

## Airport Land Use Compatibility Planning Protects the Public

When the San Diego County Regional Airport Authority was formed in 2003, it was given three primary responsibilities: to operate San Diego International Airport, to plan for the future air transportation needs of the region and to serve as the Airport Land Use Commission (ALUC) for San Diego County.

The Airport Authority's responsibility to operate SDIA encompasses not only the day-to-day operations of the facility, but also the airport's master planning process so that the airport can serve the public safely and efficiently for the foreseeable future. The Airport Authority's responsibility to study the region for potential sites for a new commercial airport culminated in the public vote in November 2006.

The Airport Authority's responsibility to serve as the Airport Land Use Commission (ALUC) for San Diego County is twofold: 1) to protect the public health, safety, and welfare of people and property on the ground, and people and aircraft in the air in the vicinity of airports, and 2) to protect airports now and in the future.

Specifically, the ALUC is required to update existing or develop new airport land use plans for all of the County's 16 military and public use airports. These plans, called Airport Land Use Compatibility Plans, or ALUCPs, provide property owners and local jurisdictions with information as to what kind of new development is considered appropriate near airports.

It is important to note that ALUCPs are *strictly forward looking*; they do not affect existing land uses. They are meant to ensure that *new* development will enable the airport to continue operating safely and minimize its impact on those living or working in the area. The Airport Authority is required by state law to project airport operations 20 years (or more if practical) into the future when creating an ALUCP. It is also important to note that ALUCPs *do* provide

for replacement of existing structures and infill development. Special sound attenuation requirements and other such measures may be appropriate as mitigation for allowing new development to proceed.

In 2005, the ALUC voted to create an ALUCP Technical Advisory Group to discuss the issues involved in developing or updating the ALUCPs for the County's airports. This group, called the ATAG, includes representatives from local cities, community planning groups, the County, other government agencies, airport operators, the military, private property owners and their attorneys, pilots groups, economic development organizations, and professional land use associations.

Over the past 20 months, the ATAG and the Airport Authority have worked collaboratively through an open and transparent process to formulate plans and policies that are fair to jurisdictions and property holders, and yet protect people, property, and aircraft around each of the County's airports. To date, six plans have been adopted by the ALUC, and ten more remain to be developed.

Members of the public are welcome to share their views on ALUCPs or the process with Airport Authority staff or ATAG members. ATAG meetings are open to the public. Anyone interested in attending is welcome to check the Airport Authority Web site for meeting times and locations at [www.san.org/aluc](http://www.san.org/aluc). Time for public comment is set aside at every ATAG meeting.

### New Educational Noise Website Launched

By the end of September, the research consortium PARTNER is expected to launch a new website called *NoiseQuest* that will provide an educational forum for airports and communities on noise issues. *NoiseQuest* is intended to supplement current airport outreach efforts and to provide a resource for airports too small to have established community outreach efforts. For more information, please visit <http://web.mit.edu/aeroastro/partner/index.html>

## ENFORCEMENT OF "THE CURFEW" (AIRPORT USE REGULATIONS, TIME OF DAY RESTRICTIONS)

August 1, 2006 --- June 1, 2007

Date	Operator	Penalty
8/27/06	Chartright Air (G/A)	\$2,000
9/02/06	Delta Air Lines	No Penalty
9/17/06	PAM Aviation (G/A)	\$2,000
10/29/06	Mandalay Resort (G/A)	\$2,000
11/27/06	jetBlue Airways	\$2,000
12/17/06	Frontier Airlines	\$2,000
12/22/06	Delta Air Lines	\$2,000
12/23/06	Frontier Airlines	No Penalty
12/30/06	US Airways	No Penalty
1/13/07	Prof. Jet Mngmt. (G/A)	\$2,000
2/09/07	"FlexJet" (G/A)	\$2,000
2/15/07	jetBlue Airways	\$2,000
2/17/07	United Airlines	No Penalty
2/18/07	American Airlines	\$2,000
2/21/07	Alaska Airlines	\$2,000
2/22/07	jetBlue Airways	\$6,000
2/24/07	Hawaiian Airlines	\$2,000
4/04/07	Delta Air Lines	No Penalty
4/13/07	jetBlue Airways	\$10,000
5/19/07	AirLift Helicopters (G/A)	\$2,000

\*Note: The upcoming meetings of the Curfew Violation Review Panel (CVRP) are September 5th and November 7th, 2007.

