Area" as one that "normally . . . include residential…educational, health and religious structures and sites" as well as "parks, recreational areas…and cultural and historic sites." *See* AR 001; p. 49-55 p. 23 (Section 4.1.2.) *and see See* AR 223; p. 49-55 (FAA Order 1050.1F, Section 11-5). Petitioner provided FAA with a full list of Noise Sensitive Areas, which included numerous schools, hospitals and churches, as well as cultural

and historic sites, located within its jurisdiction, thus, clearly establishing the existence of "noise sensitive uses". *See generally*. AR 006; p. 1-193 (List of historic sites).

Moreover, "the compatibility of existing and planned land uses with an aviation and aerospace proposal is usually associated with noise impacts . . . . [t]he impact on land use, if any, should be analyzed and described under the appropriate impact category." AR 001; p. 48 (Final CATEX/ROD, p. 48, Section 4.2.9.). Nevertheless, FAA dismisses the issue of noise impacts on land uses, including listed churches and schools, as well as the iconic SONY Studios, by opining that "none of the resources reviewed have quiet as a generally recognized feature or attribute", nor are they located in areas that are considered to have quiet as a setting due to the presence of industrial and commercial developments. *Id*., at p. 43 (Section 4.2.8.4.).

This groundless assumption forms the basis for the claim that "the results of the noise analysis indicate that no significant or reportable noise impacts are expected to result from the implementation of the project." *Id*., at p. 58 (Section 4.2.11.b.). The language and the analysis in the Final CATEX/ROD remain unchanged from previous draft version with only an annex added, which suggests that FAA did not give more than a perfunctory look after which palpable, documented additional impacts were summarily dismissed, without consideration, impacts a full EIS would have taken into account.

III. FAA ENTIRELY FAILS TO CONSIDER OR ANALYZE THE CUMULATIVE IMPACTS OF CHANGING THE ALTITUDES.

FAA dismisses out of hand the manifest opportunity for the Project's creation of not just individual, but cumulative impacts as well. FAA has inappropriately used unsubstantiated ambient noise present in the underlying communities to argue that the increase in noise from the new arrival procedure will have no effect on the overall environment. In its consultation with FAA, Petitioner provided a list of "identified resources within its jurisdiction [that] have quiet as an attribute." AR 001; p. 43 (Final CATEX/ROD, p. 43, Section 4.2.8.4.). FAA's response discounted Petitioner's assertion by saying that the sites Petitioner provided "do not indicate that any of the resources reviewed have quiet as a generally recognize feature or attribute . . . due to the presence of industrial and commercial developments, railroads, roads, highways, and existing air traffic, among other noise contributions." *Id*. Thus, FAA, without further noise analysis, assumes that the existing noise levels are significant (above the level of 65 DNL), even without the addition of noise from low-flying aircraft. However, this is not the rule. Title 14 Code of Federal Regulations Part 150 states that FAA must take into account significant increases, even in noisy areas. Increases of 3 dB in areas average day-night average sound level (DNL) greater than 60 dB and an increase of 5 dB in areas of greater than 60 dB are considered significant. *See* AR 001; p. 7 (Final CATEX/ROD, p. 47, Section

4.2.8.4.E.). FAA has not addressed whether these lower altitudes would increase noise levels beyond this range.

In addition, FAA chose not to use Community Noise Equivalent Level (CNEL) noise standard, as it typically does in California, but, instead, selectively used DNL makes the FAA decision one made in an arbitrary and capricious manner. CNEL creates a more accurate noise impact because it adds five decibels to the recorded noise level for evening hours as well as the added noise for night hours. In applying its methodology, FAA wound up mixing and matching the two methodologies and applying each as it served their purpose. California law requires the use of CNEL in the vicinity of airports. *See* 21 Cal. Code of Reg. § 5006. Cities reported their noise levels and noise sensitive areas in using CNEL and there is no evidence that FAA made any conversion or conducted further analysis on these noise sensitive areas, if they even considered them at all. FAA, however, used DNL to reach its conclusion that the change in noise is not significant. *See e.g.*, AR 001; p 49-56 (Final CATEX/ROD, p. 49-56, Section 4.2.11.1.1.). FAA is using CNEL to claim the cities are noisy and then using DNL to claim that changes are not significant demonstrate that the decision was arbitrary. While federal law preempts state law, FAA typically uses CNEL in California to assess projects. *See e.g.* AR 224; p. 132-3 (FAA, 1050.1F DESK REFERENCE, CH. 11 NOISE AND NOISE-COMPATIBLE LAND USE, 11.2 (Feb. 2020)) ("The . . . [CNEL] may be used in lieu of

DNL for FAA actions need approval in California"). FAA departure in this this select instance was done for no other reason than to make an end run around its obligations to conduct an EIS.

In short, FAA has used its own judgment, rather than that of the local governments and legally prescribed descriptive notices to determine that quiet is not an attribute. FAA has done no studies, made no site visits, and did not interview a single person. The FAA provides no justification why its judgement should supersede that of local governments that intimately know their own communities.

IV. FAA IGNORES THE POTENTIAL FOR IMPACTS ON ENVIRONMENTAL JUSTICE

Despite the fact that FAA has not established a "significance threshold for Environmental Justice", AR 001; p. 59 (Final CATEX/ROD, p. 59, Section 4.2.12.2.), and, thus, has no standard agreement which to measure. FAA concludes that "[a]n impact related to Environmental Justice is not anticipated." *Id.*, (Section 4.2.12.2b.). FAA reaches its conclusion allegedly because "changes in noise exposure levels are below the threshold of significance for implementation of the action." *Id.* FAA thus, refers to a "level of significance" that has not yet been established to substantiate its findings that Environmental Justice has not been violated. *See e.g., Id.*, at p. 58-61 (Sections 4.2.12.2-3.). FAA's reasoning is a clear logical fallacy. Furthermore, FAA's Final CATEX/ROD and new appendices

recognize that these routes will fly over communities of low income or with large minority populations. *See*, AR 003; p. 48-51 (Final CATEX/ROD Appendix B, Fig. 42-5.). Absent such an in-depth evaluation, FAA must evaluate the Project's impacts on Environmental Justice, and cannot arbitrarily or capriciously dismiss its own finding in order to justify use of a CATEX. An EIS, however, could adequately address these concerns.

