

JULY 2017 Update- All things Aviation:



If you'd like additional information, please contact Newport Beach City Manager Dave Kiff at dkiff@newportbeachca.gov.

Metroplex Review and Update

The following is a brief overview of the Southern California Metroplex project implemented by the Federal Aviation Administration (“FAA”). After completing an environmental assessment, the FAA made three (3) changes to departures at John Wayne Airport. The three changes were PIGGN, for flights east of Las Vegas; FINZZ and HHERO for flights west of Las Vegas. PIGGN was introduced on or about March 2, 2017. The FAA monitored the flight paths and conducted a post-implementation review of the PIGGN. As the FAA had identified a slight shift of traffic to the east away from Noise Monitor 7, the FAA determined that a correction was in order and accordingly made a change on or about May 25, 2017 (*See the June aviation update*). In addition, the FAA implemented the FINZZ and HHERO changes on or about April 27, 2017.

The City has been monitoring the Metroplex project and its implementation closely. But everyone should be aware that:

- This is part of the FAA’s nationwide effort, and the FAA has complete control over the airspace;
- Both the County and the City are in litigation with the FAA over the Metroplex environmental assessment;

- The City has found the FAA to be responsive to the City’s concerns and open to a dialogue with the City, and the City communicates with the FAA regularly;
- The City believes that the departure tracks can be improved, to better split the “Narrows” and still pass directly cross over NMS #7 (see diagram below);
- The City works on the departure issue regularly – often daily – and it’s a top priority for both the City and the County;
- The FAA takes time to change alignments, and everyone’s patience is very much appreciated; there is no guarantee that the FAA will change the alignments as they ultimately control the airspace;
- Being patient still means that the City is happy to go over your specific concerns and talk with you at any time about what you are hearing and seeing.

Ideal: Split the Narrows, Cross over NMS #7



JWA- June 2017

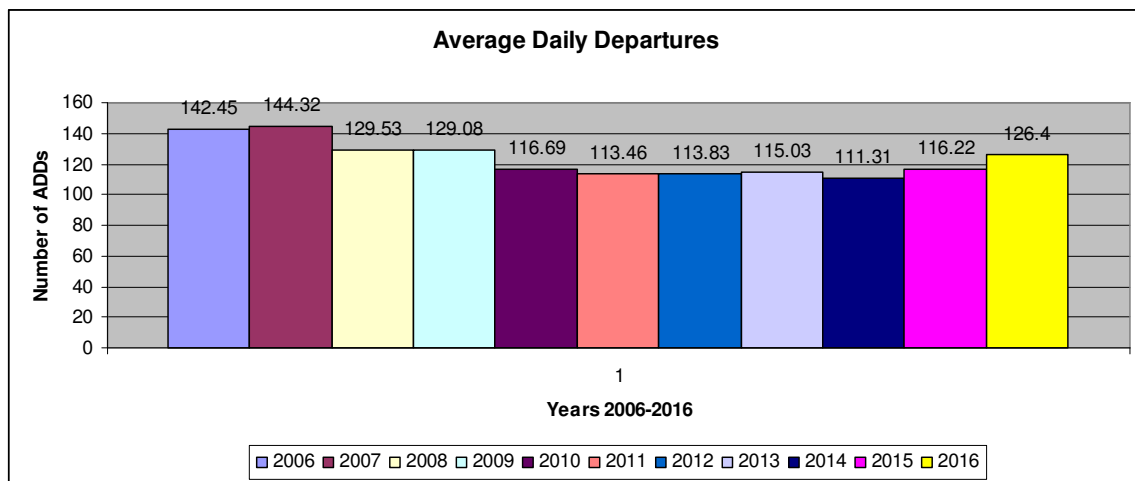
Airline passenger traffic at John Wayne Airport decreased in June 2017 as compared with June 2016. In June 2017, the Airport served 902,059 passengers, a decrease of -0.1% when compared with the June 2016 passenger traffic count of 902,673. Commercial aircraft operations decreased -2.5% and commuter aircraft operations decreased -50.9% when compared with June 2016 levels. For the first sixth months of the year passenger levels at the airport are -2.4% versus the same period last year. General aviation activity, which accounted for 69.7% of the total aircraft operations during June 2017, increased +3.1% when compared with June 2016.

In June the Average Daily Departures (ADDs) were 128.1 vs. 132.3 for June of 2016.

