OCTOBER- NOVEMBER 2017
Update- All things Aviation:

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

This update will review some basic background regarding operations at John Wayne Airport as a result of numerous recent questions about noise; noise monitors; the Settlement Agreement and ability or inability of the City to regulate operations at John Wayne Airport.

The Settlement Agreement-
Noise; Capacity; Curfew –What the City can Control

Other than the limitations imposed by the John Wayne Settlement Agreement, which consist of restrictions imposed on noise by the readings on the noise monitors at the airport; the number of Class A, or noisiest aircraft and the current limit of 10.8 Million Air Passengers, as well as the curfew which limits when commercial planes can operate at the airport, the City of Newport Beach has no ability to regulate operations at John Wayne Airport. As the Courts and Congress have determined the Federal Aviation Administration (FAA) controls where and how planes fly.

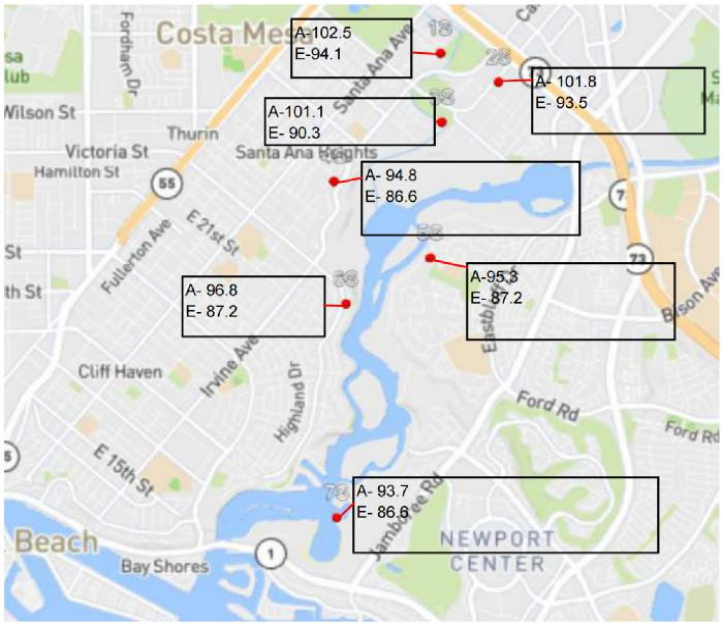
Noise and the Noise Monitors

In order to properly understand the framework that controls to the extent that it can, operations at John Wayne Airport (JWA), i.e. noise; capacity and curfew, it is important to understand that the City of Newport Beach (City) has no legal ability to

directly regulate operations at JWA. JWA enforces the operational and noise restrictions set forth in the 1985 Settlement Agreement, Phase 2 Commercial Airline Access Plan & Regulation (Access Plan), and General Aviation Noise Ordinance (GANO), but the Federal Aviation Administration regulates where planes can fly[1]. However, the City Council, Airport Working Group (AWG),Stop Polluting Our Newport (SPON), along with the County of Orange, entered into and approved (in 1985), the JWA Settlement Agreement which has most recently been extended through 2030, and the curfew through 2035. And the JWA Settlement Agreement is the single most important vehicle for controlling adverse airport impacts. However it is limited by restrictions of noise; capacity and curfew, which are the established parameters of the Agreement. First to be addressed is the issue of or control of noise.

The Noise Monitors

There are seven[2] (7) noise monitors, depicted below with the allowable noise readings for Class A and Class E aircraft that measure the noise of departing aircraft at JWA. Below is a diagram of the location of the monitors followed by the address for each monitor and the allowable SENEL readings upon departure from the airport:



[1] A thorough review of the City's Airport Policy, A-17, sets forth a thorough discussion of the framework as well.

[2] The seven departure monitors are addressed since departures to the south are the norm for JWA, while in fact there are three other monitors for the arrivals. The seven departure monitors 1-7 also serve to control some of the operations at the airport in accordance with the JWA Settlement Agreement.