V. INJUNCTIVE RELIEF

"For preliminary relief a movant must show: '[(1)] that he is likely to succeed on the merits, [(2)] that he is likely to suffer irreparable harm in the absence of preliminary relief, [(3)] that the balance of equities tips in his favor, and [(4)] that an injunction is in the public interest.'" *United States v. City of Santa Monica*, 330 F. App'x 124, 125 (9th Cir. 2009) quoting *Winter v. Natural Res. Def. Council, Inc*., 555 U.S. 7, 129 S.Ct. 365, 374, 172 L.Ed.2d 249 (2008).

Previously, this Court in *Dickson*, No. 19-71581, held that the FAA violated NEPA and its own Order No. 1050.1F. However, the Court departed from the "typical remedy . . . [of] vacatur" when Petitioners prevailed in *Dickson*, No. 19-71581 even though the Court held that the agency's actions are unlawfully conditioned on the premise that FAA would comply with NEPA and

Order No. 1050.1F. *Id*., at 3. FAA's Final CATEX/ROD has made no meaningful changes from the original.[5]

Leaving aside FAA's claim that absent FAA's Changes, traffic would be conflicted, the reality is that traffic has always been de-conflicted or the result would have been continuing catastrophe. Moreover, FAA has other means to de-conflict traffic, including, but not limited to, other published STAR procedures that are not in conflict and flow control measures. *See e.g.*, WAYVE ONE ARRIVAL, SNSTT TWO ARRIVAL, and SADDE EIGHT ARRIVAL. Aircraft can fly these other STARs using the same Global Positioning System (GPS) receivers. WAYVE ONE ARRIVAL and SNSTT TWO ARRIVAL are RNAV STARs *and see* FAA, *Airman's Information Manual* para. 1-2-3 (2023). Thus, the FAA has alternatives that could accommodate arrivals from the west and northwest of LAX and would not suffer a considerable inconvenience.

Moreover, according to FAA's Final CATEX/ROD, Appendix A, air traffic into LAX is currently less than it was in 2017 when the changes to the Arrival Procedures were made and is not expected to increase. *See* AR 001; p. 66 (Final CATEX/ROD, at p. 66, Section 5) and AR 002; p 3 (Appendix A at p. A3, Table 2). At the same time, Culver City and its residents have been subject to the added

[5] Instead, the Court has allowed FAA to continue to use the challenged operations during its environmental review, despite the weakness of FAA's argument that its changes to the Arrival Procedures were needed to de-conflict traffic. *See* AR 001; p. 13 (Final CATEX ROD p. 13, sec. 1).

noise from changed flight paths and lowered altitudes for more than five years as the FAA has dragged its feet to conduct a proper environmental report that complies with NEPA. Given FAA's obstinate refusal to comply with the law, if the Court continues to permit FAA to use the Arrival Procedures, it will continue to thumb its nose at the orders of this Court with little or no incentive to change its current modus operandi, or consider the palpable interest of the public. For all the above reasons, it is in the best interest of the public, and of compliance with NEPA, that FAA's operational changes be curbed until the agency acknowledges the requirements of the law.

CONCLUSION

FAA's use of a CATEX is legally insupportable because the project admittedly produces impacts on the environment that are highly controversial but nevertheless, unaddressed and unanalyzed in the FAA's CATEX/ROD. First, its CATEX/ROD and continuous litigation directly contradict the FAA's claim that the changes are not highly controversial. This could not be more evident because this is the third time Petitioner has raised the same issue with this court. Second, FAA, without explanation, has arbitrarily determined that the cultural resources listed by the City as noise-sensitive are, in fact, not noise-sensitive. FAA provides no justification or evidence to contradict the City's assessment as if the FAA knows better than the local governments on how the

Project will impact local cultural resources. Third, FAA fails to account for the cumulative impact of noise in determining that there is no significant change when the FAA's own CATEX/ROD suggests that the FAA's changes will have a significant impact but fails to quantify that impact. Finally, FAA's determination that the Arrival Procedures do not violate Environmental Justice Policies is not based on any adopted criteria. Instead, FAA has merely decreed that the Arrival Procedure changes do not violate Environmental Justice without any explanation, justification, or reasoning. In short, its actions and latest Final CATEX/ROD clearly demonstrate that the FAA's environmental assessment was predetermined, and it has made its decision arbitrarily and capriciously based on the need to implement a standard arrival procedure at any cost. Had FAA conducted a proper EIS before it amended the Arrival Procedures, FAA would issues would have addressed these issues.

FAA is not revising an air traffic control procedure over some uninhabited remote area, but over the second largest metropolitan area in the United States. FAA has said it did not make these changes to increase capacity, nor has FAA shown that they are required for safety. However, that is not the whole truth. FAA has implemented a pre-fabricated standard arrival procedure and is attempting to avoid its obligations under the law with a CATEX/ROD that contradicts FAA claims that it can avoid an EIS from page one.

Respectfully submitted on October 7, 2024.

/s/ Barbara E. Lichman

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STATEMENT OF RELATED CASES

This case has not previously been before this Court or any other court. There are no related cases currently pending in this Court or any other court of which counsel is aware.

/s/ Barbara E. Lichman
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Attorneys for Petitioner City of Culver City, California

CERTIFICATE OF COMPLIANCE

I am one of the attorneys for Petitioner City of Culver City, California.

This brief contains 8,188 words, excluding the items exempted by Fed.R.App.P. 32(f). The brief's type size and typeface comply with Fed.R.App. 32(a)(5) and (6).

I certify that this brief complies with the word limit of Cir. R. 32-1.

/s/ Barbara E. Lichman
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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on October 7, 2024. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Barbara E. Lichman
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Attorneys for Petitioner City of Culver City, California

MOTION TO SUPPLEMENT THE RECORD ON PETITION

Petitioner hereby respectfully moves to supplement the administrative record. Specifically, the Petitioner seeks to add the following items to the administrative record:

The AIM contains information regarding the ability to use the same aircraft navigation equipment for the Alternative Arrival Procedures as can be used for the Arrival Procedures that are the subject of this Petition. The AIM should be added to the section "Agency Order, Regulations, and Notices."

