

## February 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 Appoints New Acting Airport Director**

The Orange County Board of Supervisors on February 3, appointed Lawrence G. Serafini as Acting Airport Director of John Wayne Airport. The appointment was made as a result of the retirement of current Airport Director Alan L. Murphy.

Mr. Serafini began his career with John Wayne Airport as Deputy Airport Director, Facilities in August 2001. In this position, he has been responsible for managing Airport Development, Engineering, Maintenance, Information Systems, Planning and Environmental Compliance. Mr. Serafini holds a Master of Science in Civil Engineering from California State University, Long Beach and a Bachelor of Science in Civil Engineering from Rensselaer Polytechnic Institute. He is a registered California Professional Engineer in Civil Engineering. Mr. Serafini retired from the U.S. Navy as a Lieutenant Commander, Civil Engineer Corps. Mr. Murphy retired from the County of Orange on February 5 and Mr. Serafini became Acting Airport Director on February 6, 2015.

### *JWA- January*

While the full numbers have not been released, the passenger numbers for January 2015, show an approximate increase of +2.5% for the first month of the New Year versus January 2014.

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

## Carrier Share at JWA<sup>2</sup>

Southwest	3,673	41.38%
United	1,309	14.74%
American	1,198	13.49%
Alaska	815	9.18%
Delta	761	8.57%
Other	1,121	12.63%

### *Southwest Expands Service at JWA*

Southwest Airlines recently announced it is expanding service from JWA. Passengers will be able to fly to Seattle and Chicago beginning June 28, and to Portland beginning August 9, 2015. Southwest will also increase the number of daily, nonstop departures between JWA and Dallas-Love Field and Denver effective August 2015. The foregoing comes on the heels of previously announced plans to begin daily service to Puerto Vallarta, Mexico on June 7, 2015, subject to governmental approvals and to Austin beginning June 28, 2015. This will in all likelihood continue to expand further Southwest's market share at JWA, which is 41%+.

### Departures JWA

Recent questions were raised about the status of the RNP departures in Atlanta, and which were referenced in the June 5, 2013 letter to then Mayor Keith Curry. As best as can be determined, according to the FAA's Performance Based Navigation Policy and Support Group (the office referenced in the June 5, 2013, letter from Dave Suomi (AWP-1) to Mayor Curry), the ATL RNP departure procedure has been used exactly twice and the sense conveyed by the FAA, that the FAA resources and effort that went into the development and safety evaluation of the procedure were not properly rewarded by this very low number of uses. It was also learned that the RNP is the subject of a MOU between the FAA and the specific air carrier that applied to use it.

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<sup>2</sup> Most recent DOT Statistics based on enplaned passengers (000) both arriving and departing.

## Southern California Metroplex

### The Project

In response to the numerous questions regarding the Metroplex a more detailed response seemed to be in order. The SoCal OAPM Project would improve the efficiency of airspace in the Southern California Metroplex by optimizing aircraft arrival and departure procedures at Bob Hope (Burbank) Airport (BUR), Camarillo Airport (CMA), Mc Clellan-Palomar Airport (Carlsbad) (CRQ), Fullerton Municipal Airport (FUL), Los Angeles International Airport (LAX), Long Beach Airport (Daugherty Field) (LGB), Camp Pendelton MCAS (Munn Field) Airport (NFG), Point Mugu Naval Air Station (NTD), North Island Naval Air Station (NZY), Ontario International Airport (ONT), Oxnard Airport (OXR), Palm Springs International Airport (PSP), San Diego International Airport (SAN), Santa Barbara Municipal Airport (SBA), Brown Field Municipal Airport (SDM), Santa Monica Municipal Airport (SMO), John Wayne-Orange County Airport (SNA), Jacqueline Cochran Regional Airport (TRM), Bermuda Dunes (UDD), Miramar Marine Corps Air Station (NKX) and Van Nuys Airport (VNY). The Project may involve changes in aircraft flight paths and altitudes in certain areas, but would not result in any ground disturbance or increase the number of aircraft operations within the Southern California airspace.

Preparation of the Draft EA is underway and the FAA intends to issue it in 2015. The EA will be publicly available for 30 days before the FAA would issue a final determination on the project. The following webpage will announce the availability of the FAA documents and any contact information related to providing comments:

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

### *Airport Matters for the Near Future*

Questions were recently asked about the important or significant matters which may affect the residents of Newport Beach. In this update many of them are mentioned and additional information provided. To highlight those matters which may most affect the residents: 1. The John Wayne Settlement Agreement, is key as it sets forth a road map

through the year, 2035 including the number of passengers (“MAP”)<sup>3</sup>; number of Class A, operations; Curfew; 2. NextGen<sup>4</sup>- which is the name given to the FAA’s directive from Congress to modernize the skies (see MetroPlex; STREL); 3. Net Noise Neutrality- the FAA rule making regarding whether or not changes in flight patterns may or may not require or be exempt from normal environmental assessment; 4. FAA reauthorization bill in Congress (always seems to be something in the bill which brings forth debate and often times gives rise to unintended consequences of actions); 5. Airline policy(see load factors and recent JetBlue actions).