Location

The location of the seven (7) departure monitors shown above are as follows:

Noise Monitoring Station	Location
NMS-1S	Golf Course, 3100 Irvine Avenue, Newport Beach
NMS-2S	20162 Birch Street, Newport Beach
NMS-3S	2139 Anniversary Lane, Newport Beach
NMS-4S	2338 Tustin Avenue, Newport Beach
NMS-5S	324 ½ Vista Madera, Newport Beach
NMS-6S	1912 Santiago, Newport Beach
NMS-7S	1131 Back Bay Drive, Newport Beach

Class A and E Aircraft

The Noise Monitors are important for the readings that are allowable at each monitor establish limits for the Class of planes which may depart the airport. The allowable noise monitor readings at each monitor for a Class A or a Class E Flight are as follows (they are also shown on the map above):

Noise Limits

Class A Aircraft:

Noise Monitor	SENEL[3] Limit
NMS 1S	102.5
NMS 2S	101.8
NMS 3S	101.1
NMS 4S	94.8
NMS 5S	95.3
NMS 6S	96.8
NMS 7S	93.7

Class A Aircraft are the so called noisiest aircraft operating at the airport. Pursuant to the JWA Settlement Agreement, there are currently allowed to operate 85 Average Daily Departures (ADD) per day of the Class A Aircraft plus a maximum of 2 Cargo Flights provided not all Cargo 4 flights are being utilized. In 2021 the number of ADDs will increase to 95 Class A ADDs. So the number of Class A daily operations at

[3] Single Event Noise Exposure Level (SENEL).

the airport is regulated. But there is also another class of aircraft known at the Class E aircraft.

Capacity and MAP

Class E Aircraft are not regulated by the number of operations or ADDs but rather by the MAP or number of Million Air Passengers per year (currently 10.8 MAP). So commercial carriers can operate a limited number of Class A operations and an unlimited number of Class E operations at the airport provided the total of MAP at the airport does not exceed 10.8 MAP, which are the total allowable annual passengers. Below are the noise limits for the Class E aircraft that operate at the airport.

Class E[4] Limits:

Noise Monitor	SENEL Limit
NMS 1S	94.1
NMS 2S	93.5
NMS 3S	90.3
NMS 4S	86.6
NMS 5S	87.2
NMS 6S	87.2
NMS 7S.	86.6

An example which may be helpful is that the ADDs for the first quarter of 2017 were 114.83 ADD[5]s, of which 35 ADDs were Class E.

Noise and the JWA Settlement Agreement

To reiterate the above referenced allowable SENEL readings at the respective noise monitors is the manner by which the JWA Settlement Agreement deals with and limits first the number of Class A ADDs, or noisiest aircraft; defines the Class E aircraft and thereby limit both the number of operations and the capacity, or MAP at the airport. , To conclude there are four (4) separate limitations on operations as a result of the JWA Settlement Agreement: 1. Noise, by way of the noise monitors; 2. Class A ADDs at 85; 3.

[4] Class E Aircraft are not regulated by the number of operations or ADDs but rather by the MAP or number of Million Air Passengers per year (currently 10.8 MAP), in 2021 that number will increase to 11.8 MAP.
[5] As the load factor of the planes departing JWA has increased the ADDs appeared to have decreased. As an example, in 2006 the ADDs was 142.25 ADDs while in 2016 the ADDs was 126.4.

MAP by way of the number of passengers served by the combined total of the Class A and Class E operations; 4. the Curfew, which restricts hours of operation.

Who are the signators to the JWA Settlement Agreement?

It is equally important to understand that the Settlement Agreement is by and among, the County of Orange; the City of Newport Beach; the Airport Working Group; SPON (Stop Polluting Our Newport). The FAA is not a party to the Settlement Agreement. Just as important to understand is that not only any change, amendment or extension of the Settlement Agreement requires the approval of all parties. And probably most importantly, the County of Orange is not under any obligation to extend the Settlement Agreement. The Settlement Agreement arose out of environmental litigation in or about 1985. As discussed above the Settlement Agreement restricted operations and access to the airport as a result of the Agreement and became an agreement unique to the United States. As a result of the limitations on operations at the airport and the possibility that such agreements might become commonplace in the United States, Congress passed the Airport Noise and Capacity Act (ANCA), which while it grandfathered in the JWA Settlement Agreement, it severely limited the ability for other airports in the nation to restrict operations at other airports.