The WAYVE ONE ARRIVAL, SNSTT TWO ARRIVAL, and SADDE EIGHT ARRIVAL (Alternative Arrival Procedures) are being added as evidence to support that there are viable alternatives to the Arrival Procedures. The Alternative Arrival Procedures should be added to the section "Final Environmental Review (ER) / Record of Decision (ROD)."

The Constitution of State of California art. XI, Cal. Gov. Code § 34101, *et seq*., and Culver City Municipal Code § 1.02.005 provides certain legal grounds from which the State of California has formed the foundation of its noise assessment and rules upon which the State and local governments have planned their communities. The Constitution of State of California art. XI, Cal. Gov. Code § 34101, *et seq*., and Culver City Municipal Code § 1.02.005 should be added to the section "Agency Order, Regulations, and Notices."

LEGAL AUTHORITY

"In keeping with our precedents, the Supreme Court has never 'limit[ed] the full administrative record to those materials that the agency unilaterally decides should be considered by the reviewing court.'" *Blue Mountains Biodiversity Project v. Jeffries*, 99 F.4th 438, 450 (9th Cir. 2024) citing *In re United States*, 583 U.S. 1029, 138 S. Ct. 371, 372, 199 L.Ed.2d 417 (2017). "'[J]udicial review cannot function if the agency is permitted to decide unilaterally what documents it submits to the reviewing court as the administrative record.'" *Id*. "That is because '[e]ffective review depends upon the administrative record containing all relevant materials presented to the agency, including not only materials supportive of the government's decision but also materials contrary to the government's decision.'" *Id*.

"Supplementation of an administrative record that is presumptively complete is allowed 'in four narrowly construed circumstances: (1) supplementation is necessary to determine if the agency has considered all factors and explained its decision . . . (3) supplementation is needed to explain technical terms or complex subjects . . . ." *Xerces Soc'y for Invertebrate Conservation v. Shea*, 682 F. Supp. 3d 948, 955 (D. Or. 2023) quoting *Fence Creek Cattle Co. v. U.S. Forest Serv*., 602 F.3d 1125, 1131 (9th Cir. 2010).

ARGUMENT

In *Dickson*, the FAA argued that injunctive relief is not appropriate because it would disrupt air traffic control. *City of Los Angeles v. Dickson*, No. 19-71581 (9th Cir. July 8, 2021). However, the supplemental documents show that the FAA has alternative standard arrival procedures, which are already in use. These documents are necessary to support the petition's position that injunctive relief is appropriate and to refute the FAA's claim that the current arrival procedures are the only options available.

Furthermore, the remaining documents, California art. XI, Cal. Gov. Code § 34101, et seq., and Culver City Municipal Code, § 1.02.005 provides authority to show the City has an injury sufficient to have standing in this matter.

CONCLUSION

For the foregoing reasons, the Petitioner respectfully requests that this Court grant its motion to supplement the record on Petition.

Dated: October 7, 2024

Respectfully submitted,

/s/ Barbara E. Lichman
Barbara E. Lichman
BUCHALTER, A Professional Corporation
Attorneys for Petitioner City of Culver City, California

SUPPLEMENTS TO ADMINISTRATIVE RECORD

U.S. Department
of Transportation
**Federal Aviation
Administration**

April 20, 2023

Aeronautical

Information

Manual

Official Guide to
Basic Flight Information and ATC Procedures

**An electronic version of this publication is available online at
http://www.faa.gov/air_traffic/publications**

ADDENDUM-1

U.S. Department
of Transportation

**Federal Aviation
Administration**

AERONAUTICAL INFORMATION MANUAL

Change 1

October 5, 2023

DO NOT DESTROY
BASIC DATED

April 20, 2023

ADDENDUM-2

U.S. Department
of Transportation

**Federal Aviation
Administration**

AERONAUTICAL INFORMATION MANUAL

Change 2

March 21, 2024

DO NOT DESTROY
BASIC DATED

April 20, 2023

ADDENDUM-3

U.S. Department
of Transportation

**Federal Aviation
Administration**

AERONAUTICAL INFORMATION MANUAL

Change 3

September 5, 2024

DO NOT DESTROY
BASIC DATED

April 20, 2023

ADDENDUM-4

below DA while transitioning from the final approach to the missed approach. The aircraft is expected to follow the missed instructions while continuing along the published final approach course to at least the published runway threshold waypoint or MAP (if not at the threshold) before executing any turns.

(b) Minimum Descent Altitude (MDA) has been in use for many years, and will continue to be used for the LNAV only and circling procedures.

(c) Threshold Crossing Height (TCH) has been traditionally used in "precision" approaches as the height of the glide slope above threshold. With publication of LNAV/VNAV minimums and RNAV descent angles, including graphically depicted descent profiles, TCH also applies to the height of the "descent angle," or glidepath, at the threshold. Unless otherwise required for larger type aircraft which may be using the IAP, the typical TCH is 30 to 50 feet.

6. The MINIMA FORMAT will also change slightly.

(a) Each line of minima on the RNAV IAP is titled to reflect the level of service available; e.g., GLS, LPV, LNAV/VNAV, LP, and LNAV. CIRCLING minima will also be provided.

(b) The minima title box indicates the nature of the minimum altitude for the IAP. For example:

(1) DA will be published next to the minima line title for minimums supporting vertical guidance such as for GLS, LPV or LNAV/VNAV.

(2) MDA will be published as the minima line on approaches with lateral guidance only, LNAV, or LP. Descent below the MDA must meet the conditions stated in 14 CFR Section 91.175.

(3) Where two or more systems, such as LPV and LNAV/VNAV, share the same minima, each line of minima will be displayed separately.

7. Chart Symbology changed slightly to include:

(a) Descent Profile. The published descent profile and a graphical depiction of the vertical path to the runway will be shown. Graphical depiction of the RNAV vertical guidance will differ from the traditional depiction of an ILS glide slope (feather) through the use of a shorter vertical track beginning at the decision altitude.