Operators in violation of the Airport Use Regulations, Time of Day Restrictions, may be subject to the following administrative penalties:

1<sup>st</sup> Offense per compliance period --- \$2,000;

2<sup>nd</sup> Offense per compliance period --- \$6,000;

3<sup>rd</sup> (or greater) Offense per compliance period --- \$10,000

Additional penalties may result in loss of operating privileges. Each compliance period is 6 months. Penalty amounts are multiplied by the number of violations in the previous compliance period.

**The San Diego County Regional Airport Authority extends its appreciation to Delta Air Lines for canceling one flight, to Southwest Airlines, Continental Airlines, and United Airlines for each canceling two flights, and for jetBlue Airways for canceling five flights and substituting two, rather than departing during the Curfew.**

## Overflight Factoid:

**Editor's Note: A resident recently asked what Federal law allowed an aircraft to fly over a residential area at a low altitude.**

Aircraft overflights are expressly permitted by the United States Code: 49 USC § 40103, which states: "(a) Sovereignty and Public Right of Transit. - (1) The United States Government has exclusive sovereignty of airspace of the United States. (2) A citizen of the United States has a public right of transit through the navigable airspace." "Navigable airspace" is defined by § 40102 as follows: (30) "navigable airspace" means airspace above the minimum altitudes of flight prescribed by regulations under this subpart and subpart III of this part, including airspace needed to ensure safety in the takeoff and landing of aircraft."

## Noise Reduction System Gains Federal Approval

Aviation Fleet Solutions received Federal Aviation Association (FAA) certification for a noise reduction system for MD-80 aircraft powered by the Pratt & Whitney JT8D-200 series engine. (The MD-80 series aircraft is a medium size transport jet, identifiable by noting that its two engines are mounted on either side of the fuselage toward the tail of the airplane, as opposed to being hung from beneath each wing). Dubbed 'QuietEagle,' the system enables MD-80 series aircraft, and some B-727s, to become quieter and meet more stringent Stage 4 noise standards.

At SDIA, for the month of August 2007, JT8D-equipped MD-80 and B727 aircraft accounted for 38 operations (out of approximately 615) per day, principally on aircraft operated by Alaska Airlines and American Airlines. Alaska is in the process of replacing its daily six (6) MD-80 operations with the quieter and more fuel efficient Boeing 737-800, a move that can see a change to the quieter noise levels experienced on arrivals and departures by spring of 2008. American Airlines is slowly replacing its aging fleet of MD-80s as well, but plans to continue to serve San Diego on its thirty (30) operations per day with the MD-80 aircraft for the near future.

Noise Matters is published periodically for the residents neighboring San Diego International Airport (SDIA). We welcome your comments and suggestions. For additional Airport Noise related information, please call 619-400-2781.  
**For Noise Complaints 24-Hours, call 619-400-2799**

# Noise MATTERS

San Diego County Regional Airport Authority  
Airport Noise Mitigation  
P.O. Box 82776  
San Diego, CA 92138-2776



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## Quieter Home Program Aviation Easement

There's been some talk in the community regarding the Aviation Easement as part of the Quieter Home Program (QHP). The following article should shed some light on its applicability.