Moreover any further amendments that further limit or restrict operations at the airport would be in violation of ANCA and therefore unenforceable.

So Why not Lower the SENEL Readings at the Respective Noise Monitors?

We need only look again at ANCA which does not allow agreements in effect to further limit or restrict operations. If you lower the noise monitor limits so that carriers' access or ability to operate at the airport is further limited, it is considered a further restriction or limitation on operations and a violation of ANCA. The current noise standards at the respective noise monitors were initially established as a result of the allowable noise limits at the airport pursuant to the County's General Aviation Noise Ordinance. Those limits were established when the noise generated by jet commercial carriers was much louder, despite the fact that noise generated by newer aircraft has

reduced significantly, the current limits can not be reduced so as to limit or restrict operations of the aircraft at the airport.

Can't Air Carriers be compelled by the City to Reduce the Noise upon Departure?

The short answer is no. The only requirement for an air carrier upon departure is that the operations not violate the established noise levels at the airport by the Settlement Agreement. The carrier can depart in any manner it deems advisable, pursuant to the departure procedure established by the Federal Aviation Administration (FAA) and in accordance with the limitations imposed by the JWA Settlement Agreement. Many people have wanted to know why the carriers don't all cut back upon departure like they used to. Historically the carriers had to utilize a cut back procedure to depart the airport and not exceed the limits imposed at the respective seven noise monitors. Because of technological improvements, some air carriers do not have to perform as aggressive a cutback as in the past, they only need to be able to depart the airport and not exceed the limits at the noise monitors.

What about encouraging carriers to depart in a "quieter" manner? Encouragement is just that, encouragement and voluntary upon the carriers. There is no enforcement mechanism and it would otherwise be purely voluntary.

So the Settlement Agreement Does not tell planes where to fly?

The short answer is yes. The FAA determines where planes fly. Once a plane airborne the FAA is in control. The JWA does not tell carriers where they can fly, that is the province of the FAA. The FAA established departure procedures for every airport in the country, which dictates where planes fly.

So what other factors affect where and how planes fly?

There are many different factors which dictate how and where planes depart and therefore how much noise they may create. It is not a simple equation but here are a few examples: 1. The procedure that the plane flies, which is dictated by the FAA. As an example, at JWA, planes which fly to the east of Las Vegas will currently use the PIGGN departure, which is developed by the FAA; 2. The take off weight of the aircraft, i.e. the weight of aircraft upon departure. This is subject to the type of aircraft as well as the load of the aircraft, this is determined by the airline; 3. Aircraft performance is another factor pertaining to noise. The climb rate and flight profile of departing aircraft will vary

considerably based on aircraft type, this is again determined by the airline; 4. The noise abatement departure profile that the airline chooses, as an example the so called "close in" or "distant" departure procedure. Again this is the choice of the airline. It can not be emphasized enough that all planes departing JWA need only meet the noise standards at the noise monitors; 5. Aircraft noise is also dependent on meteorological conditions including temperature, humidity, and wind. During warm temperatures, the air density (air molecules per cubic foot) decreases significantly, thereby reducing aircraft performance and lift. One report suggests that on an 80° day at JWA an aircraft could have close to a 25% increase in takeoff roll, and up to a 20% decrease in climb performance due to a higher density altitude. Therefore the aircraft can be at lower altitudes over various areas of the departure tracks than on a cooler day. However, aircraft noise is also more noticeable on cloudy days. Low ceiling cloud cover tends to refract aircraft noise downward off the clouds, thus confining it.

In review they limited control that the City has over operations at JWA are the limitations imposed by the JWA Settlement Agreement upon the number of Class A Operations; MAP and the curfew. It is the most restrictive agreement in the United States and admired by airport communities around the country. The balance of operations and control are in the hands of the carriers; the airport and most importantly the FAA. As specifically acknowledged in the City's Airport Policy: "…The City and community groups have achieved some success in controlling airport impacts by understanding, and working within, the complex legal, economic and political factors that are relevant to adverse airport impacts such as the type and level of aircraft operations…." The City continues to exhibit a very aggressive airport policy in an attempt to continue to protect to the fullest extent possible the Newport Beach Community.