(1) It is FAA policy to design IAPs with minimum altitudes established at fixes/waypoints to achieve optimum stabilized (constant rate) descents within each procedure segment. This design can enhance the safety of the operations and contribute toward reduction in the occurrence of controlled flight into terrain (CFIT) accidents. Additionally, the National Transportation Safety Board (NTSB) recently emphasized that pilots could benefit from publication of the appropriate IAP descent angle for a stabilized descent on final approach. The RNAV IAP format includes the descent angle to the hundredth of a degree; e.g., 3.00 degrees. The angle will be provided in the graphically depicted descent profile.

(2) The stabilized approach may be performed by reference to vertical navigation information provided by WAAS or LNAV/VNAV systems; or for LNAV–only systems, by the pilot determining the appropriate aircraft attitude/groundspeed combination to attain a constant rate descent which best emulates the published angle. To aid the pilot, U.S. Government Terminal Procedures Publication charts publish an expanded Rate of Descent Table on the inside of the back hard cover for use in planning and executing precision descents under known or approximate groundspeed conditions.

(b) Visual Descent Point (VDP). A VDP will be published on most RNAV IAPs. VDPs apply only to aircraft utilizing LP or LNAV minima, not LPV or LNAV/VNAV minimums.

(c) Missed Approach Symbology. In order to make missed approach guidance more readily understood, a method has been developed to display missed approach guidance in the profile view through the use of quick reference icons. Due to limited space in the profile area, only four or fewer icons can be shown. However, the icons may not provide representation of the entire missed approach procedure. The entire set of textual missed approach instructions are provided at the top of the approach chart in the pilot briefing. (See FIG 5–4–6).

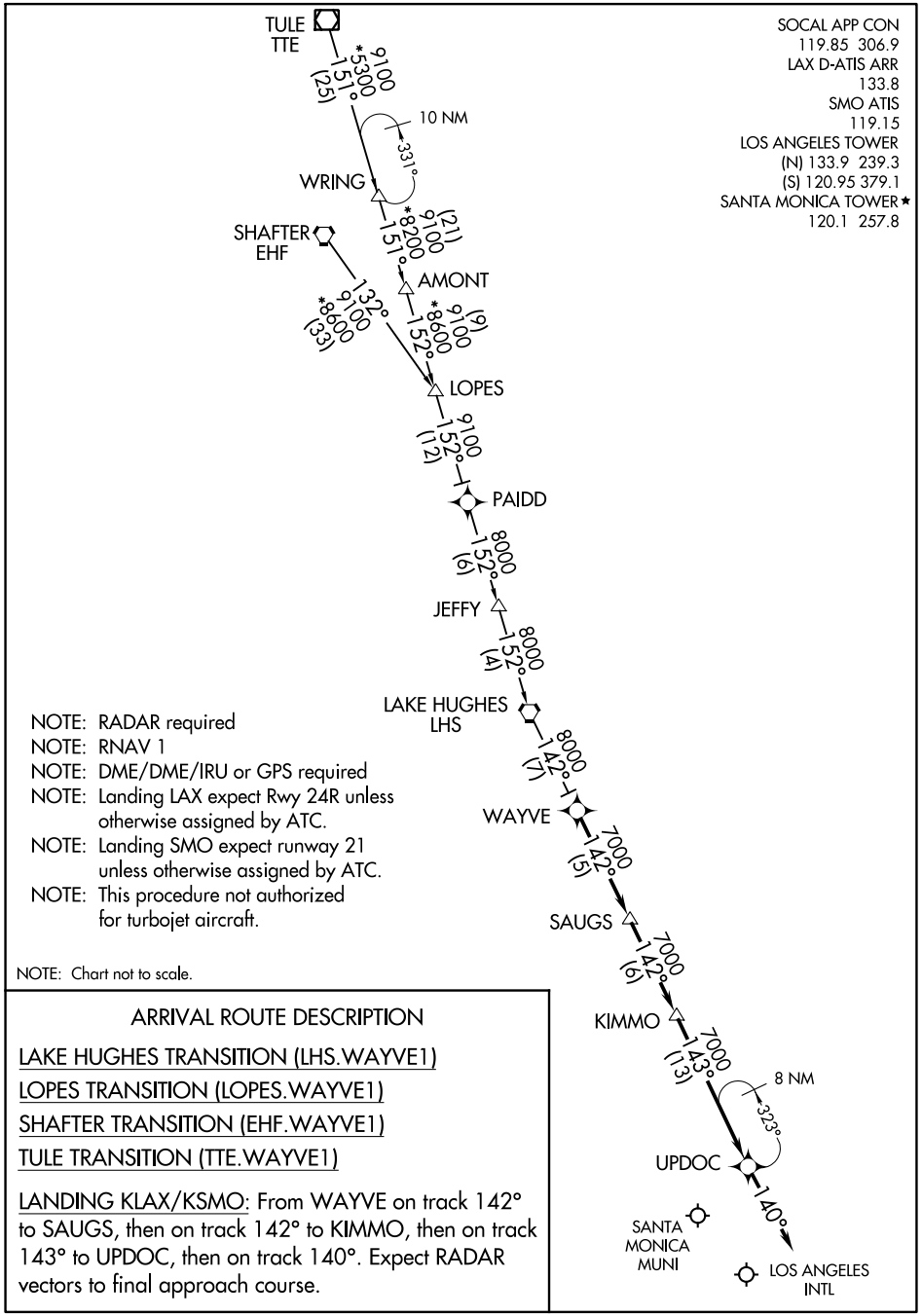
ADDENDUM-5

(WAYVE.WAYVE1) 21168

WAYVE ONE ARRIVAL (RNAV)

AL-237 (FAA)

LOS ANGELES, CALIFORNIA



NOTE: RADAR required
NOTE: RNAV 1
NOTE: DME/DME/IRU or GPS required
NOTE: Landing LAX expect Rwy 24R unless otherwise assigned by ATC.
NOTE: Landing SMO expect runway 21 unless otherwise assigned by ATC.
NOTE: This procedure not authorized for turbojet aircraft.

NOTE: Chart not to scale.

