

## General Aviation Improvement Program - Rumors and Facts

RUMOR	FACT
<b>Curfew Related</b>	
This plan changes the curfew hours.	This plan will not affect the commercial or general aviation curfews at John Wayne Airport.
General aviation has no curfew.	The County of Orange adopted the General Aviation Noise Ordinance (GANO) over three decades ago. It placed a noise-level-based curfew on general aviation flights and remains in effect today.
This plan means general aviation aircraft can now fly at night.	General aviation aircraft have always been able to fly at night, provided they do so within the noise limits set by the GANO (see above).
General aviation follows the same curfew as commercial air carriers.	General aviation has a separate "curfew". The commercial air carrier curfew is time-based, the general aviation curfew is noise-level based.
<b>International Travel Related</b>	
The plan makes John Wayne Airport (JWA) an international airport.	There have been international commercial and general aviation flights in and out of JWA for a number of years.
<b>Miscellaneous</b>	
There are commercial carriers masquerading as general aviation at JWA.	While JetSuiteX is based in the general aviation area of the airport, it is a commercial operator and abides by all conditions of the 1985 Settlement Agreement.
John Wayne Airport is going to increase in size.	This is not a physical expansion of JWA – its footprint will not change.
This plan is a violation of the JWA 1985 Settlement Agreement.	This plan is unrelated to the 1985 Settlement Agreement which pertains to commercial air carrier operations. It does not include general aviation.
The plan phases out the small planes in favor of corporate jets.	The approved plan is an effort to help protect the presence of small planes at the airport. The County has agreed to land use restrictions that protect smaller planes.
Newport Beach lost out on this deal.	The adopted plan is <u>significantly</u> better for Newport Beach than the County's preferred alternative. The City's preferred alternative was rejected 1-4 by the Board of Supervisors (Board) on May 7.
It's done and the changes will be effective immediately.	The Board's June 25 action was the first step only in a long planning process. The next important step is the design of the request for proposals (RFP), which will provide key details on what facilities can be built for the fixed base operators. Then comes the actual lease agreements for the successful bidders. Those two items could take up to 6-10 months to complete. Once the operators are under contract, the 7-year project begins. It is scheduled to be built in 14 separate phases.



## **General Aviation Improvement Program Updated Questions and Answers July 1, 2019**

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### **What does the City think of the plan the Board of Supervisors adopted on June 25?**

The City, and other Orange County cities, publicly supported an alternative in the General Aviation Improvement Program Draft Environmental Impact Report called Alternative 3. We felt it allowed the airport to make some necessary changes to facilities, but wouldn't create new facilities and potentially more noise and air quality impacts for our communities. Despite public support for that option, it failed to pass (on a 1-4 vote) at the Orange County Board of Supervisor's May 7 meeting. At that meeting, airport staff was recommending the Board approve another alternative, Alternative 1. Newport Beach was very concerned as this option could result in more general aviation jet flights over the community. Supervisor Andrew Do proposed a compromise, essentially combining elements of Alternatives 1 and 3. The Board continued the discussion to a future meeting date to allow time for County staff to analyze the Supervisor's suggestion.

Supervisor Do had suggested limiting the number of certain types of general aviation aircraft that could be based at John Wayne Airport. After further study, County staff concluded that such a plan would violate federal law which prohibits airports from discriminating against, by limiting or prohibiting, types of aircraft. Supervisor Michelle Steel then developed a new proposal that included key elements of Alternative 3 and elements of Supervisor Do's proposal. It contained nearly everything the City of Newport Beach (City) advocated for during the past six months:

- The City, with input from the community, determined that two, full-service Fixed Based Operators (FBOs) - as opposed to three FBOs as favored by the County - was in the best interests of the City. The Board approved only two.
- The City wanted to preserve the presence of light general aviation, the single- and twin-engine planes. The Board approved setting aside more than 34 acres, the majority of the space available, for these smaller planes.
- To make sure that happens, the Board directed staff to place certain land use and lease restrictions on airport parcels. Those restrictions limit the size of the airplane that can be stored on the parcels. This was a significant concession on the part of the County and a very important and positive step for our city and others.

The Board did approve a General Aviation Facility (GAF), which is a space used for processing international passengers. The City had strongly advocated against it. However, it was a project component the County was seemingly unwilling to remove from the plan. Supervisor Steel tried to balance the competing interests by proposing to leave the GAF in the plan, but limit its hours of operation. The limited hours of operation seemed to be a reasonable compromise given that the majority of the proposal contained items important to the City. The Board of Supervisors unanimously approved the plan as proposed by Supervisor Steel.

