

Long Beach Airport Proposed Noise Ordinance Amendments

February 7, 2018



long beach
airport

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Purpose of Today's Meeting

- Receive community and airport stakeholder input on potential Noise Ordinance amendments
- No relationship between amendments to Noise Ordinance and a separate JetBlue administrative appeal regarding curfew exemptions currently pending before the City Council
- JetBlue appeal will likely conclude in March 2018; proposed Noise Ordinance amendments will likely not conclude until sometime during the second half of 2018

History of Aircraft Noise at the Airport

- 1981 - First Noise Ordinance enacted in 1981
- 1983 - Three air carriers file suit in a challenge to the Ordinance
- 1988 - Federal District Court rules against City's regulatory efforts
- 1988 - City appeals Federal District Court decision to 9th Circuit Court of Appeals
- 1995 - Final Judgment, Allowed the City to adopt the current Airport Noise Compatibility Ordinance
- Grandfathered under the Airport Noise and Capacity Act of 1990 (ANCA)

Noise Ordinance

- Noise Ordinance balances community needs for reasonable air service opportunities with the environmental interests of communities located within the vicinity of the Airport
- Companion City Council Resolution provides implementing flight allocation procedures consistent with Noise Ordinance provisions

Airport Noise and Capacity Act

- **Noise Ordinance is Exempt and “Grandfathered” Under ANCA**

- Ordinance has not been amended since its adoption in 1995
- A subsequent amendment of an airport noise or access agreement or restriction that does not “reduce or limit aircraft operations or affect aircraft safety” is permitted by ANCA and Part 161
- Any amendments must be consistent with City “sponsor assurances” or other covenants or obligations under grant assurances
- Any amendments must not adversely affect any application for Federal grant funds or ability of Airport to impose or use passenger facility charges

Key Provisions of the Ordinance

Four Major Components of Current Ordinance

1. Maximum single event noise exposure limits (SENEL) for arrivals and departures – the greatest protection is provided during sensitive nighttime hours
2. Commercial flights must be scheduled between 7:00 a.m. and 10:00 p.m.
3. Tiered noise violation process: administrative penalties and alternative enforcement procedure process that refers infractions to City Prosecutor
4. Community Noise Equivalent (CNEL) budgets for five (5) Airport user groups (commercial air carriers, commuter, general aviation, industrial, charter)
 - Budgets use a baseline year 1989-1990
 - Minimum of 41 daily commercial flights; 25 daily commuter flights
 - Establishes a mechanism to manage number of flights
 - Additional flights if CNEL will remain below annual noise budget

Noise Ordinance is unique and must be protected

- Hard fought
- “Grandfathered” under ANCA
- Exempt from further compliance with ANCA or FAR Part 161
- One of the strictest noise control ordinances in the Nation



Why Amend Our Ordinance?

- Substantial increase in late-night operations
- Penalty fee structure is outdated and does not provide an incentive for compliance within curfew hours
- Penalty structure is inconsistent (much lower) than curfew airports in the region
- Existing minimum use provisions provide for carriers to arguably engage in anti-competitive behavior by slot-sitting

Proposed Amendments:

- Maintain noise and access restrictions of Noise Ordinance
- Encourage compliance with Noise Ordinance
- Protect the “grandfathered” status of Ordinance
- Maintain compliance with City’s grant assurances and other Federal covenants and obligations

Proposed Amendments

Current Fine Structure	Proposed Fine Structure
1 st and 2 nd Violation—notification and response	1 st through 5 th Violation within 24 month period -- \$2,500 administrative penalty/violation
3 rd Violation--\$100 administrative penalty	6 th through 10 th Violation within 24 month period -- \$3,500 - \$5,000 administrative penalty/violation
4 th and Subsequent Violations--\$300 administrative penalty	11 th or more Violations within 24 month period -- \$5,000 - \$10,000 administrative penalty/violation More than 20 Violations within 24 month period -- potential loss of flight slot(s) (subject to Airport Director discretion and specific circumstances)
Alternative Enforcement Procedure	No Change

Proposed Amendments

Current Slot Minimum Utilization Requirements	Proposed Minimum Slot Utilization Requirements
4 flights per week within each 180-day period	Monthly requirements: 60% of slot capacity (~4 days/week. avg.)
30 flights within each 60-day period	Quarterly requirements: 70% of slot capacity (~5 days/week. avg.)
	Annual requirements: 85% of slot capacity (~6 days/week. avg.)

Process

- Preliminary communication with FAA
- Preliminary communication with air carriers
- Communication with other aviation stakeholders
- Communication with communities
- Further communication and detailed coordination with FAA
- Draft proposed amendments
- Further communication with air carriers/communities/stakeholders
- Further communication and request formal legal opinion from FAA
- Draft and recommend final proposed amendments
- Present to City Council

For response to questions,
please email:

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