ARRIVAL ROUTE DESCRIPTION

LAKE HUGHES TRANSITION (LHS.WAYVE1)

LOPES TRANSITION (LOPES.WAYVE1)

SHAFTER TRANSITION (EHF.WAYVE1)

TULE TRANSITION (TTE.WAYVE1)

LANDING KLAX/KSMO: From WAYVE on track 142° to SAUGS, then on track 142° to KIMMO, then on track 143° to UPDOC, then on track 140°. Expect RADAR vectors to final approach course.

SW-3, 03 OCT 2024 to 31 OCT 2024

SW-3, 03 OCT 2024 to 31 OCT 2024

WAYVE ONE ARRIVAL (RNAV)

LOS ANGELES, CALIFORNIA

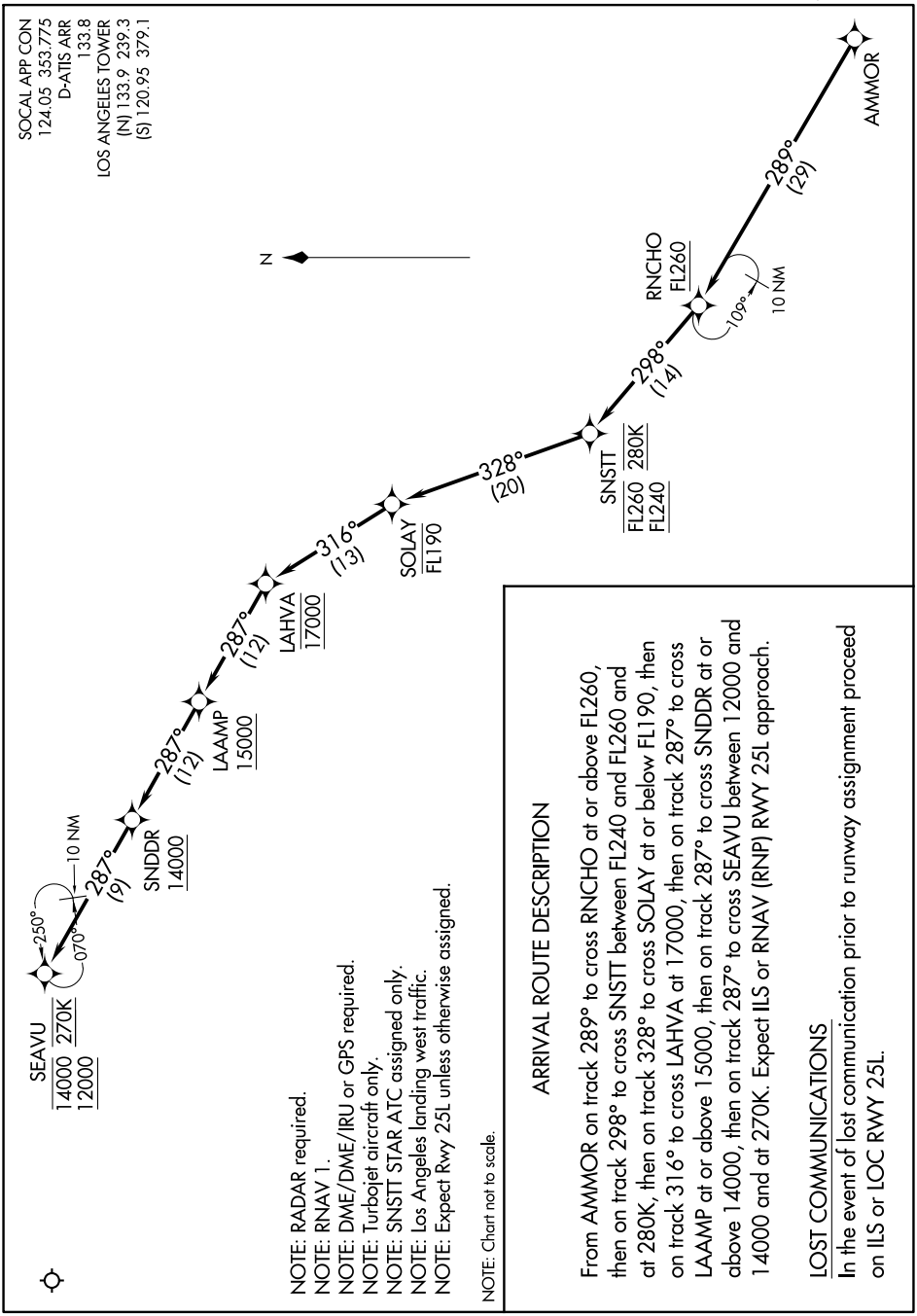
(WAYVE.WAYVE1) 10NOV16 **ADDENDUM-6**

(AMMOR.SNSTT2) 18032

SNSTT TWO ARRIVAL (RNAV)

AL-237 (FAA)

LOS ANGELES INTL (LAX)
LOS ANGELES, CALIFORNIA



ARRIVAL ROUTE DESCRIPTION

From AMMOR on track 289° to cross RNCHO at or above FL260, then on track 298° to cross SNSTT between FL240 and FL260 and at 280K, then on track 328° to cross SOLAY at or below FL190, then on track 316° to cross LAHVA at 17000, then on track 287° to cross LAAMP at or above 15000, then on track 287° to cross SNDDR at or above 14000, then on track 287° to cross SEAVU between 12000 and 14000 and at 270K. Expect ILS or RNAV (RNP) RWY 25L approach.

LOST COMMUNICATIONS

In the event of lost communication prior to runway assignment proceed on ILS or LOC RWY 25L.