Latest Metroplex Changes

On December 7, the FAA will publish a revised departure procedure for the FINZZ procedure, which means they will have modified all three of the major departure procedures at JWA, since the imposition of the Metroplex project on March 2nd. Below

you will find the latest change, which was implemented to the HHERO Procedure and which pretty much overlays the existing PIGGN departure.

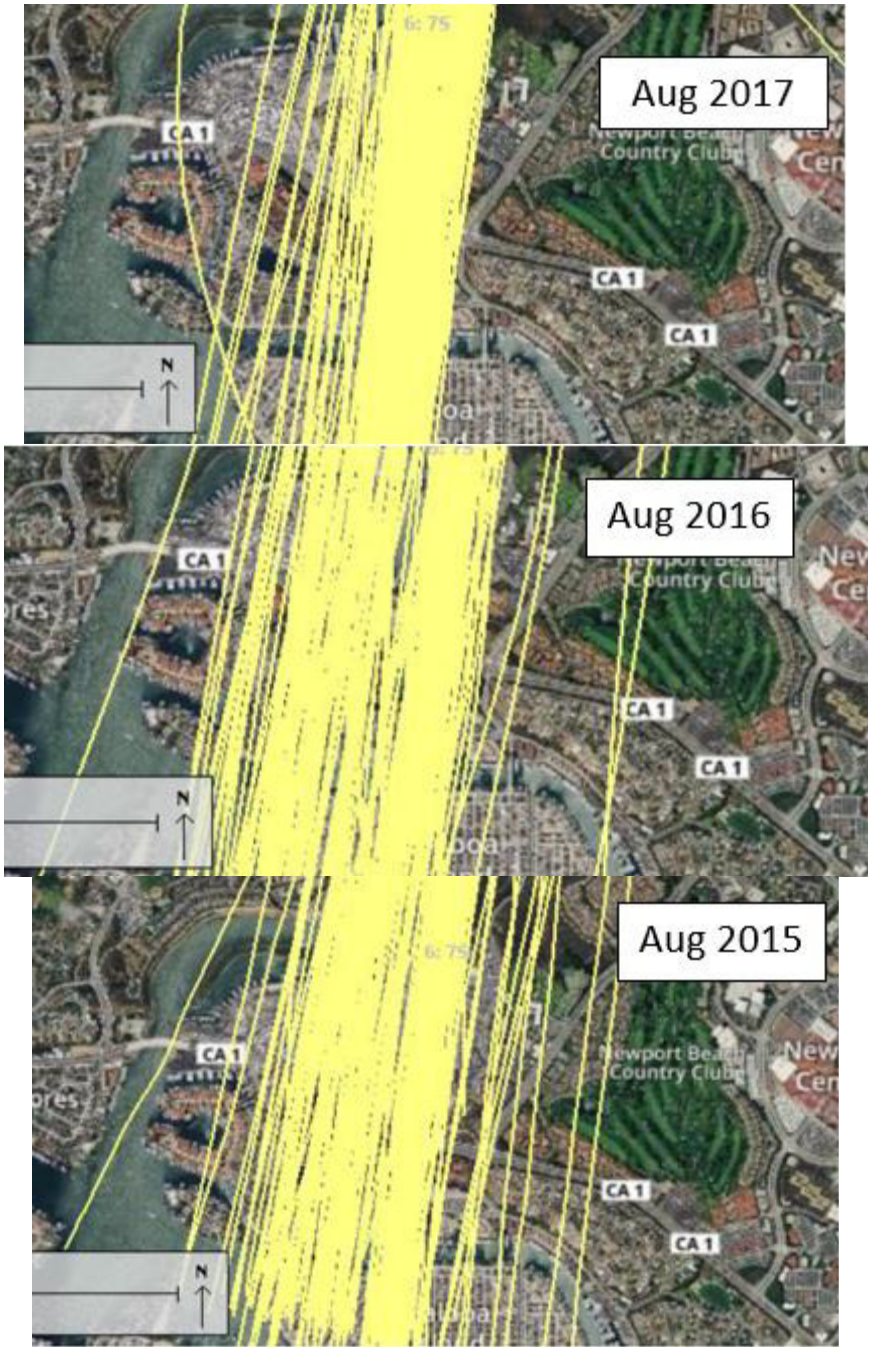
