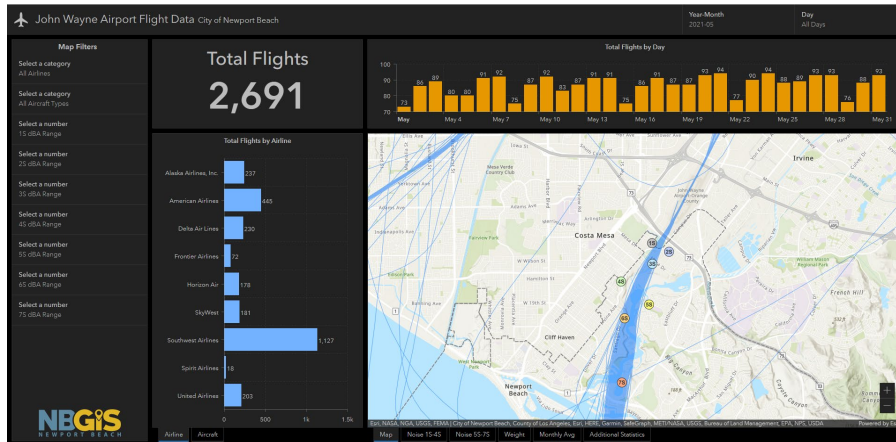




# AVIATION ACTIVITIES UPDATE

## July 16, 2021

### City Develops Commercial Flight Data Dashboard



The City of Newport Beach (City) developed a new, [John Wayne Airport \(JWA\) Flight Data Dashboard](#) to help share airport noise data with the community. The dashboard was designed to display commercial flight data in an easy-to-view manner and enable community members to narrow in on certain aspects of departures – including noise level, airline, aircraft type, weight, and number of flights – to find specific information, identify trends, analyze data, and more.

The dashboard is updated shortly after the City receives the monthly data from JWA’s Access and Noise Office, generally about 2-3 weeks into the new month. The City welcomes ideas on how to further improve the new dashboard. Please send suggestions to Tara Finnigan at [tfinnigan@newportbeachca.gov](mailto:tfinnigan@newportbeachca.gov).

### Newport Beach to Intervene in Litigation Filed by JSX Against the County of Orange

On July 13, the Newport Beach City Council authorized the City Attorney to intervene in the litigation filed by JSX Air and JetsuiteX, Inc. (JSX) against the County of Orange. This action is important for our community because JSX has alleged in its amended complaint that the Phase 2 Commercial Airline Access Plan & Regulation (Access Plan), which implements the 1985 Settlement Agreement, violates federal law, including the Airport Noise and Capacity Act.

Given the significance of this lawsuit, the City has retained the law firm of Kaplan Kirsch & Rockwell, LLP, who are recognized experts in this area of law. The City will continue to update the public regarding any significant developments related to this important matter.

## John Wayne Airport Posts May 2021 Statistics

The total number of passengers traveling through John Wayne Airport in May 2021 rose significantly as compared to May 2020, but remained below pre-pandemic levels according to recently posted JWA passenger count and operations data for [May 2021](#). The table below includes the monthly statistics for May 2019, May 2020 and May 2021.

	May 2021	May 2020	May 2019
Total Passengers (emplaned and deplaned)	585,735	82,341	942,680
Commercial Operations	5,626	1,742	7,926
Commuter Operations	486	134	500
General Aviation Operations	21,428	15,392	18,000
Military Operations	51	84	83
Total Aircraft Operations	27,591	17,352	26,509

In May 2021, the top three airlines serving JWA, based on passenger count, were Southwest Airlines (235,802), American Airlines (121,249) and Alaska Airlines (76,385).

## Court Finds FAA Violated Federal Laws When Changing LAX Arrival Flight Patterns

Last week, the United States District Court of Appeals issued a decision in the lawsuit filed against the Federal Aviation Administration (FAA) related to the flight patterns for aircraft landing at LAX. In the decision, the court held that the FAA violated the National Environmental Policy Act, the National Historic Preservation Act, and a section of the Department of Transportation Act. The City is analyzing what impacts this decision may have, if any, on Newport Beach. We will keep the community updated.