## **Airports in the Region**

### *Long Beach Noise Ordinance Update*

A recent question arose regarding the Long Beach Noise Ordinance. The City recently conducted a study session to analyze the current noise ordinance in effect at the Long Beach Airport. The session discussed the merits and reluctance to modify the ordinance in the future. The City Attorney among others discussed the history and the litigious history of the city’s Airport Noise Compatibility Ordinance (ANCO), which has remained untouched since its adoption in 1995. A large part of the reason that it has remained intact is the federal Airport Noise and Capacity Act (ANCA) of 1990, which was passed while ANCO was being processed by an appellate court in California. Long Beach was granted an exemption to keep their ordinance, which pre-dated the federal legislation, with the understanding that any amendments made to it could result in forfeiture of local airport noise governance.

“Since that federal law was enacted in 1990, no other airport in the country has been successful in being able to impose these types of restrictions that we currently have at our airport with flight caps and curfews,” a spokesman for the City said. “There are

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<sup>3</sup> See October 2014 Airport Update for full exposition.

<sup>4</sup> Congress approved the NextGen program in 2003, and the agency already has spent more than \$5 billion on developing it at major U.S. airports. Until recently, the loudest complaints about the program came from members of Congress who were upset about the price tag. But now, noise has become the big complaint. (See previous updates regarding Phoenix). <http://abcnews.go.com/US/wireStory/flight-paths-turbulence-phoenix-neighborhoods-29177540>.

probably only about five or six airports that share what we have as far as being exempt from ANCA<sup>5</sup>.”

### *Jet Blue Takes Potential First Step for International Travel*

In a follow up to the meeting with the city regarding the noise ordinance, Jet Blue formally requested Long Beach Airport apply for a federal customs facility, a move that would allow international travel at the city-owned airport<sup>6</sup>. In the letter sent to the director of the airport the airline said it would comply with the city's noise ordinance by having international flights in their designated flight time slots for domestic flights. It is JetBlue's belief that Long Beach qualifies under the guidelines for a User Fee Airport. JetBlue will purportedly utilize only its current allotment of assigned air carrier slots and existing aircraft parking positions to fly internationally in addition to our current 11 domestic markets. This process if successful may take as long as three (3) years to be completed.

### *ONT and LAX Scheduled for Trial*

Ontario's lawsuit with Los Angeles seeking local control of L.A./Ontario International Airport has been scheduled by the Court to go to trial Aug. 17. However, a new motion by the defendants aims to preempt that and get the case dismissed. Both sides will return to court April 8 to address a new claim filed by attorneys for L.A., arguing that Ontario waited too long to seek any damages on three claims in the suit for breach of: fiduciary duty, contract, and covenant of good faith and fair dealing.

### *LAX-ONT Battle for Control of ONT Airport*

On February 3, attorneys for Ontario filed a response in Riverside Superior Court objecting to a tentative ruling which upheld the agreements that gave Los Angeles control of L.A./Ontario International Airport. In a tentative ruling on Jan. 22 in Riverside Superior Court, Judge Gloria Connor Trask wrote that Ontario had an opportunity to rescind a 1985 agreement that turned the deed over to L.A., but it had waited too long.

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<sup>5</sup> JWA is one of them.

<sup>6</sup> See also December 2014 for a previous discussion of the potential for international flights.

Trask's tentative decision also validated the 1967 joint-powers agreement which initially turned over the control of L.A./Ontario International Airport to L.A. - See more at: <http://setontariofree.com/news#sthash.RWwUaKNF.dpuf>.

### *Airline Industry Position on NextGen*

On February 6, 2015, the airline industry weighed in with the FAA, once again regarding NextGen. Principal among those comments were: “ We write to express our appreciation for the fact- and science-based approach FAA takes in addressing aircraft noise and for your resolve in staying the course. Airlines, other aircraft operators, airframe and aircraft engine manufacturers, and FAA have dramatically reduced the number of people exposed to aircraft noise. Even so, we understand that concerns remain and may be heightened when changes in air traffic procedures, such as those occasioned by the transition to the Next Generation Air Transportation System (NextGen), are introduced. It is critical to NextGen implementation that FAA continues to employ science-based noise metrics and thresholds in assessing policy responses to those concerns....” The letter was signed by all the major players in the industry. If you wish to read the entire letter you may do so at:

<http://nbaa.org/news/2015/Assn-Noise-Letter-to-Admin-Huerta-2015-02-06.pdf>

### *NBAA Support FAA in latest Santa Monica Airport Litigation*

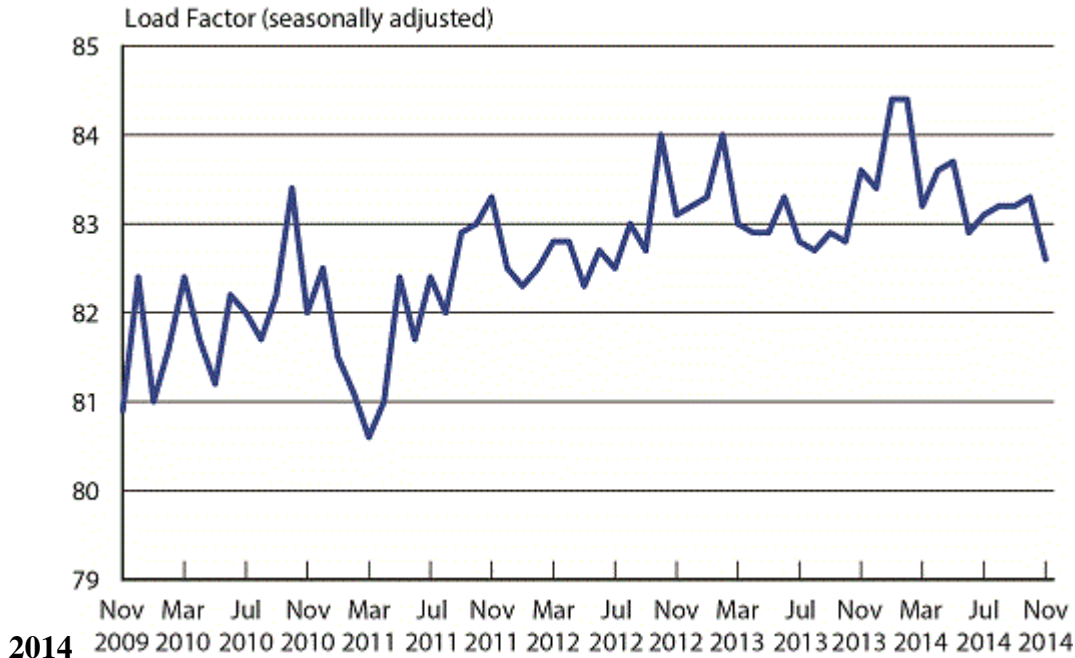
The National Business Aviation Association (NBAA) joined with the Aircraft Owners and Pilots Association (AOPA) in late January in jointly filing an amicus curiae brief in support of the FAA's opposition to one of the latest efforts by the city of Santa Monica, CA to restrict operations at – and possibly close – the historic Santa Monica Municipal Airport (SMO). The "friend of the court" brief supports the oft-upheld legal precedent that airports that have accepted grants or property from the FAA are obligated to continue to make those airports accessible to the public. Last February, a U.S. District Court in California agreed with the FAA in dismissing an October 2013 lawsuit filed by the city, in which Santa Monica officials maintained the city had never relinquished control over airport land when it leased the property to the United States government as a military

airfield during World War II. That stipulation, the city argued, voided any subsequent obligation in agreements with the FAA requiring the city to maintain the land as a civilian airport. The appeal is being hearing by the US Court of Appeals for the 9<sup>th</sup> Circuit.

*Net Noise Reduction*<sup>7</sup>

The FAA will issue its decision on whether it will use the Net Noise Reduction Method to implement CatEx 2 of the 2012 FAA Reauthorization within the next two weeks.

**Load Factor on All U.S. Scheduled Airlines (Domestic & International), November 2009 - November 2014**



The November 2014 the load factor of 82.6 was the lowest since the July 2012 load factor of 82.5. U.S. airlines' load factor reached a seasonally-adjusted all-time high of 84.4 in January 2014 and gradually declined throughout the year . Load factor is a measure of the use of aircraft capacity that compares the system use, measured in Revenue Passenger-Miles (RPMs) as a proportion of system capacity, measured in Available Seat-Miles (ASMs). The seasonally-adjusted load factor fell from October to

<sup>7</sup> See discussion on Net Noise Neutrality in August 2014 update.

November as a result of a decline in RPMs and an increase in ASMs, i.e. the airlines made more seats available.

### *Jet Fuel Tax*

Certain states and localities with airports could lose about \$200 million annually unless they comply with a 2014 Federal Aviation Administration ruling requiring them to spend revenues from jet fuel taxes only on air travel-related expenses. At issue is a new interpretation of the Airport and Airway Improvement Act. According to the FAA, the 1982 law was supposed to ensure that taxes levied on airline fuel are spent to upgrade airports, help build runways and improve facilities for air travelers.