In consideration for participating in and receiving the benefits of the Quieter Home Program, the Homeowner is required to grant an Aviation Easement ("Easement") to the Airport Authority. The Easement is a legal document that grants the Airport Authority unencumbered and unrestricted use of the airspace overlying the Homeowner's property during aircraft operations at SDIA, **provided the noise levels do not increase beyond the threshold spelled out in the easement.**

Since the Airport Authority is spending money to reduce the noise levels inside the home, the homeowner will not be able to take legal action against the Airport Authority for aircraft noise, **as long as the levels do not significantly increase.**

In addition to protecting the Authority against potential litigation, once the Easement is recorded by San Diego County, the Easement stays with the title of the property and serves as a means of disclosure for aircraft noise for future owners of the property. Once the insulation on the home is completed and the Easement is recorded, the land use for the subject property becomes compatible with airport operations at SDIA (for the purpose of land use planning).

Finally, per the State of California Airport Noise Standards, the Airport Authority is required to tally the incompatible land uses within the Noise Impact Area. Homes that have been treated through the QHP and the easement recorded, can be excluded from the Noise Impact Area calculations (Note: for the purposes of providing information to the public, Airport Noise Mitigation will continue to count, for the purposes of displaying the Noise Impact Area statistics, both the total number of dwelling units and population, as well as the total numbers that have been sound insulated).

# Noise MATTERS

September 2007 | San Diego International Airport (SDIA) | Volume 23

## Airports Must Continue To Expand, DOT Report Says

U.S. Secretary of Transportation Mary E. Peters released a report May 15 concluding that many of the nation's busiest airports and metropolitan areas will need additional capacity, which may include construction of new airports, in the next two decades if they are to handle the anticipated flood of future passengers.

By 2015, some 18 airports and seven metropolitan areas will need additional airport capacity if planned airport improvements are not carried out, the report found. Nevertheless, even if planned improvements are made by 2025, some 14 airports and eight metropolitan areas will need additional capacity beyond presently planned improvements, the report says.

The 14 airports are Chicago Midway (IL), Ft. Lauderdale-Hollywood (FL), John F. Kennedy International (NY), John Wayne-Orange County (CA), Hartsfield-Jackson Atlanta International (GA), La Guardia (NY), Las Vegas McCarran International (NV), Long Beach (CA), Metropolitan Oakland International (CA), Newark Liberty International (NJ), Philadelphia International (PA), Phoenix Sky Harbor (AZ), San Francisco International (CA), and **San Diego International (CA)**.

"By 2025, cities like Atlanta, Chicago, Las Vegas, and **San Diego** are going to risk the lost revenue, lost business, lost appeal that comes with chronic airport delays, or they're going to have to consider building new airports," Secretary Peters said. The report, prepared by MITRE Corporation, is available on the Internet at:  
[http://www.faa.gov/airports\\_airtraffic/airports/resources/publications/reports/](http://www.faa.gov/airports_airtraffic/airports/resources/publications/reports/)

## SDIA Updates its Noise Compatibility Study

In an effort to assess how technology has advanced noise mitigation measures used to minimize the impact of aircraft operations on communities around airports, the Airport Authority recently initiated a community intensive study to update its Federally mandated and State regulated Noise Compatibility Study. The Authority selected Harris, Miller, Miller & Hanson (HMMH), the premier noise and vibration control company in the transportation field, to update SDIA's eighteen (18) year old study.

The thirty (30) month study focuses on validating the airport's "noise contour" used for land use determinations and to define eligibility for the Authority's award winning residential sound insulation program, The Quieter Home Program.

Additionally, the FAA will assess the success of the components of the program in place, and consider new methodologies and programs that can benefit the noise-impacted community of approximately 40,000 residents around SDIA. A mix of federal grant funds and Airport Authority cash pays for the study.

## AIRPORT NOISE ADVISORY COMMITTEE

### FUTURE MEETING DATES

September 20, 2007 5:30 - 7 p.m.  
November 15, 2007 5:30 - 7 p.m.  
January 17, 2008 5:30 - 7 p.m.

Commuter Terminal, Third Floor  
3225 N. Harbor Drive, San Diego, CA 92101