You may recall, on January 19, 2018, the City of Newport Beach and the County of Orange entered into a settlement agreement with the FAA resolving the litigation between the parties related to the SoCal Metroplex project. Substantively, the settlement agreement required: (1) departing flights to stay between the existing noise monitors (the FAA's original plan had no boundaries and could have resulted in flight paths anywhere over Newport Beach); (2) the FAA to design a curved departure procedure intended to allow planes to follow the bends of Upper Newport Bay and avoid as many residential areas as possible; (3) the FAA to ensure all future changes to flight paths are fully analyzed under the National Environmental Policy Act; and (4) the FAA to limit early offshore turns, which, if allowed, would bring departures closer to Corona del Mar and Newport Coast.

## Aviation Committee News and Activities

### **2021 Committee Priorities & Assignments**

The City's Aviation Committee continues to make progress on its agenda of addressing [16 priorities](#) in 2021. The priorities are divided into four focus areas:

1. Airport Operations and Relations
2. Community Outreach / Communication
3. Government Relations
4. Quieter Departures

At each Aviation Committee meeting, members provide reports on any action made toward achieving their respective priorities. The reports are summarized on a [tracking sheet](#).

### **Aviation Committee Comprised of City Residents, Community Reps**

The City's Aviation Committee is comprised of two City Council Members and 13 citizen volunteers. The City Council structured the committee to include a representative of each [Council District](#); a representative from each of the local aviation-focused community groups – Airport Working Group (AWG), Citizens Against Airport Noise and Pollution (CAANP) and Stop Polluting Our Newport (SPON); a general aviation representative; a Newport Coast representative and a member-at-large.

Council Member Diane Dixon, Chair	Hugh Logan – District 7
Council Member Noah Blom, Vice Chair	Stephen Livingston – General Aviation
Alan Guenther – District 1	Roger Ham – Newport Coast
Sharon Ray – District 2	Jack Stranberg – Member at Large
Bonnie O'Neil – District 3	Tony Khoury – AWG
Vacant - District 4	Julie Johnson – CAANP
Cameron Verdi – District 5	Nancy Alston – SPON
Jeffrey Cole - District 6	

Each committee member is assigned to an Ad Hoc committee or works with City staff and officials on advancing one or more of the annual priorities. You can view the list of Committee Member assignments [here](#).

The Aviation Committee is supported by City staff members including City Manager Grace Leung, City Attorney Aaron Harp, Deputy City Manager Tara Finnigan, and Executive Assistant Shirley Oborny. The Committee also works closely with the City's aviation consultant team comprised of Kevin Karpe, Diverse Vector Aviation (airspace and air traffic); Justin Cook, HMMH (aviation noise consulting); Channon Hanna, Carpi & Clay (federal lobbyist); and Cori Takkinen, Townsend Public Affairs (local government affairs).

## **Federal Grant Rules Thwart Local Incentives**

The question of whether JWA can financially incentivize air carriers to bring quieter equipment into Orange County has been raised several times at recent Aviation Committee meetings. The question is generally posed as, “Can John Wayne Airport provide a financial incentive, such as reduced landing fees, to those air carriers that use quieter aircraft for their Orange County routes?”

The answer is “no.” The FAA has authorized airports to offer promotional incentives for certain things, such as to attract new air carrier service; however, incentives may not be based on aircraft type since the FAA believes this could unreasonably exclude certain carriers that do not operate the type of aircraft for which the incentive is offered. These FAA requirements stem from what are known as the grant assurances that airports must abide by to receive federal grant money. Grant Assurance 22 – Economic Nondiscrimination says, in part, that air carriers “shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport...”.

However, the City continues to lobby for a different type of incentive. For several years, the City has advanced the concept of using federal tax incentives or credits to encourage air carriers to purchase newer generation aircraft which are quieter and less polluting. Former Congressman Harley Rouda used the City’s tax incentive idea as a platform when developing the vouchers-based program contained in the Cleaner and Quieter Skies amendment included in last year’s H.R. 2. The bill never made it to the Senate. However, the City is now working with Congresswoman Michelle Steel on identifying opportunities to incentivize carriers to invest in new equipment.

You can find more information about grant assurances on the FAA’s website here – [https://www.faa.gov/airports/aip/grant\\_assurances/](https://www.faa.gov/airports/aip/grant_assurances/)

This document - [https://www.faa.gov/airports/aip/grant\\_assurances/media/airport-sponsor-assurances-aip.pdf](https://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf) - lists the “assurances”.

## **Next Aviation Committee Meeting**

The Aviation Committee will meet **in-person** on Monday, July 19, 2021 at 5 p.m. in the Community Room of the Newport Beach Civic Center, 100 Civic Center Drive, Newport Beach.