HHERO Pre- October 12, 2017

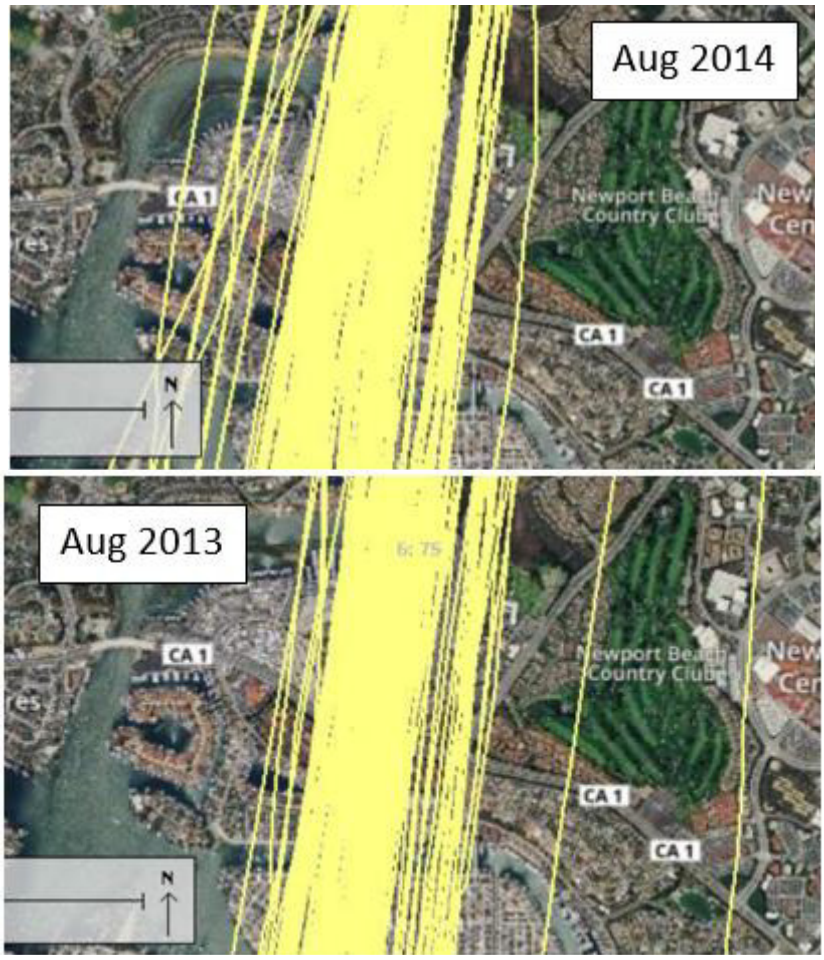
HHERO Post- October 12, 2017

It is anticipated that as of December 7, the three major departures from JWA will resemble the post October 12, 2017 tracks above. The City continues to weigh in and attempt to refine the departure track.

Many residents have asked for a comparison of departures over a longer period. See below a comparison at the intersection of Coast Highway and Jamboree:

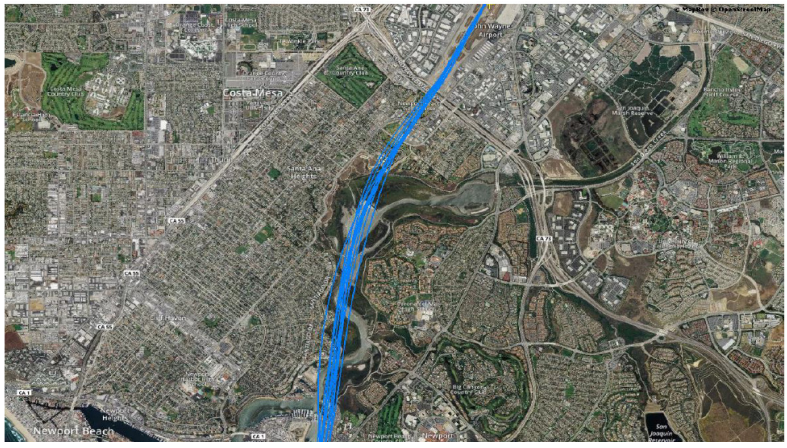
The following is a history of tracks for the last five years





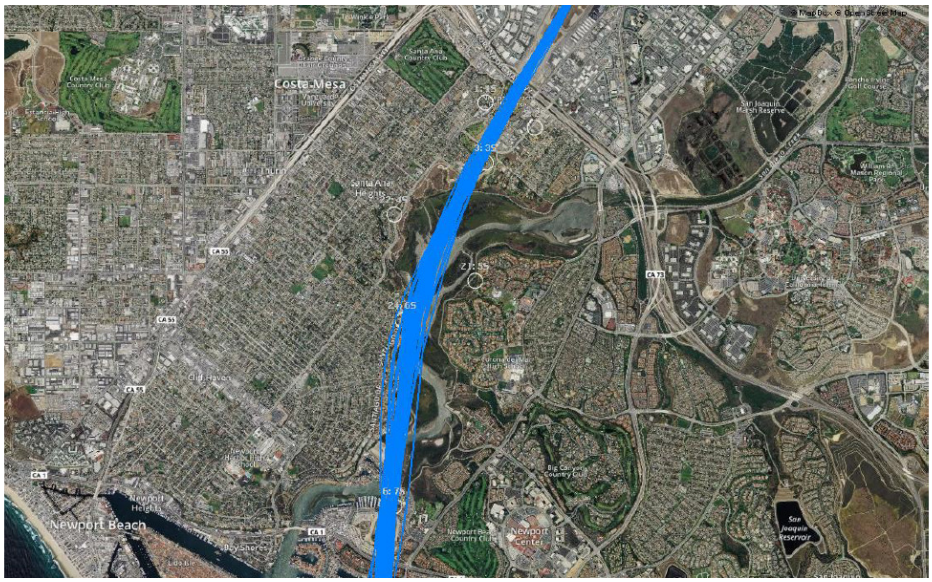
Overall Operations Pre and Post Metroplex