Average Daily Departures

There have been renewed questions about the number of departures and the increase of departures at the airport; accordingly you will find a comprehensive chart of the number of ADDs for the period of 2006-2016:

Average Daily Departures Commercial Operations 2006-2016



Year:	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
ADDs:	142.45	144.32	129.53	129.08	116.69	113.46	113.83	115.03	111.31	116.22	126.4

Commercial Passenger-JWA

There have been repeated questions about the definition of a commercial passenger at JWA. In the June 2017 City Aviation Update the definition of commercial passenger was set forth in full. The definition is a part of the John Wayne Airport Access Plan. (*See below at the end of this section.*) It needs to be made clear that the definition of a commercial passenger has remained essentially unchanged. The only amendment to the definition occurred in 1999 which revised subparagraph (ii) (*see below*), which was revised *to* replace the word “some” with the word “any” to make clear that this section applies to “any” other commercial airline, not just “some” other. The exceptions to being counted as a commercial passenger are generally: crew members and employees of the aircraft; employees of the FAA in their employment capacity; test flights; and persons whose scheduled flight is not beginning or ending at JWA and has a connecting flight scheduled to depart JWA within three (3) hours. The Access Plan regulates how carriers access and operate at the airport and is among other things a vehicle for implementation of the JWA Settlement Agreement. The definition of Commercial Passenger is again set forth from the Airport Access Plan as follows:

“2.17 COMMERCIAL PASSENGER

Commercial Passenger(s) means any person enplaning or deplaning any aircraft at JWA operated by any Commercial Air Carrier or Commuter Air Carrier for the purpose of traveling to or from JWA, regardless of the “revenue” or “non-revenue” status of any such person aboard the aircraft, or the amount or method of consideration paid by such person, if any, for the passenger’s travel aboard the aircraft, except those persons exempted from this definition by the express terms of this section.

For purposes of this PLAN, the term Commercial Passenger(s) is intended to exclude only the following categories of persons:

- (i) Assigned crew members of the aircraft;
- (ii) Persons aboard the aircraft who are employees of the operator of the aircraft (but not employees of any other commercial airline, whether or not that operator is authorized to operate at JWA), and who are traveling aboard the aircraft as a result of, or in connection with, their employee status;
- (iii) Employees of the Federal Aviation Administration who are aboard the aircraft in their employment capacity;
- (iv) Any person aboard an aircraft which is engaged in a noise qualification test authorized under Section 10; and

(v) Any person aboard the aircraft whose scheduled flight on that aircraft is not beginning or terminating at JWA, and who, at the time of his arrival at JWA, holds a connecting ticket or boarding pass for a flight which is scheduled to depart JWA within three (3) hours.

The County recognizes that other definitions of “passenger” may sometimes be used in the air transportation industry, by individual airlines for their own record keeping purposes, or by federal regulatory agencies for purposes of enforcing or implementing their regulations. For purposes of the implementation and enforcement of this PLAN, and for purposes of any reporting requirements imposed by (or under the authority of) this PLAN, the definition of this section shall be controlling.”

General Aviation is not a Commuter Air Carrier

Recent comments in the community have confused the difference between general aviation as opposed to commercial operators at John Wayne Airport. Initially a Commercial Air Carrier or Air Carrier means any person other than a Commuter Air Carrier or Commuter Cargo Carrier who operates Regularly Scheduled Air Service into and out of JWA for the purpose of carrying passengers, freight, cargo, or for any other commercial purpose. The current definition of Commuter Air Carrier or Commuter Carrier means any entity which: (i) operates Regularly Scheduled Air Service into and out of JWA for the purpose of carrying passengers, freight, cargo, or for any other commercial purpose; (ii) with Class E Aircraft regularly configured with not more than seventy (70) passenger seats; and (iii) operating at gross takeoff weights of not more than ninety thousand (90,000) pounds.

General Aviation can be anything from a small Cessna to a large corporate jet, however, it is not a commercial or commuter aircraft as there is no regularly scheduled air service for the purpose of carrying passengers. The recent changes or proposed changes with the definition of Commuter Carrier was to change the number “70” to “76”, and it in no way affects general aviation. Whether carriers operate as Commercial Air Carriers or Commuter Air Carriers, the passengers they carry count towards the Million Air Passenger limits imposed by the John Wayne Airport Settlement Agreement.

The Curfew

Recent questions about the JWA Curfew have been asked about planes departing too late or too early from the airport and accordingly it is time to once again review the curfew. The General Aviation Noise Ordinance (GANO) for JWA implements curfews and scheduled departure time prohibitions for commercial operations. General aviation aircraft are permitted to operate at JWA 24 hours per day, as long as they meet the applicable noise limits (*see below*) and other regulations of the GANO which vary by day and night. Those aircraft which exceed the noise limits are issued notices of violation.

Commercial Carriers: Departures. No commercial aircraft may engage in regularly scheduled commercial operations at SNA between the hours of 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays). Further, Commercial airlines are prohibited to schedule departure times for any flight originating at SNA prior to 6:45 a.m. or after 9:45 p.m. Monday through Saturday; or before 7:45 a.m. or after 9:45 p.m. on Sunday.¹

However, occasionally commercial carriers operate up to 20 minutes beyond the permitted operating hours but only upon an approved “carrier curfew extension request”. This request is granted by the Operations division due to *air traffic control issues, weather, mechanical problems*, or an *emergency* substantially beyond the control of the operator.

