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Subject: RFI Response: Advanced Air Mobility [Docket No. DOT-OST-2023-0079]

The City of Newport Beach, California (City) has read the Department of Transportation's (DOT's) Request for Information (RFI) on Advanced Air Mobility (AAM) published in the Federal Register on May 17, 2023. The City applauds DOT for soliciting input from the public on the important topic and has drafted this letter to provide comment on the three initial questions that DOT has outlined in Section II, *Request for Information*, of the RFI. The three questions include:

- What should be addressed in the AAM national strategy?
- What are existing barriers to success of AAM implementation? and
- What steps should the Federal Government focus on in the short (2–3 years), medium (4–8 years), and long term (8+ years) in order to maximize the potential for successful AAM implementation in the United States?

In addition to the three questions detailed above, the City is also providing input on three (of the 20) topics outlined in Section II, *Request for Information*. The three topics were identified as being particularly important to the City, for reasons explained in more detail in each response. Specifically, the City is providing input on the following topics:

- Topic 6. Role of State, Local, Tribal, and Territorial Governments
- Topic 13. Vertiport Development and Operations
- Topic 16. Environmental Impacts and Public Involvement

To assist in the DOT's reading and compiling responses, the City has copied in the three questions and three topics of interest. Our response follows each of these questions and topics. Please find your questions and topics of interest, and our response to each in the sections below.

What should be addressed in the AAM national strategy?

The City appreciates the opportunity to provide input on the development of the AAM National Strategy. As a community that is frequently overflown by aircraft arriving to and departing from John Wayne Airport (SNA), in Orange County, California, we are familiar with the community impacts associated with aviation. As such, we are particularly concerned with the potential safety, security, noise and environmental impacts that AAM could pose to our community and believe it is crucial to address these key concerns in an AAM National Strategy.

First, the safety of both operators and the public must be at the forefront of any AAM National Strategy. The strategy should prioritize comprehensive safety standards, including robust training programs, stringent operational guidelines, and a thorough certification process for vehicles and operators. Encouraging industry collaboration with relevant regulatory bodies and conducting regular safety audits would further ensure the highest level of safety is maintained.

Secondly, given the potential integration of unmanned aerial systems in AAM operations, it is imperative to establish stringent security measures to safeguard against unauthorized access, cyber threats, and potential misuse of the aircraft. Collaborative efforts among stakeholders, including law enforcement agencies, aviation authorities, and the AAM industry, should be undertaken to develop comprehensive security protocols and standards.

Third, noise impacts from AAM operations have the potential to affect the quality of life for residents and disrupt local communities. The strategy should include viable noise mitigation measures, such as using the least impactful routes, limiting hours of operation including having a nighttime curfew, limiting the number of operations per day/hour, utilizing advanced technology for noise reduction in vehicle design, and promoting public awareness campaigns to educate communities about noise-related impacts and initiatives. We also encourage the DOT to develop guidance on how local municipalities can prepare for AAM through comprehensive planning and zoning controls.

Fourth, as a city located on the beautiful California coast, we urge the inclusion of strong environmental guidelines in the AAM National Strategy to ensure that natural resources are protected visually and acoustically from the potential operation of AAM aircraft. While we support the use of electrically powered aircraft, we understand that there could be unforeseen environmental impacts to the public associated with AAM and its types of aircraft. These impacts should be fully analyzed pursuant to existing environmental regulations, such as the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), and appropriate mitigation measures imposed before the approval of any vertiports.

Lastly, to ensure a successful implementation of AAM, it is essential to engage with local communities, including residents, local governments, community organizations, and other stakeholders. The AAM National Strategy should emphasize the importance of community involvement in the decision-making process for any vertiport development. The AAM strategy should provide equal opportunities for public input, and establish transparent communication channels between the public, vertiport operators, and state and federal agencies.

What are existing barriers to success of AAM implementation?