STREL[6] One Hour of Operations- Pre- Metroplex- before March 2, 2017

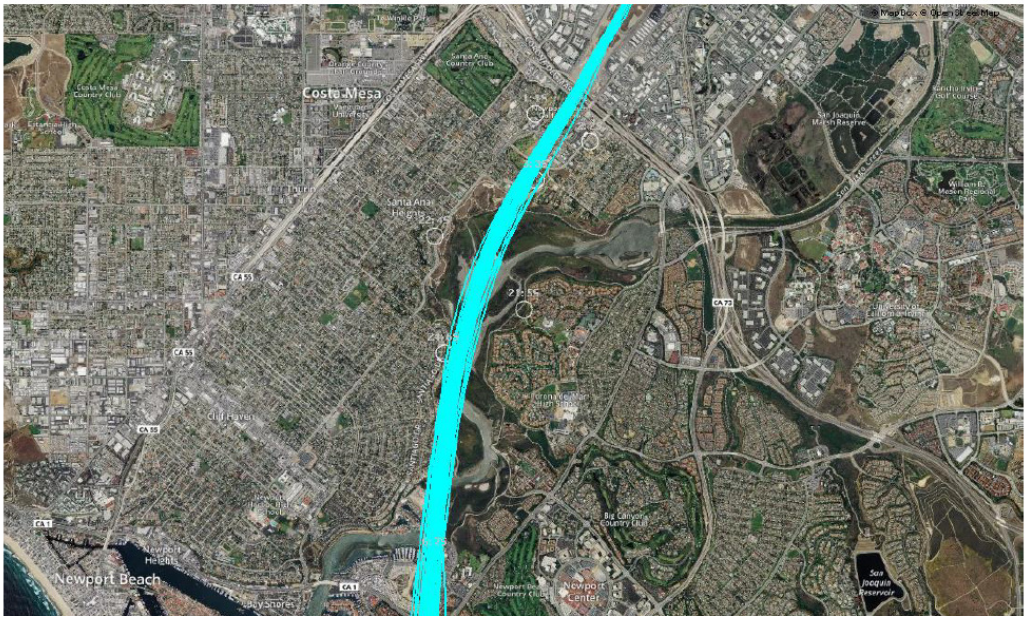


[6] The FAA as you may recall indicated that the new three (3) departures, PIGGN; HHERO and FINZZ would eventually copy the STREL departure. The FINNZ is alleged to change on December 7 of this year.

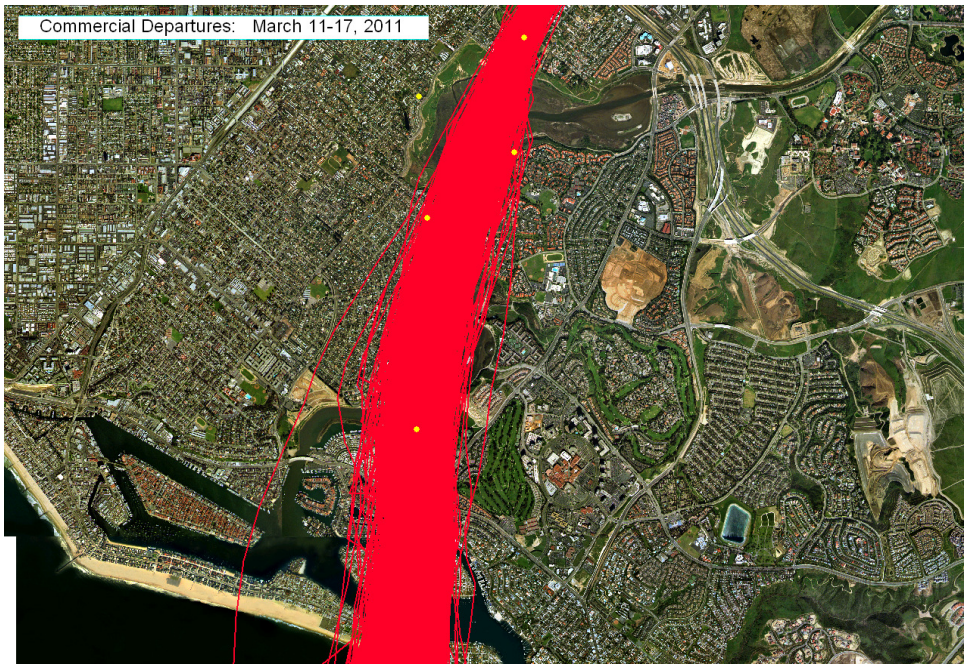
Latest Metroplex HHERO- all day Operations – Post October 12, 2017



Latest Metroplex PIGGN- All day Operations –Post May 25, 2017



For some additional context see a week of departures in March of 2011:



County Updates Webpage for Metroplex Project

John Wayne Airport's Southern California Metroplex Project webpage went live on the Airport's website (www.ocair.com). In March 2017, the Airport provided an FAQ webpage regarding the Metroplex Project, which is still available. Over the past several months, questions from the public regarding the status of the County's lawsuit against the FAA have been asked of the Airport, which prompted the Airport to create a general information page regarding Metroplex, which includes periodic updates. The link provided below will direct visitors to this webpage. Once there, one will be able to find the following:

- Latest update regarding the County's lawsuit against the FAA
- Background of NextGen & the Southern California Metroplex Project
- FAA & JWA Access & Noise contact information
- Additional Information/Resources

JWA Southern California Metroplex webpage -
http://www.ocair.com/aboutjwa/accessandnoise/metroplex

Portable Monitors

The City, at the direction of the City Council, is working to establish some temporary portable noise monitors in different neighborhoods in the City, to measure noise in various communities. However, as mentioned previously in this newsletter, the seven (7) departure NMS are the only monitors that count for the purposes of enforcement of the JWA Settlement Agreement. In addition the City will also be reviewing the annual calibration airport, which was conducted by BridgeNet on or about October 11, 2017[7].

