

Case No. _____

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CITY OF BURIEN, WASHINGTON

Petitioner,

v.

FEDERAL AVIATION ADMINISTRATION;
MICHAEL HUERTA, Administrator,
Federal Aviation Administration

Respondents.

PETITION FOR REVIEW

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Attorneys for Petitioner CITY OF BURIEN.

Pursuant to 49 U.S.C. § 46110 and Rule 15(a) of the Federal Rules of Appellate Procedure, the City of Burien, Washington (“City”) hereby petitions the United States Court of Appeals for the Ninth Circuit for review of final decisions by the Federal Aviation Administration (“FAA”) to (i) permanently implement certain flight departure procedures (the “New Route”) at Seattle-Tacoma International Airport (“Sea-Tac”); (ii) denial of requests to modify or cease implementation of the New Route; and (iii) the FAA’s failure to reopen consultation or to conduct required environmental review of alternative flight departure routes that would have fewer significant adverse impacts on the City and its residents.

The City is an incorporated city located in King County, Washington. It is an environmental justice community within the meaning of Executive Order 12898. In the summer of 2016, without notice to the City or its residents, the FAA began experimenting with the New Route, resulting in significant noise impacts to parks, schools, residential neighborhoods, and other noise-sensitive areas. The City and its residents spent a considerable amount of time and effort trying to obtain from the FAA information about the New Route, the implementation of the New Route, and whether and when the FAA’s decision-making process had been completed. The FAA did not provide a formal response to those inquiries until December 16, 2016, after which it upheld — and refused to reconsider — the New

Route. The City and its residents have suffered — and will continue to suffer — significant, adverse impacts as a result of the FAA’s New Route.

Dated: February 14, 2017

Respectfully submitted,

DENTONS US LLP

By /s/ Matthew G. Adams
Matthew G. Adams
Jessica L. Duggan
Attorneys for Petitioners

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 Petitioner, by and through its counsel, hereby disclose that the City of Burien, Washington is a municipal governmental body under the laws of the State of Washington, is not a “nongovernmental corporate party,” and therefore is not required to file a corporate disclosure statement pursuant to Federal Rule of Appellate Procedure 26.1(a).

Dated: February 14, 2017

Respectfully submitted,

DENTONS US LLP

By /s/ Matthew G. Adams
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Jessica L. Duggan
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify, in accordance with Fed. Rule of App. Proc. 15(c)(1), that a true copy of the foregoing *Petition for Review* was served by US mail on this 14th day of February, 2017 on the following:

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