Based on our understanding of the subject matter, we would like to share the following insights on the challenges that we believe are barriers to the success of AAM implementation. While we understand there are many challenges associated with AAM implementation, we would like to emphasize those associated with safety, security, environmental and noise.

To ensure safety and security, there is a need for a clear and comprehensive regulatory framework to govern AAM operations and the associated equipment. Current regulations primarily designed for traditional aviation do not fully address the unique characteristics and operational requirements of AAM. Updating current regulatory frameworks to reflect the AAM industry by establishing standards for aircraft certification and security, air traffic management, and addressing liability and insurance concerns are vital.

The City firmly believes that environmental, noise and public acceptance are barriers to AAM implementation. Standard and novel practices must be utilized to better understand and analyze the potential environmental and noise impacts associated with AAM operations. These analyses should be verified by a third-party and should not be performed by private developers. Concerns related to safety, noise, privacy and visual impacts also need to be effectively addressed through community engagement, education and transparent communication.

The City understands there are many issues to overcome prior to the implementation of AAM. We fully support the DOT's efforts to work with communities to address safety, security, environment and noise concerns. Ensuring that AAM operations are conducted responsibly, with a strong emphasis on the well-being of our residents and the surrounding environment, is essential. We appreciate the DOT's commitment to collaborating with the City to ensure that the AAM framework benefits our city and the nation.

What steps should the Federal Government focus on in the short (2–3 years), medium (4–8 years), and long term (8+ years) in order to maximize the potential for successful AAM implementation in the United States?

We appreciate the opportunity to provide our perspective on the steps the federal government should focus on in the short, medium and long term to maximize the potential for successful AAM implementation in the United States. As a city concerned about safety, security, noise and environmental impacts, we emphasize the importance of addressing these aspects in the recommendations below.

Short-Term (2-3 years)

The City understands that original equipment manufacturers (OEMs) anticipate to receive aircraft certification from the FAA by 2025 or 2026. Therefore, the City does not anticipate AAM to be operational in the short-term (i.e., 2-3 years). However, we encourage the DOT to establish rigorous certification standards of aircraft and a regulatory framework that ensures AAM is implemented safely and securely. The City would like for the FAA to continue to prioritize the development and implementation of comprehensive safety and certification standards specifically tailored to aircraft involved in AAM operations (e.g., electric vertical take-off and landing (eVTOL) aircraft). These standards should include rigorous training programs, operational guidelines, and robust certification processes for aircraft and operators. We understand that the FAA has introduced *Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes* (88 FR 38946) to establish

a path for civilian pilots to be certificated with a powered-lift category rating. We support efforts like these that will help ensure the safety of the public.

Although the DOT and the FAA has made strides to ensure the safety and security of AAM in the near term, the City would like for the DOT to coordinate with relevant agencies such as the FAA and the National Transportation Safety Board (NTSB), and Executive Offices, to prioritize the development of a clear and cohesive national regulatory framework for AAM. This framework should address operational rules, air traffic management, infrastructure requirements, environmental impacts, and privacy and security considerations, among others deemed important to the public.

Medium-Term (4-8 years)

In the medium-term, the City anticipates that AAM may be operational by this time, albeit with limited operations and destinations. For the initial roll out of AAM, we recommend that AAM be limited to geographic areas where the impacts of AAM on the public are minimal and safety concerns can be addressed prior to allowing AAM in high population urban areas. Given that AAM is largely untested, it is essential for the DOT to enforce a regulatory framework that ensures minimal quality of life impacts to local communities and that safety and privacy concerns are addressed. The DOT should partner with local governments and community organizations, to prioritize efforts to minimize or prevent current and future impacts to the public's quality of life. This includes addressing key issues, such as the potential auditory and visual impacts that AAM presents to local communities. To address these potential issues, we suggest working with communities to prevent or minimize noise and visual impacts. These efforts could focus on educating the public about AAM, addressing concerns related to safety, security, noise and environmental impacts, and actively involving communities in the decision-making process. The government should continue to allocate resources to support research and development initiatives focused on noise reduction and technology advancements in AAM. Agencies such as the FAA and National Aeronautics and Space Administration (NASA) can play key roles in funding and coordinating these research efforts.

