

## June 2015 Update- All things Aviation:



If you'd like additional information, please contact Newport Beach City Manager Dave Kiff at [dkiff@newportbeachca.gov](mailto:dkiff@newportbeachca.gov).

### **JWA April and May**

While not fully reported as of yet, it appears that JWA will report an overall increase in passenger levels for May 2015 vs. May 2014 of approximately +4%. Meanwhile, passenger levels for April 2015 vs. April 2014 saw an increase of +5.7% and continues to be successfully navigating 2015 as passenger levels for the year show an increase of +5.3%. ADDs for April were 115.7 vs. 112.2 a year ago. International continued to see a down turn as April 2015 ADDs were 3.87 vs. 4.27 a year ago. As noted previously for the full year of 2015, JWA is projecting 9.9 MAP. Currently the JWA Settlement Agreement establishes the MAP at 10.8 MAP through December 31, 2020.

### *County to Monitor the Monitors*

As reported last month, the County is conducting a noise audit of the noise monitors at the airport. This is a result of the newly installed and modern noise monitoring system installed by BridgeNet International, Inc. for the replacement of John Wayne Airport's aircraft noise and operations monitoring system (including field hardware and software). The current system was installed in 1997. It is still anticipated that the results of the monitoring should be completed by the end of June. The results will be shared with the City. As a follow up to some questions regarding the monitors (old

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<sup>1</sup> The picture was a recent winner of the JWA Photo Contest

and new), the new monitors are not only more sensitive but also more accurate as a result of modern technology. As an example, if the old equipment measured noise at 60dB but the new equipment measured the noise at 59.5 dB or 61.5 dB, it does not mean the noise is greater or less, it merely means that the ability to more accurately measure the noise has improved.

### *MetroPlex Environmental Assessment*

FAA issued an Environmental Assessment (EA) for the SoCal OAPM on June 10, 2015. A copy of the FAA press release and a link to the EA was previously provided to many residents. The City has also learned that prior to issuance of the EA, the Airport Director at JWA sent a letter to the FAA Regional Administrator expressing concerns about the lack of community involvement in the process and the potential outcomes of the OAPM process. In addition the FAA hosted an "Informational Briefing" via web-conference on June 10, in which the City participated. Moreover the FAA also hosted a public workshop on this subject from 4:00 pm to 7:00 pm on Tuesday, June 16 at McFadden Intermediate School (2701 S. Raitt Street in Santa Ana), and the City also participated. Many residents of the City were also in attendance.

The FAA has indicated that there are no significant impacts (based on National Environmental Protection Act thresholds) associated with their proposals for Orange County. FAA has advised that the airspace changes contemplated in the EA have been designed to overlay existing flight paths. The City is currently completing its initial review of the EA, to determine if the conclusions reached by the FAA are indeed accurate<sup>2</sup>. It is anticipated that the City will be filing comments to the EA. The comment period on the EA is currently scheduled to close on July 10. For those of you who have not followed the MetroPlex redesign and wish to review the EA and/or make comments you are directed to the web site at:

[http://www.metroplexenvironmental.com/socal\\_metroplex/socal\\_introduction.html](http://www.metroplexenvironmental.com/socal_metroplex/socal_introduction.html)

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<sup>2</sup> See update of May 2015 regarding recent comments of Congress about NextGen.

*The City is also again distributing the following information:*

In accordance with the National Environmental Policy Act (NEPA), the FAA has released and made available for public review a Draft Environmental Assessment (Draft EA) that has been prepared to consider the potential environmental impacts of the implementation of the Southern California Metroplex (SoCal Metroplex) project. The Draft EA was released and made available for public review and comment on Wednesday, June 10, 2015.

The FAA encourages interested parties to review the SoCal Metroplex Project Draft EA, and provide written comments during the public comment period. The Draft EA is available online at:

[http://www.metroplexenvironmental.com/socal\\_metroplex/socal\\_introduction.html](http://www.metroplexenvironmental.com/socal_metroplex/socal_introduction.html)

And at the following location in Newport Beach, according to the FAA:

Balboa Branch Library  
100 E. Balboa Boulevard  
Newport Beach, CA 92661  
(949) 644-3076

Written comments will be accepted by the FAA until **Friday, July 10, 2015**.