SW-3, 03 OCT 2024 to 31 OCT 2024

SNSTT TWO ARRIVAL (RNAV)
(AMMOR.SNSTT2) 01FEB18

ADDENDUM-7

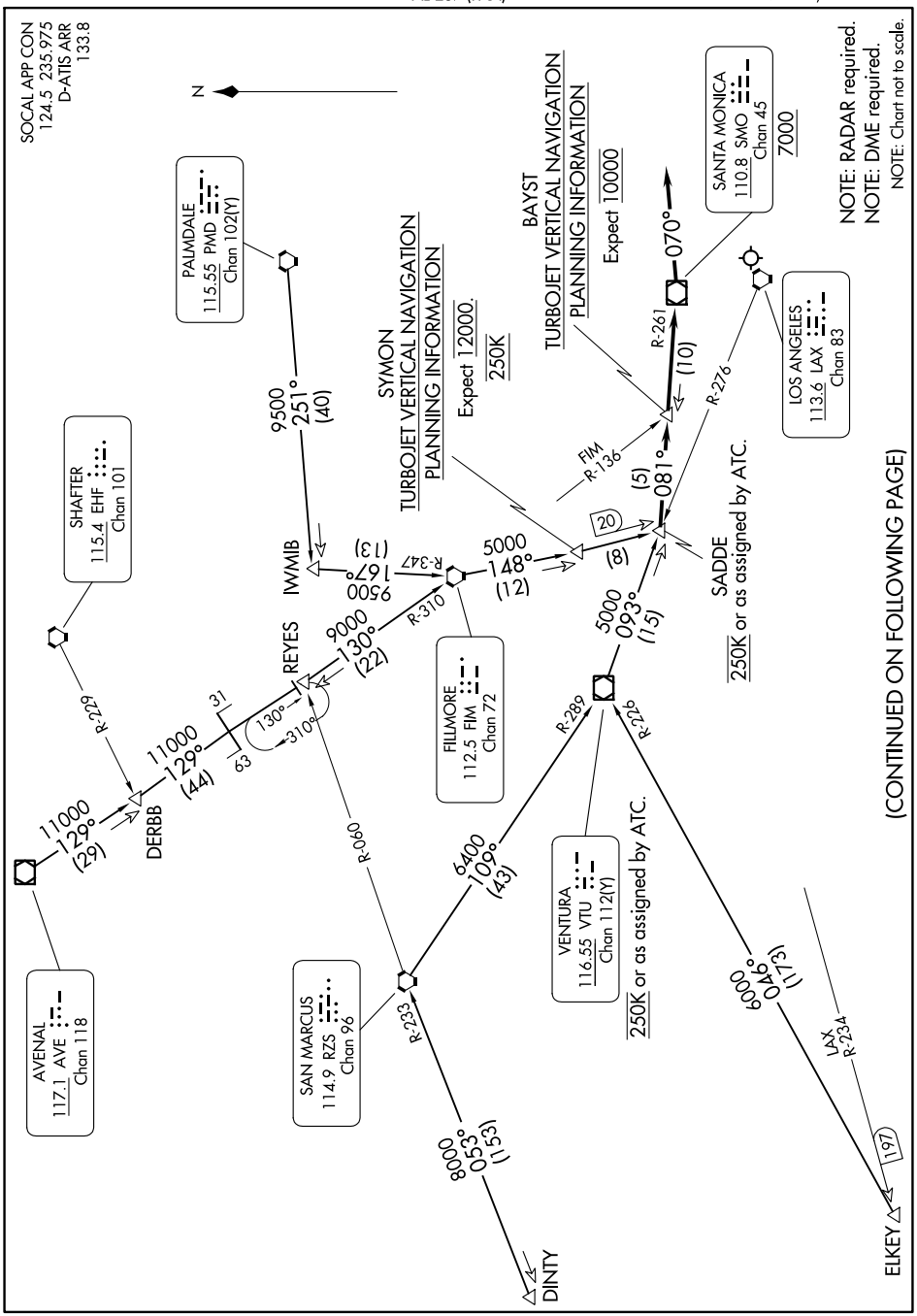
LOS ANGELES, CALIFORNIA
LOS ANGELES INTL (LAX)

(SADDE.SADDE8) 23334

SADDE EIGHT ARRIVAL

AL-237 (FAA)

LOS ANGELES INTL (LAX)
LOS ANGELES, CALIFORNIA



SW-3, 03 OCT 2024 to 31 OCT 2024

SW-3, 03 OCT 2024 to 31 OCT 2024

Cal Const, Art. XI

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

Article XI. LOCAL GOVERNMENT

History

Adopted June 2, 1970. Former Cal Const Art XI, entitled "Cities, Counties, and Towns", consisting of §§ 1–20, was adopted May 7, 1879 and repealed June 2, 1970.

End of Document

Cal Const, Art. XI § 1

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 1. Counties

(a) The State is divided into counties which are legal subdivisions of the State. The Legislature shall prescribe uniform procedure for county formation, consolidation, and boundary change. Formation or consolidation requires approval by a majority of electors voting on the question in each affected county. A boundary change requires approval by the governing body of each affected county. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

(b) The Legislature shall provide for county powers, an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body in each county. Except as provided in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

History

Adopted June 2, 1970. Amended November 3, 1970; June 6, 1978; November 4, 1986. Amendment approved by voters, Prop. 66, effective June 8, 1988.

End of Document

Cal Const, Art. XI § 2

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 2. Cities

(a) The Legislature shall prescribe uniform procedure for city formation and provide for city powers.

(b) Except with approval by a majority of its electors voting on the question, a city may not be annexed to or consolidated into another.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 3

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 3. County and city charters

(a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

History

Adopted June 2, 1970. Amended November 5, 1974.

End of Document

Cal Const, Art. XI § 4

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 4. County charter provisions

County charters shall provide for:

(a) A governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large, with a requirement that they reside in a district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.

(b) The compensation, terms, and removal of members of the governing body. If a county charter provides for the Legislature to prescribe the salary of the governing body, such compensation shall be prescribed by the governing body by ordinance.

(c) An elected sheriff, an elected district attorney, an elected assessor, other officers, their election or appointment, compensation, terms and removal.

(d) The performance of functions required by statute.

(e) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

(f) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal.

(g) Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature as herein provided, the general laws adopted by the Legislature in pursuance of Section 1(b) of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

(h) Charter counties shall have all the powers that are provided by this Constitution or by statute for counties.

History

Adopted June 2, 1970. Amended November 2, 1970; June 6, 1978; November 4, 1986. Amendment approved by voters, Prop. 66, effective June 8, 1988.

End of Document

Cal Const, Art. XI § 5

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 5. City charter provisions

(a) It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

(b) It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force (2) subgovernment in all or part of a city (3) conduct of city elections and (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 5.1

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 5.1. [Section repealed 1970.]