Long-Term (8+ years)

In the long term, the City anticipates that AAM may be present with more frequent operations. During this phase, we urge the DOT to limit operations in high population urban areas until noise, safety and environmental impacts associated with AAM are evaluated in a real-world setting. During this time, the use of AAM will likely still be relatively limited, as compared to traditional airport operations, and the City believes that the DOT can be a leader in prioritizing the quality of life of public citizens before AAM becomes more widespread. By this time, we hope that the DOT has put policy frameworks in place that facilitate meaningful engagement opportunities between local communities, the federal government, private developers, and industry stakeholders. The City would like for the DOT to have mechanisms in place that prioritize citizen concerns and maintain a high quality of life. This means maintaining an open line of communication between communities and the necessary entities, and providing actionable solutions to address any concerns, such as potential noise and visual impacts that could be present with AAM.

Topic #6. Role of State, Local, Tribal, and Territorial Governments.

Information about the role that state, local, tribal, and territorial governments should play in enabling AAM in the United States.

Thank you for the opportunity to provide our perspective on the role that state, local, tribal and territorial governments should play in enabling AAM implementation in the United States. As a city committed to the well-being of its residents, we recognize the vital role that local governments should undertake in this endeavor. The City believes that local governments could play a key role in infrastructure planning and development, zoning and land use regulations, public safety and emergency management, community engagement and public outreach, collaboration and advocacy, and environmental concerns.

State, local, tribal and territorial governments should have the opportunity to be engaged in infrastructure planning and development related to any AAM operations. This includes collaborating with relevant stakeholders to identify suitable locations for vertiports, integrating charging infrastructure, and ensuring compatibility with existing transportation networks. By actively participating in the planning process, governments can help create a framework that aligns with community needs, minimizes environmental and noise impacts, and maximizes operational efficiency.

Governments play a crucial role in establishing appropriate zoning and land use regulations for any AAM operations. It is essential to consider the unique characteristics and requirements of AAM, including safety, security, noise and environmental impacts, when formulating these regulations. By allowing local zoning, governments can facilitate the establishment of AAM infrastructure in appropriate locations, ensuring compatibility with surrounding land uses.

State, local, tribal, and territorial governments should have the opportunity to collaborate with AAM operators and emergency response agencies to develop robust safety protocols and emergency management plans. This includes defining clear roles and responsibilities, establishing communication channels, and conducting joint training exercises. By working together, governments can help ensure that any AAM operations are conducted safely, and emergency response procedures are well-coordinated, thereby enhancing public safety and building public trust.

Engaging the local community in the decision-making process is essential for successful AAM implementation. State, local, tribal and territorial governments can assist in efforts to educate and inform the public about AAM, addressing safety, security, noise and environmental concerns through transparent communication. We encourage the DOT to provide the necessary resources to facilitate this effort. By organizing community forums, public hearings, and awareness campaigns, governments can build trust and gather valuable input from community members.

State, local, tribal and territorial governments should actively collaborate with each other and advocate for the needs and interests of their respective communities at the federal level. The DOT should provide a venue that facilitates the opportunity for local governmental officials to express the needs and concerns of their citizens. By working collectively, governments can influence policy discussions, regulatory frameworks, and funding allocation processes to ensure the interests of their constituents are represented. Strong collaboration will also facilitate knowledge sharing, accelerate the adoption of AAM, and support a harmonized approach across jurisdictions.

State, local, tribal and territorial governments should integrate environmental considerations into AAM planning and policy-making processes. This includes limiting the environmental impacts associated with any AAM implementation, which could include noise and visual impacts, among others. By prioritizing

environmental considerations, governments can ensure that any AAM implementation aligns with broader environmental goals and contributes to a better future for our citizens.

Topic #13. Vertiport Development and Operations.