### **How to Comment**

The FAA encourages interested parties to review the EA, and provide written comments during the public comment period. Written comments will be accepted by the FAA until **Friday, July 10, 2015**. The public is invited to comment by mail or email.

Comments can be emailed to:

[9-ANM-SoCalOAPM@faa.gov](mailto:9-ANM-SoCalOAPM@faa.gov)

Comments can be submitted by regular mail to:

SoCal Metroplex EA  
Federal Aviation Administration  
Western Service Center - Operations Support Group  
1601 Lind Avenue SW  
Renton, WA 98057

Written comments can also be submitted at one of eleven public workshops being held throughout the SoCal Metroplex General Study Area. During the workshops, representatives from the FAA and its Consultant Team will be available to answer questions about the project. The workshops will be open-house format and participants can attend anytime at the times and locations listed on the FAA's website.

### *Departures JWA*

Currently as part of the Environmental Assessment released by the FAA on June 10 (see story above) there appear to be three redesigns of departures that potentially affect the City, namely: STREL 3 (Proposed PIGGN SID); CHANL2 (proposed HAYLO); MUSEL7 (proposed FINZZ); while it has been concluded by the FAA that there will be no negative impacts upon residents, the City is trying to learn specifically what changes if any may or are proposed to be made<sup>3</sup>.

### **Airports in the Region**

#### *LAX- April 2015*

LAX saw just a slight increase for April of 2015 with an overall passenger increase of +3.09% versus the same period of last year. Once again international travel enjoyed an overall increase of +4.15%. Year to date the airport passenger levels are up +3.96% for the year.

#### *ONT- April 2015*

ONT saw another increase overall for the month of April versus the same period last year, with an increase of +3.95%. International passengers increased by +74.19%. Overall, the airport is up +1.58% for the year.

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<sup>3</sup> One apparent change is that all three (3) proposed departures will utilize the STREL waypoint. How departures navigate to the STREL has not yet been determined.

### *Long Beach*

Long Beach continues to suffer in the Southern California region. April saw the overall passenger numbers decrease by -8.8% for April 2015 vs. last year. For the year, the airport is showing an overall decrease of -10.3% vs. 2014.

### *Bob Hope*

The April statistics surpassed airport projections by nearly 14,000 passengers and were slightly higher than the numbers from April 2013. Dan Feger, the airport's executive director, said officials are hopeful that passenger traffic statistics for May will also be in line with the higher numbers from two years ago. For 2015, so far, the number of passengers is up 2% from where it stood after the first four months of 2014, with a total of more than 1.25 million passengers, compared to less than 1.23 million passengers a year ago.

As noted previously, other airports in the region reported varying passenger tallies for April. The number of travelers at Los Angeles International Airport rose by 3.09%. There was also a 5.7% hike at John Wayne Airport in Orange County, and a 3.95% increase at Ontario International Airport. However, Long Beach Airport saw an 8.8% decrease for the month.

### *EPA to Issue New Regulations Concerning Commercial Aircraft*

The U.S. Environmental Protection Agency on Wednesday, June 10 said greenhouse gases from aircraft endanger human health, taking the first step toward regulating emissions from the domestic aviation industry. The EPA's endangerment finding kicks off a process to regulate greenhouse gas emissions from the aviation industry, the latest sector to be regulated under the Clean Air Act after cars, trucks and large stationary sources like power plants. The finding allows the EPA to implement

domestically a global carbon dioxide emissions standard being developed by the International Civil Aviation Organization (ICAO). It could be years before any new regulations take effect. The EPA is waiting until the ICAO concludes its negotiations on the issue, which is scheduled to happen next year.

### *Phoenix Files Suit Against the FAA*

Phoenix residents disrupted for months by noise from new flight paths at Phoenix Sky Harbor International Airport will have their complaints voiced in court because the city filed a lawsuit against the Federal Aviation Administration. City legal staff filed the petition in the U.S. Court of Appeals D.C. Circuit. The litigation follows a series of negotiations and heated public meetings since the FAA changed the paths for Phoenix Sky Harbor International Airport in September of 2014 as part of the national NextGen program for airway safety and efficiency. The airport has since logged thousands of noise complaints from people who say their quality of life has decreased drastically as a result of the new paths. The FAA says the new paths are safer, more precise and save fuel.