JWA- September 2017

Airline passenger traffic at John Wayne Airport decreased in September 2017 as compared with September 2016. In September 2017, the Airport served 853,545 passengers, a decrease of 1.6% when compared with the September 2016 passenger traffic count of 867,073. Commercial aircraft operations however increased +.1% and commuter aircraft operations decreased 43.7% when compared with September 2016 levels. Total aircraft operations increased in September 2017 as compared with the same month in 2016. In September 2017, there were 24,550 total aircraft operations (take-offs and landings), a 1.7% increase compared to 24,128 total aircraft operations in September 2016.

In September the Average Daily Departures (ADDs) were 128.63 vs. 129.2 for September of 2016 as there were 34 less commercial and commuter operations for the month.

FAA to Establish Complaint Line

On November 2nd, the FAA announced it is seeking public comment on its intent to establish the "FAA Noise Portal," which is an online aircraft noise complaint and inquiry system that will allow the agency to more effectively address noise complaints and inquiries.

[7] Residents should also be aware that the noise monitors utilized in the JWA noise monitoring system undergo a daily internal calibration as well.

The public has until **Jan. 2, 2018**, to submit comments on the proposed portal. Currently, the FAA receives noise complaints/inquiries in several different formats sent to many different individuals in the agency. The portal will include required and optional fields for the public to complete. The information submitted will be automatically sent to the FAA Regional Administrator's Office or Noise Ombudsman, who will then direct it to the appropriate FAA office for response to the complaint.

Please contact Ms. Barbara Hall by e-mail at Barbara.L.Hall@faa.gov; or by phone at (940) 594-5913, for additional information.

Airports in the Region

Long Beach

In October, Long Beach Airport saw an increase of +25% in passenger traffic as compared to October of 2016. For the first ten months of the year, the airport is +35% ahead of last year. The airport has served 3.12 MAP for the first ten months of the year. At the month-end, Long Beach Airport had all 50 Air Carrier flight slots allocated to Jet Blue (35). Southwest (6), Delta (4), Ameican (3), FedEx (1) and UPS (1). One Commuter Carrier is allocated to American and 24 Commuter Carrier slots remain available for allocation.

Ontario

In September of 2017, the airport showed an increase of +5.64% over September of 2016 and is +6.86% ahead of last year for the first nine months of the year having served 3.32 MAP for the first nine months of the year.

LAX

LAX passenger figures for September showed an increase of +2.76% for the month over last year. For the year at 63.5 MAP, LAX is +4.61% versus the same period for 2016.

STAYY Procedure Temporarily Delayed

The FAA has announced that the STAYY procedure which was to be published on December 7, 2017 has now been pushed back to February 1, 2018. [8] The proposed STAYY departure is the so called "two turn" departure down the center of the Upper Newport Bay.

Questions about the Airport or Operations

This is a friendly reminder that if you have any questions about John Wayne Airport and its departures and/or operations do not hesitate to contact the City. In addition, the City is willing to go to various locations in the City to observe airport operations. Regarding any questions, the City will try and get you an answer or response as quickly as possible. If you wish to lodge a complaint about noise with the FAA, the City's link on its website is:
http://www.newportbeachca.gov/trending/nextgen-departure-concerns

Moreover, there will be two more community forums about the operations and departures at John Wayne Airport:

District 1 Town Hall (West Newport, Balboa Peninsula and Lido Isle)
Thursday, November 30, 7 p.m.
Marina Park Community Center, second floor
1600 West Balboa Blvd., 92663

Friday, December 8, 3 p.m. - 4:30 p.m.
City Council Chambers, City Hall
100 Civic Center Drive, 92660

[8] For a discussion of the procedure and a diagram of the same, see the August 2017 Aviation Update; as well as the City's website.