Information about the expected role of governments and private industries at all levels as to the development, funding, and operation of vertiports. The term “vertiport” in this capacity is meant to describe a range of specialty landing, boarding, and takeoff areas designed for AAM operations, including single-operation vertiports, vertiports integrated into existing airports and heliports today, as well as sprawling, multi-operation, multi-purpose, and multi-transportation option vertiports that act as commercial and transportation hubs. The AAM IWG seeks information on whether system planning similar to the National Plan of Integrated Airport Systems [6] should exist for vertiports, and what level of coordination is required for effective vertiport planning and use.

We appreciate the opportunity to provide our perspective on the expected role of governments and private industries at all levels regarding the development, funding and operation of vertiports for AAM operations. We recognize the significance of coordinated efforts between governments and private industries in establishing efficient and safe vertiports.

Similar to the National Plan of Integrated Airport Systems (NPIAS), a comprehensive system planning approach for vertiports would be beneficial. Establishing a framework that identifies strategic locations, assesses infrastructure requirements, analyzes acceptable air routes, and considers the integration of different transportation options will help ensure a coordinated and efficient vertiport network. The federal government, in collaboration with state and local governments, should lead this planning effort to maximize the effectiveness of vertiport operations. Local governments should also play a critical role in establishing zoning and land use regulations specific to vertiports. These regulations should consider safety, noise mitigation, visual and environmental impacts while allowing for the necessary infrastructure development. By adopting compatible and adaptable zoning policies, governments can facilitate the creation of a diverse range of vertiports.

With regard to the expected role of governments at all levels of the development, funding and operation of vertiports, the City is most concerned with minimizing or eliminating all potential negative impacts associated with vertiport operations. This includes potential safety, noise, security and environmental impacts posed by vertiports. To address these concerns, the federal government should establish funding mechanisms to local governments to assist in the mitigation of noise and environmental impacts throughout the development stage of vertiports. This would include funding to assist in mitigating potential impacts pre- and post-construction. Further, local governments should be involved throughout the development stage and potential impacts of the vertiport should be disclosed to all citizens for public input.

Private industries, including AAM operators, infrastructure developers, and transportation providers, should actively ensure the safe operation of a vertiport and cities should be actively involved in the siting of vertiports through local zoning. Private industries should take responsibility for the day-to-day operation and management of vertiports. This includes ensuring compliance with safety regulations, implementing efficient air traffic management systems, providing passenger services, complying with operational conditions, and coordinating with local authorities and air traffic control. Private industries should establish industry best practices for vertiport operations to maintain high safety standards and operational efficiency. Private industry should also actively work to minimize or eliminate potential noise, visual and environmental impacts in the community. The City would also like for private industries to actively collaborate with governments at all levels to ensure effective vertiport planning and use. This

collaboration involves sharing data, expertise and best practices to support the development of standardized guidelines for vertiport operations. Additionally, private industries should partner with local governments to jointly address safety, environmental and community concerns associated with vertiport operations.

The successful development and operation of vertiports requires close coordination and collaboration between governments and private industries. To facilitate this, regular communication channels should be established, enabling stakeholders to exchange information, discuss challenges, and identify opportunities for collaboration. Public-private partnerships, industry working groups, and stakeholder engagement processes should be encouraged to ensure a coordinated and inclusive approach to vertiport planning and use.

The City understands that the role of government is vital to the development and operation of vertiports. We urge the DOT to carefully consider our response and incorporate our perspectives to ensure a comprehensive and sustainable approach to vertiport planning and use.

Topic #16. Environmental Impacts and Public Involvement.

Information regarding the reasonably foreseeable environmental benefits and costs of integrating AAM operations into the U.S. airspace and broader transportation system, including the application of any standard methodologies to identify, investigate, and evaluate (either qualitatively or quantitatively) potential environmental impacts and available mitigation measures. Information regarding opportunities to synchronize, sequence, or coordinate applicable permitting/licensing and public involvement/consultation requirements or processes across Federal, State, local, or Tribal government to minimize duplication and improve efficiency and effectiveness.