Meanwhile, the House appropriations bill passed late on June 10. The Gallego amendment to prohibit the use of FAA funds for redesign the Phoenix Metroplex regional airspace was included in the final approved bill. The Senate will now have to either take up the House version or write and pass its own version then proceed with a conference committee to reconcile both bills.

### **Airport curfew measure Defeated**

Anyone who has forgotten how important the JWA curfew is need only be reminded by the recent defeat of a proposed curfew at Bob Hope Airport. A proposal that would have allowed a mandatory nighttime curfew at Bob Hope Airport failed to gain the support needed to pass in the U.S. House of Representatives the week of June 8.

An amendment to a House Appropriations bill which would have barred funding for enforcement of the law that prevents Bob Hope Airport officials from imposing a ban on flights between 10 p.m. and 6 a.m., the latest in a long-running battle for such restrictions. The airport in 2009 completed a nine-year, multimillion dollar noise study as

part of a request that the Federal Aviation Administration allow officials to enact the overnight curfew, but the FAA denied the request. The airfield has a voluntary rule restricting takeoffs and landings of commercial flights between 10 p.m. and 7 a.m. daily, except for those due to emergencies, weather or air-traffic-control delays. The curfew does not apply to cargo jets or private planes.

### **Why Planes Fly Where They Do?**

Recently certain residents have asked for an explanation of how or why the planes fly where they do, as they depart from JWA. Accordingly the City has attempted to answer these questions and present an historical background for the flight patterns which affect the communities surrounding JWA.

The discussion of this issue can be broken down as follows:

1. *Why do Planes fly where they do?*
2. *Can the flight paths be moved?*
3. *Why can't there be dispersion?*

The simple and short answer to all three (3) of the questions can be answered as follows:

The FAA determines where planes fly once they leave the tarmac at JWA;

The FAA determines the flight paths of aircraft and that flight path will only be changed as a result of FAA action;

The FAA mandate is to narrow the dispersion of flight paths.

But the complete answer is more complex and is a question that the City and its residents have spent a great deal of time and effort trying to answer and to some extent affect the eventual determination of the FAA.

*City has invested time and money studying this Issue with limited success*

Initially, despite what some parties may have been led to believe, the City has invested a great deal of time and money, studying this issue on a number occasions both in-house and by an independent third party (*See the John Wayne Orange County Airport-Departure Noise Impact Analysis- Prepared by ASRC Research and Technology Solutions- 2008 Report*, the report contained in excess of 99 pages; and a full briefing on the report was presented to the Aviation Subcommittee on or about June 30, 2008 in the form of a Power Point Presentation to the Members).

*DUUKE Departures/ STREL Departures/ City advocacy*

In addition, beginning in 2008<sup>4</sup> to the present the City has interfaced with the FAA collaboratively with JWA regarding changes in the departure patterns in an attempt to lessen the impacts upon the residents of the City. There have been numerous meetings at the FAA facilities as well as meetings with JWA and correspondence which<sup>5</sup> ultimately resulted in a modification of the DUUKE departures to the current STREL departure. It must be emphasized that the FAA, not JWA and not CNB control airspace and/or design of the same. However, with the current and past successful collaboration of the City with JWA, Newport has been allowed some limited input.

Moreover the ASRC study, specifically addressed the three issues which most concern the residents surrounding the airport- Why do airplanes fly where they do? Can flight paths be moved?; Why is there dispersion of flight tracks over Balboa Island?

Specific conclusions reached by the independent analysis of ASRC were in answer to the following questions as follows:

1. Why do the airplanes fly where they do?

*FAA has developed the flight paths to provide aircraft operators' efficient access into and out of the airport while minimizing impacts to local communities*

Again it must be emphasized that the FAA designs airspace, not CNB and not JWA. The planes fly where they do, not because as suggested that certain residents of the community have determined where the planes are to fly. All of the procedures have been developed (by the FAA) to provide aircraft operators' efficient access into and out of the airport while minimizing impacts to local communities. The airfield (JWA) is operated in two flow configurations: landing and departing to the north and landing and departing to the south.