General Aviation Applicable Noise Limits. Any general aviation aircraft may not operate at night at John Wayne Airport if it generates a SENEL level at any of the following respective noise monitoring stations, either on takeoff or landing, which is greater than the following SENEL values:

SENEL Value	Location
NMS 1S 87.5 dB	-- Golf Course, 3100 Irvine Avenue, Newport Beach
NMS 2S 87.6 dB	-- 20152 Birch Street, Newport Beach
NMS 3S 86.7 dB	-- 2139 Anniversary Lane, Newport Beach
NMS 4S 86.7 dB	-- 2338 Tustin Avenue, Newport Beach
NMS 5S 86.7 dB	-- 324 1/2 Vista Madera, Newport Beach
NMS 6S 86.7 dB	-- 1912 Santiago, Newport Beach
NMS 7S 86.7 dB	-- 1311 Back Bay Drive, Newport Beach

¹ Arrivals. No commercial aircraft may engage in regularly scheduled commercial operations at SNA between the hours of 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays).

NMS 8N 86.9 dB -- 17372 Eastman Street, Irvine
NMS 9N 86.9 dB -- 1300 S Grand Avenue, Santa Ana
NMS 10N 86.9 dB -- 17952 Beneta Way, Tustin

If an aircraft exceeds the GANO noise limits at one or more locations, a “Notice of Violation” will be issued to the registered owner of the aircraft. The Notice of Violation applies to the aircraft owner, the aircraft operator, and the aircraft. Notices of Violation remain in effect for three years after the violation date. If three GANO violations occur within a three-year period, the aircraft owner, the aircraft operator and the aircraft are subject to denial of use of the Airport for a period of three years.

The Airport publishes a monthly Commercial Curfew Operations report, which you may access on the Airport’s website.

JWA is not the only airport coping with “*late flights.*” Long Beach residents have long expressed their concern about so called late flights at the Long Beach Airport. The Long Beach policy likewise recognizes the vulnerability of aircraft to whims of Mother Nature and mechanical problems and extends a one-hour grace period² for legitimately tardy jets. But penalties generally aren’t waved for planes that arrive after the grace period according to the airport. In recent years, airline operations at Long Beach occurring after the curfew and after the grace period have been rising, going from 81 in 2014 to 104 in 2015 and 163 in 2016, according to records. Reports attribute the lion’s share of those to JetBlue, which has by far the most flights. The airline accounted for 68 late flights in 2014, 83 in 2015 and 133 in 2016. Through June of 2017 JetBlue has accounted for almost \$640,000.00 in fines.

Airports in the Region

Ontario

For seven weeks beginning July, 19, 2017 Dynamic International Airways began round trip charter flights between Ontario and Nanchang, China. This new air service will run between Ontario International Airport (ONT) and Nanchang Changbei International Airport (KHN) with an intermediate stop in Anchorage, Alaska (ANC).

² The Long Beach grace period is less stringent than JWA.

In addition, Frontier Airlines will launch new low-fare service between Ontario and three new cities starting this fall. Frontier will celebrate the new service with fares as low as \$49. The new cities from Ontario include the following: Austin, Texas; Chicago O-Hare; and Denver. Frontier will operate these new routes with Airbus A320.

Meanwhile in June of 2017, the airport showed an increase of +6.82% over June of 2016 and is +6.42% ahead of last year for the first six months of the year having served 2.1 MAP for the first six months of the year.

LAX-June 2017

LAX passenger figures for June reached 7.73 MAP an increase of +3.04% for the month over last year. For the year at 40.6 MAP, LAX is +5.19% versus the same period for 2016.

Airline Seats a Matter of Comfort or Safety?

If you're convinced the airplane seat you purchased is getting smaller with each trip, that your cramped knees and crushed hips are not just a function of your expanding girth, that you're being gradually and intentionally squished bit-by-bit like a slowly boiled frog as airlines cram ever more chairs into their fuselages at the expense of the people between them, then — good news. A federal court agrees that this is indeed happening, and may be a problem or even a danger to life and twisted limb. In a court ruling on July 28, an appeals court ordered the Federal Aviation Administration to look into it what the court called “the Case of the Incredible Shrinking Airline Seat.” The Court upbraided the FAA for “vacuous” and “vaporous” evidence that the agency previously used to argue that diminishing leg room was not a problem — or at least not its problem. The Flyers Rights passenger group challenged the Federal Aviation Administration in court after the agency rejected its request to write rules governing seat size and the distance between rows of seats. The court went on to say that the FAA had relied on outdated or irrelevant tests and studies before deciding that seat spacing was a matter of comfort, not safety. The judges sent the issue back to the FAA. They said the agency must come up with a better-reasoned response to the groups concerns.