History

Adopted November 3, 1964. Repealed June 2, 1970.

End of Document

Cal Const, Art. XI § 6

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 6. Consolidation as charter city and county

(a) A county and all cities within it may consolidate as a charter city and county as provided by statute.

(b) A charter city and county is a charter city and a charter county. Its charter city powers supersede conflicting charter county powers.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 7

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 7. Local ordinances and regulations

A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 7.5

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 7.5. Prohibited city or county measures

(a) A city or county measure proposed by the legislative body of a city, charter city, county, or charter county and submitted to the voters for approval may not do either of the following:

(1) Include or exclude any part of the city, charter city, county, or charter county from the application or effect of its provisions based upon approval or disapproval of the city or county measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city, charter city, county, charter county, or any part thereof.

(2) Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.

(b) "City or county measure," as used in this section, means an advisory question, proposed charter or charter amendment, ordinance, proposition for the issuance of bonds, or other question or proposition submitted to the voters of a city, or to the voters of a county at an election held throughout an entire single county.

History

Adopted by voters, Prop. 219 § 4, effective June 3, 1998.

End of Document

Cal Const, Art. XI § 7½

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 7½. [Section repealed 1970.]

History

Adopted October 10, 1911. Amended November 3, 1914; November 2, 1954; November 6, 1956. Repealed June 2, 1970. See Cal Const Art XI §§ 3, 4.

End of Document

Cal Const, Art. XI § 7½b

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 7½b. [Section repealed 1970.]

History

Adopted November 7, 1922. Repealed June 2, 1970. See Cal Const Art XI § 2.

End of Document

Cal Const, Art. XI § 8

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 8. Performance of municipal functions by counties

(a) The Legislature may provide that counties perform municipal functions at the request of cities within them.

(b) If provided by their respective charters, a county may agree with a city within it to assume and discharge specified municipal functions.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 8a

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 8a. [Section repealed 1949.]

History

Adopted November 8, 1910. Repealed November 8, 1949.

End of Document

Cal Const, Art. XI § 8½

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 8½. [Section repealed 1970.]

History

Adopted November 3, 1896. Amended October 10, 1911; November 3, 1914; November 5, 1918. Repealed June 2, 1970. See Cal Const Art IX §§ 5, 6, 16.

End of Document

Cal Const, Art. XI § 9

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 9. Public utilities

(a) A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries, except within another municipal corporation which furnishes the same service and does not consent.

(b) Persons or corporations may establish and operate works for supplying those services upon conditions and under regulations that the city may prescribe under its organic law.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 10

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 10. Local employees; Extra compensation; Residence

(a) A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law.

(b) A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.

History

Adopted June 2, 1970. Amended June 8, 1976.

End of Document

Cal Const, Art. XI § 10.5

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 10.5. [Section repealed 1976.]

History

Adopted November 5, 1974. Repealed June 8, 1976. See Cal Const Art XI § 10.

End of Document

Cal Const, Art. XI § 11

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 11. Delegation of local powers; Deposit and investment of public funds

(a) The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

(b) The Legislature may, however, provide for the deposit of public moneys in any bank in this state or in any savings and loan association in this state or any credit union in this state or in any federally insured industrial loan company in this state and for payment of interest, principal, and redemption premiums of public bonds and other evidence of public indebtedness by banks within or without this state. It may also provide for investment of public moneys in securities and the registration of bonds and other evidences of indebtedness by private persons or bodies, within or without this state, acting as trustees or fiscal agents.

History

Adopted June 2, 1970. Amended November 5, 1974; June 8, 1976; June 3, 1986. Amendment approved by voters, Prop. 88, effective November 9, 1988.

End of Document

Cal Const, Art. XI § 12

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 12. Claims procedure

The Legislature may prescribe procedure for presentation, consideration, and enforcement of claims against counties, cities, their officers, agents, or employees.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 13

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 13. Construction of pre-existing provisions and terminology

The provisions of Sections 1(b) (except for the second sentence), 3(a), 4, and 5 of this Article relating to matters affecting the distribution of powers between the Legislature and cities and counties, including matters affecting supersession, shall be construed as a restatement of all related provisions of the Constitution in effect immediately prior to the effective date of this amendment, and as making no substantive change.

The terms general law, general laws, and laws, as used in this Article, shall be construed as a continuation and restatement of those terms as used in the Constitution in effect immediately prior to the effective date of this amendment, and not as effecting a change in meaning.

History

Adopted June 2, 1970.

End of Document

Cal Const, Art. XI § 13½

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 13½. [Section repealed 1970.]

History

Adopted November 6, 1906. Amended November 3, 1914. Repealed June 2, 1970.

End of Document

Cal Const, Art. XI § 14

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 14. Property taxation by local government having boundaries including more than one county

A local government formed after the effective date of this section, the boundaries of which include all or part of two or more counties, shall not levy a property tax unless such tax has been approved by a majority vote of the qualified voters of that local government voting on the issue of the tax.

History

Adopted November 2, 1976.

End of Document

Cal Const, Art. XI § 15

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 15. Vehicle license fee allocations

(a) From the revenues derived from taxes imposed pursuant to the Vehicle License Fee Law (Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code), or its successor, other than fees on trailer coaches and mobilehomes, over and above the costs of collection and any refunds authorized by law, those revenues derived from that portion of the vehicle license fee rate that does not exceed 0.65 percent of the market value of the vehicle shall be allocated as follows:

(1) An amount shall be specified in the Vehicle License Fee Law, or the successor to that law, for deposit in the State Treasury to the credit of the Local Revenue Fund established in Chapter 6 (commencing with Section 17600) of Part 5 of Division 9 of the Welfare and Institutions Code, or its successor, if any, for allocation to cities, counties, and cities and counties as otherwise provided by law.

(2) The balance shall be allocated to cities, counties, and cities and counties as otherwise provided by law.