In a south flow configuration (normal conditions), the City of Newport Beach is subject primarily to departures from Runway 20R. Runway 20 R commercial departures

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<sup>4</sup> In the summer of 2008, the City was initially allowed with the consent of JWA to participate in the development of the RNAV departure which became known as the DUUKE. However, at the initial meeting with the FAA, the FAA became aware of the City's participation and thereafter the City was not allowed to participate. This underscores a major issue which people need to understand, the FAA is in control of airspace in the United States. To the extent the City has a right to be involved or is involved at all is a function of JWA and CNB collaborative efforts; and to the extent of land use compatibility issues.

<sup>5</sup> See July 12, 2010 letter from JWA to FAA, in conjunction with CNB/JWA dialogue.



use generally either CHANL ONE<sup>6</sup> or STREL. CHANL ONE is primarily used for departures west of Las Vegas<sup>7</sup>. STREL<sup>8</sup> is utilized for departures east of Las Vegas.

It was during the eventual development of the STREL that the City of Newport Beach, weighed in through and collaboratively with JWA as a result of a mistake in the design of the DUUKE which became eventually the STREL. (DUUKE had a variety of changes; there was the DUUKE, DUUKE TWO and eventually STREL). The original DUUKE configurations, as admitted by the FAA had failed to take into account certain conditions and pushed the planes too close to the eastern side of the bay, i.e., Eastbluff. It must be noted that the limited participation at the table was only with the consent of JWA. While the ultimate product was not considered ideal by many, if not all, it was an improvement and the FAA has stated categorically it would not be modifying the same again.<sup>9</sup>

*Historical flight path designed by the FAA designed to follow the Newport Bay corridor*

Additionally as regards the flight patterns down the bay, they meet the historical flight paths long established at the airport and consistent with the County Noise Ordinance contained in GANO; as well as the JWA Settlement Agreement limitations on Noise upon departure<sup>10</sup>. The FAA has given historical consideration that all of the departure procedures are similar in design with a route following the Newport Bay corridor to the Pacific Ocean and avoiding residential developments closest to the airport. The Bay itself not being populated provides a natural corridor for aircraft operations.

The foregoing has been repeatedly discussed with all of the residents and has been the subject of two separate power point presentations to the Aviation Committee, entitled

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<sup>6</sup> CHANL ONE is currently subject to a redesign by the FAA pursuant to the MetroPlex project and a new departure procedure to be known as HAYLO SID (CHANL).

<sup>7</sup> And to some degree the MUSEL7 which is also undergoing redesign and will be the proposed FINZZ.

<sup>8</sup> STREL is also undergoing a redesign pursuant to the FAA MetroPlex project and will be known as PIGGN SID (STREL).

<sup>9</sup> It remains to be seen what this now means given the MetroPlex redesign of STREL to SNA PIGGN SID (STREL). It appears upon initial review that the departure path down the path will not be modified but changes farther out will be modified. Although recent information which has come to light indicates that may not be the case.

<sup>10</sup> It should be noted that JWA is the party most concerned with what occurs within the 65 CNEL, the area surrounding the airport, which creates a burden for JWA.

“Aircraft Departure Tracks”. (Interestingly enough the issue previously raised by Balboa Island and others was- *Why is there dispersion?*)

## 2. Can the flight paths be moved?

*The policy of the FAA is an action that simply redistributes noise from one impacted area to another will not be approved*

Initially reference is made above to the FAA autonomy and responses to STREL/DUUKKE redesign. Again the general response is that moving flight tracks is subject to stringent air traffic, flight standards and safety as well as environmental requirements<sup>11</sup>. Assuming air traffic and flight safety issues are addressed, if movement of a flight track merely moves the noise from one area to another, the policy of the FAA is that an action that simply redistributes noise from one impacted area to another will not be approved. (There have been certain suggestions on moving flight paths that would move noise away from Balboa Island but it would merely impact most notably Bayshores; Lido Island; Newport Heights and the Peninsula area.)