We appreciate the opportunity to provide information regarding the reasonably foreseeable environmental benefits and costs of integrating AAM operations into the U.S. airspace and broader transportation system. The City recognizes the importance of identifying, investigating and evaluating potential environmental impacts while maximizing the benefits of AAM. Additionally, we understand the need for efficient and coordinated permitting and public involvement processes across different government levels.

The integration of AAM operations could present several potential environmental benefits including reduced greenhouse gas emissions through the use of electric or low-emission aircraft. While AAM operations may offer some environmental benefits, it is crucial to assess and mitigate potential adverse impacts. Standard and advanced methodologies should be applied to identify, investigate and evaluate these impacts both qualitatively and quantitatively. Such methodologies may include comprehensive environmental impact assessments (e.g., NEPA and CEQA), noise studies, visual impacts analyses, and ecological assessments. Mitigation measures should be identified and implemented to minimize or offset any negative environmental consequences, including noise mitigation technologies and strategies. A comprehensive environmental impact assessment should also include provisions for public consultation and engagement. This will enable communities and stakeholders to provide input on potential environmental impacts and propose mitigation measures. By incorporating public involvement into the assessment process, concerns can be addressed, and a more informed decision-making process can be achieved.

The City understands that there is a need to synchronize, sequence or coordinate permitting and licensing processes across governments to minimize duplication and improve efficiency. Improving efficiency of these processes can reduce administrative burdens, promote consistency, and provide

clarity to stakeholders. Establishing clear guidelines for coordination, sharing best practices, and developing interagency collaboration frameworks will enhance the efficiency and effectiveness of permitting and licensing procedures. The City supports efforts to minimize duplication and improve efficiency through the permitting and licensing process so long as it does not compromise the safety, security and environment of our community. The City does not support circumventing and streamlining essential permitting and licensing requirements in our community just to expedite vertiport development.

The City believes public involvement and consultation are essential in the integration of AAM operations. Opportunities should be created for our stakeholders, including organizations and individuals, to participate in the decision-making process and express their concerns toward vertiport development and aircraft operations. The City supports coordinated public involvement requirements and processes across government levels to ensure a transparent and inclusive approach. This can be achieved through joint public hearings, coordinated information dissemination, and the development of accessible platforms for public input, among others. Federal and local governments should also establish mechanisms for interagency collaboration to facilitate coordination and information sharing. Regular communication channels, working groups, and task forces can promote efficient coordination, allowing for the exchange of expertise and information throughout the environmental permitting and licensing processes. Private developers should also be actively involved in public engagement and be transparent toward the potential impacts of vertiport operations.

The integration of AAM operations requires coordinated efforts among government levels, including synchronization of permitting and licensing processes, enhanced public involvement, and interagency collaboration. By utilizing standard methodologies for environmental impact assessment and incorporating public input, we can ensure the integration of AAM operations aligns with environmental goals while addressing community concerns over noise and visual impacts.

The City encourages the DOT to establish an AAM National Strategy that integrates the issues and concerns of this letter. The City wishes for AAM to enhance the quality of life of our communities rather than provide a compromise to the everyday lives of its citizens. One way to do this is to ensure that the safety, security, noise and environmental impacts of AAM are mitigated or prevented. The City wants to stress the importance for AAM to be implemented in a manner that is safe and secure for all citizens. Further, the City encourages the DOT to use creative noise reduction strategies that take noise sensitive areas into account. Lastly, the City wishes for the DOT's AAM National Strategy to provide for local zoning and incorporate an environmental review for the siting of vertiports. The environmental review will help to disclose, mitigate, and prevent potential adverse impacts while providing a venue for the community to voice their concerns.

The City appreciates the opportunity to provide input and we look forward to collaborating with the DOT on this important topic in the future.

Sincerely,



Noah Blom
Mayor

cc: Newport Beach City Council