(b) If a statute enacted by the Legislature reduces the annual vehicle license fee below 0.65 percent of the market value of a vehicle, the Legislature shall, for each fiscal year for which that reduced fee applies, provide by statute for the allocation of an additional amount of money that is equal to the decrease, resulting from the fee reduction, in the total amount of revenues that are otherwise required to be deposited and allocated under subdivision (a) for that same fiscal year. That amount shall be allocated to cities, counties, and cities and counties in the same pro rata amounts and for the same purposes as are revenues subject to subdivision (a).

History

Added June 3, 1986; amendment approved by voters, Prop 1A, effective November 3, 2004.

End of Document

Cal Const, Art. XI § 16

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 16. [Section repealed 1970.]

History

Adopted May 7, 1879. Repealed June 2, 1970.

End of Document

Cal Const, Art. XI § 16½

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 16½. [Section repealed 1970.]

History

Adopted November 6, 1906. Amended November 5, 1912; November 5, 1918; November 7, 1972; November 4, 1924; November 8, 1932. Repealed June 2, 1970. See Cal Const Art XI § 11.

End of Document

Cal Const, Art. XI § 17

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 17. [Section repealed 1970.]

History

Adopted May 7, 1879. Repealed June 2, 1970.

End of Document

Cal Const, Art. XI § 18

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 18. [Section repealed 1970.]

History

Adopted May 7, 1879. Amended November 8, 1892; November 6, 1900; November 6, 1906; November 3, 1914; November 5, 1918; November 2, 1926; November 8, 1929. Repealed June 2, 1970. See Cal Const Art XVI § 18.

End of Document

Cal Const, Art. XI § 18¼

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 18¼. [Section repealed 1970.]

History

Adopted June 6, 1950. Repealed June 2, 1970. See Cal Const Art XVI § 15.

End of Document

Cal Const, Art. XI § 18½

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 18½. [Section repealed 1949.]

History

Adopted November 5, 1918. Repealed November 8, 1949.

End of Document

Cal Const, Art. XI § 19

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 19. [Section repealed 1970.]

History

Adopted May 7, 1879. Amended November 4, 1884; October 10, 1911. Repealed June 2, 1970. See Cal Const Art XI § 9.

End of Document

Cal Const, Art. XI § 20

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Constitution Annotated > CONSTITUTION OF THE STATE OF CALIFORNIA > Article XI LOCAL GOVERNMENT

§ 20. [Section repealed 1970.]

History

Adopted June 27, 1933. Repealed June 2, 1970.

End of Document

Cal Gov Code Title 4, Div. 1, Ch. 2

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

Chapter 2. Classification

History

Former Chapter 2, consisting of §§ 34100–34120, was repealed Stats 1955 ch 624 § 53.

End of Document

Cal Gov Code § 34100

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§ 34100. Classification of cities

Cities are classified as provided in this chapter.

History

Added Stats 1955 ch 624 § 54.

End of Document

Cal Gov Code § 34101

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§ 34101. "Chartered cities"

Cities organized under a charter shall be "chartered cities."

History

Added Stats 1955 ch 624 § 54.

End of Document

Cal Gov Code § 34102

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§ 34102. "General law cities"

Cities organized under the general law shall be "general law cities."

History

Added Stats 1955 ch 624 § 54.

End of Document

Cal Gov Code § 34103

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§§ 34103–34111. [Sections repealed 1956.]

History

Added Stats 1949 ch 79 § 1. Repealed Stats 1955 ch 624 § 53. The repealed section related to classification of cities.

End of Document

Cal Gov Code § 34112

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§ 34112. [Section repealed 1956.]

History

Added Stats 1949 ch 79 § 1. Amended Stats 1949 ch 22 § 3, effective February 9, 1949, operative October 1, 1949 ch 73 § 3, effective April 25, 1949, operative October 1, 1949. Repealed Stats 1955 ch 624 § 54. The repealed section related to cities of sixth class.

End of Document

Cal Gov Code § 34112.4

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§ 34112.4. [Section repealed 1956.]

History

Added Stats 1949 ch 73 § 4, effective April 25, 1949. Repealed Stats 1955 ch 624 § 53. The repealed section related to cities of the four and five-eighths class.

End of Document

Cal Gov Code § 34112.5

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§ 34112.5. [Section repealed 1956.]

History

Added Stats 1949 ch 22 § 4, effective February 9, 1949. Repealed Stats 1955 ch 624 § 53. The repealed section related to cities of four and seven-eighths class.

End of Document

Cal Gov Code § 34113

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 4 Government of Cities (Divs. 1 — 5) > Division 1 Cities Generally (Chs. 1 — 3) > Chapter 2 Classification (§§ 34100 — 34113–34120)

§§ 34113–34120. [Sections repealed 1956.]

History

Added Stats 1949 ch 79 § 1. Repealed Stats 1955 ch 624 § 53. The repealed section related to classification.

End of Document

The Municipal Code of the

City of Culver City, California

2024 S-21 Supplement contains:

Local legislation current through 7-8-2024

**Disclaimer: This may not be the most current version of the Culver City Municipal Code.*

For more information, please contact the City Clerk's Office at (310) 253-5851

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§ 1.02.005 LEGISLATIVE FINDINGS AND PURPOSE.

A. The City Council hereby finds there is a need for an alternative method of enforcement for violations of the Culver City Municipal Code.

B. The City Council further finds that an appropriate method of enforcement for such violations is through the imposition of an administrative fine, as authorized by Cal. Gov't Code § 53069.4.

C. The procedures established in this Chapter shall be in addition to criminal, civil or any other legal remedies established by law, which may be pursued to address violations of the municipal code.

D. The City Council hereby finds and determines that enforcement of the municipal code is a matter of local concern and serves an important public purpose. Consistent with its powers as a charter city, the City adopts this Subchapter in order to achieve the following goals:

1. To protect the public health safety and welfare of the citizens of the City;

2. To gain compliance with the municipal code in a timely and efficient manner;

3. To provide for an administrative process to appeal the imposition of an administrative fine;

4. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the municipal code;

5. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system.

E. The imposition of an administrative fine shall be at the City's sole discretion, and is one option the City has to address violations of the municipal code.

F. By adopting this Subchapter, the City does not intend to limit its discretion to utilize any other remedy, civil or criminal, for such violations that the City may select in a particular case.

(Ord. No. 2008-002 § 7 (part))