The flight paths over Newport Beach are well established. Moving the flight path anywhere northwest or southeast of the Coast Highway would only spread noise from one residential area to another and would likely not be approved for a variety of reasons including but not limited to it would provide no total net gain in noise abatement.

This is not to say that there can not be refinements to the current flight paths and which the City has worked tirelessly to refine. (Newport Beach retained Naverus/GE to design a John Wayne Airport Departure Feasibility Study- an iconic report<sup>12</sup> on utilizing the latest technology to refine departures in order to minimize noise impacts upon residential communities surrounding the airport.).

## 3. Why can't there be dispersion?

*The FAA's desire and mandate is to narrow the dispersion of the departure path*

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<sup>11</sup> As demonstrated by the current MetroPlex design, the JWA departure tracks are just one of many in the Southern California region.

<sup>12</sup> As recognized by the FAA, now on two separate occasions.

Residents have asked for greater dispersion<sup>13</sup> of the flight paths (there is already limited dispersion just because of the nature of the current generally recognized separate departure paths- CHANL ONE; MUSEL7 and STREL, albeit extremely limited.) However, despite the protestations of the City, and the surrounding communities, objecting to the narrowing of the flight tracks and the concentration of the flight paths over a smaller but repeated area, the flight paths continue to narrow. This is as a result of the FAA's desire to narrow dispersion of the departure tracks while making them predictable and repeatable. The unfortunate consequences of NextGen outlined above have been the subject of numerous discussions and aviation updates.<sup>14</sup>

4. The City has taken a very activist view, as early as 1976 in an attempt to mitigate the impacts of JWA.

The City has, as discussed above, taken an aggressive and activist role, given the fact that the FAA controls airspace; JWA controls the planes on the tarmac and the City does not own the airport. In fact the foregoing resulted in litigation by the City against the County in the United States District Court and ultimately resulted in the Historic John Wayne Settlement Agreement, considered to be the most restrictive in the country<sup>15</sup>.

The City will and continues to address this issue and is currently weighing in on the MetroPlex EA released on or about June 10, 2015. The initial review of the EA discloses once again that the FAA makes unilateral decisions that unfortunately affect our communities. Unfortunately the development of the EA by the FAA excluded the City as well as the airport (the real stakeholders) from the development of new departure paths at the airport, despite the fact that the City and its residents are most affected by the potential changes. The foregoing has been brought to the attention of the FAA and the concern that all of the stakeholders had "...received very little information about what is being proposed....."

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<sup>13</sup> This is not to suggest that there are not other areas in the City that also would like to see dispersion.

<sup>14</sup> Interestingly enough, in 2007, the complaint of Balboa Island and others is that there was too much dispersion.

<sup>15</sup> It was also as a result of the JWA Settlement Agreement that the FAA and Airlines lobbied successfully for the Airport Noise and Capacity Act (ANCA), so as to restrict other airports around the county from creating similar agreements.

Currently the City is undertaking a review of the redesign and will in due time make its comments known with hopes of remaining involved in the dialogue as the design of airspace goes forward.

Conclusions:

1. The FAA and not the City of Newport Beach determine where planes fly.
2. The FAA has developed the flight paths to provide aircraft operators' efficient access into and out of the airport while minimizing impacts to local communities.
3. The Federal Policy of the FAA and NextGen, as mandated by Congress is to eliminate fanning and rather seek to avoid dispersion of flight tracks in the name of safety and efficiency.
4. The policy of the FAA is that an action that simply redistributes noise from one area to another will not be approved.
5. The City since as early as 1976 has been actively involved in asking the questions- Why do planes fly where they do? What can the City do about it?
6. The City has actively engaged with JWA and the FAA to seek to shape policy towards the communities surrounding the airport as well as refine departures from JWA.
7. The City has collaborated with JWA and weighed in on refinements to the departure paths with limited success.
8. The City is currently evaluating the EA released by the FAA on June 10 and will make appropriate comments with the hope of having a seat at the table as flight paths are further refined, evaluated and/or modified.