### **Is there a curfew for general aviation?**

Yes, and it's been in place since the County of Orange adopted the John Wayne Airport General Aviation Noise Ordinance more than three decades ago. However, unlike the *time-based*, commercial air carrier curfew that prevents commercial flights from arriving or departing JWA during a set period of time nightly, the General Aviation "curfew" is *noise-level* based.



**So does that mean general aviation jets are allowed to fly 24 hours a day, seven days a week?**

Yes, as long as they meet the noise limits set forth in the GANO. These levels vary by day and night. Please see the chart below.

Noise Monitoring Station (NMS)	Noise Limits	
	Daytime	Nighttime*
NMS 1S	102.5 dB SENEL	87.5 dB SENEL
NMS 2S	101.8 dB SENEL	87.6 dB SENEL
NMS 3S	101.1 dB SENEL	86.7 dB SENEL
NMS 4S		86.7 dB SENEL
NMS 5S		86.7 dB SENEL
NMS 6S		86.7 dB SENEL
NMS 7S		86.7 dB SENEL
NMS 8N		86.9 dB SENEL
NMS 9N		86.9 dB SENEL
NMS 10N		86.9 dB SENEL

\*For arrivals occurring between 11 p.m. and 7 a.m. Monday – Saturday and 11 p.m. to 8 a.m. Sunday; Departures occurring between 10 p.m. and 7 a.m. Monday – Saturday and 10 p.m. and 8 a.m. Sunday.

**Can the County change the General Aviation Noise Ordinance and make the general aviation curfew consistent with the commercial air carrier curfew?**

Many residents in our community and others would like to see changes. However, due to the Airport Noise and Capacity Act of 1990 (ANCA), no further restrictions can be placed on JWA operations. With the passage of ANCA, the federal government made it virtually impossible for local governments or airport operators to place restrictions on aircraft noise, capacity and operations. Fortunately, the limits at JWA as set forth in the GANO and the 1985 Settlement Agreement were “grandfathered” under ANCA, and the federal government has allowed the restrictions to remain in place.

**What about JetSuiteX? Is there some loophole in how it operates?**

JetSuiteX operates out of one of the Fixed Base Operators, the private companies that provide services to the general aviation community. Though JetSuiteX operates in what has traditionally been General Aviation “territory”, due to the nature of its operations, it is considered a “commercial user” by JWA.

As a commercial user, JetSuiteX is subject to the terms of the 1985 JWA Settlement Agreement and subsequent amendments. Meaning, among other things, its passengers are counted toward the limit on Million Annual Passengers and its flights must abide by the noise limits and commercial air carrier curfew.

JetSuiteX is the first commercial air carrier that the County Board of Supervisors has permitted to operate out of a Fixed Base Operator. The Board approved this location in the spring of 2018. All other commercial air carriers operate out of the main terminal.



## How does John Wayne Airport define commercial user?

The John Wayne Airport Access Plan defines commercial user as follows (emphasis added by the City):

“... any person conducting aircraft operations at JWA for the purpose of carrying passengers, freight, or cargo where such operations: (i) are operated in support of, advertised, or otherwise **made available to members of the public** by any means for commercial air transportation purposes, and members of the public may travel or ship Commercial Cargo on the flights; (ii) the **flights are scheduled** to occur, or are represented as occurring (or available) **at specified times and days**; and (iii) the person conducts, or proposes to operate, departures at JWA **at a frequency greater than two (2) times per week during any consecutive three (3) week period.**

## Since there’s no “loophole”, why does the City care where JetSuiteX is located at John Wayne Airport?

Some have questioned why the City cares where JetSuiteX operates, particularly since the aircraft it uses are generally smaller and quieter than most of the commercial aircraft in the JWA fleet. The City wants JetSuiteX’s operations moved to the main terminal for reasons related to safety, security and accountability.

It is considered a commercial user and as such, it should operate among the airport’s other commercial users, in the main terminal. The City is very concerned about commercial operations “encroaching” into an area of the airport that has traditionally been used by General Aviation. There are gates available in the main terminal.

In addition, the City has safety and security concerns related to the screening of commercial passengers at a Fixed Base Operator rather than in the main terminal. While federal regulations allow it, the City believes all commercial passengers should be screened in the main terminal.

## What about the “Ubers” in the Sky?

There are other companies that operate what some dub “Ubers in the sky” because they sell available seats on chartered or private aircraft. However, they aren’t available to the general public and they don’t fly a regular schedule. Thus, they don’t meet the definition of commercial user.

