

Solamar/Spyglass HOA Questions To FAA REVIEW



*John Otto
Airport Manager
McClellan-Palomar Airport*

1. **Issue: Ensure compliance with FAA Noise/Reckless Operation/Safety Guidelines**

- A) How does the FAA actively ensure compliance of aircraft/pilots with FAA **safety** and **noise** standards at Palomar Airport and specify the standards?

FAA Response: As the owner of a federally obligated airport, the County of San Diego (County) is responsible for taking all reasonable steps to meet all applicable FAA airport design standards for its airports, including McClellan-Palomar (CRQ). FAA provides technical support, when requested, and federal funding, if eligible, to help the County meet airport design standards.

The FAA does not have the statutory authority to require pilots to comply with the County's voluntary noise abatement program for CRQ or to enforce County airport procedures. That said, FAA encourages pilots to voluntarily comply with an airport's noise abatement program to avoid noise sensitive areas providing that safety is not compromised. As per the Federal Aviation Regulations (Title 14 of the Code of Federal Regulations), the Pilot-in-Command of the aircraft is responsible for the safe operation of his/her aircraft.

Airport Response

- SAFETY: County of San Diego as owner and operator of the airport is responsible to maintaining and safe and efficient airport in accordance with all Federal, State, City and County regulations.
- NOISE: In an effort to minimize aircraft noise impacts on the community, the County has established a Voluntary Noise Abatement Program (VNAP). The VNAP routings are recommendations to Visual Flight Rule (VFR) aircraft that were coordinated with the FAA but were not formally recognized or accepted by the FAA as official air traffic control (ATC) procedures. Instrument Flight Rule (IFR) aircraft are always under the heading and altitude command of the FAA air traffic controllers. It is important to note that the VNAP cannot be made directive to the FAA or pilots and because of safety, traffic sequence, or weather factors, etc., the FAA air traffic control instructions and pilot requests will have precedence over the VNAP.

B) How can the FAA more actively monitor and report to the public, breaches of safety and noise standards and what violations have there been January-June 2022?

FAA Response: The FAA does not have statutory authority to actively monitor and report to the public, breaches of an airport's voluntary noise program. This would be a role for the County.

Airport Response:

Palomar staff provides the number of VNAP "QUIET HOURS" operations to the public during the bi-monthly PAAC meetings.

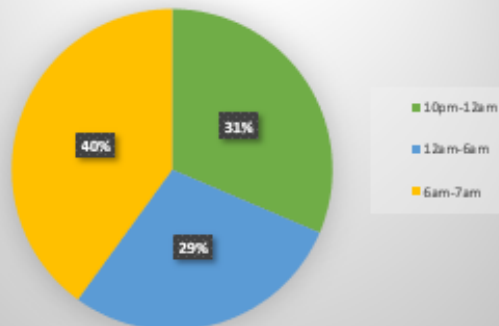
Palomar Airport sends out VNAP Violation Letters to All Aircraft that operate during Palomar's VNAP "QUIET HOURS".

Total Operations per month and VNAP operation percentage per month breakdown

March (70)

10pm-12am	12am-6am	6am-7am
22	20	28
March Total Ops (11,446)		
March Jet Quiet hours Operations (70)		
.611% of operations during quiet hours		

March Quiet Hours (70)



April (69)

10pm-12am	12am-6am	6am-7am
23	16	30
April Total Ops (11,988)		
April Jet Quiet hours Operations (69)		
.575% of operations during quiet hours		

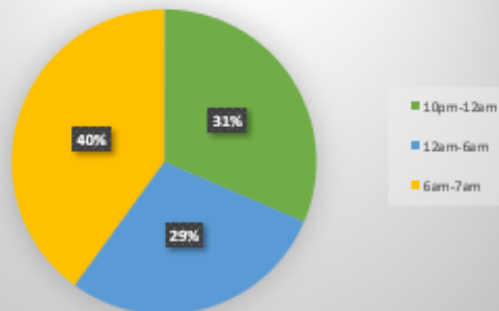
April Quiet Hours (69)



May (63)

10pm-12am	12am-6am	6am-7am
14	19	30
May Total Ops (11,306)		
May Jet Quiet hours Operations (63)		
.557% of operations during quiet hours		

May Quiet Hours (63)



Prop Quiet Hours 12a

20

Private Owner

2

Corporation/flight school

18

12am-6am

20

March (12)

11,446

0.104%

April (3)

11,988

0.025%

May (5)

11,306

0.044%

C) What penalties and/or fines can the FAA impose for breaches of **noise** and **safety** standards and what have there been January – June 2022 and for 2021/2020/2019?

FAA Response: **The FAA does not have statutory authority to enforce penalties for breaches of local airport noise standards or procedures.**

The FAA does not impose fines against an airport owner, like the County, who owns an airport that does not meet airport design standards. Our mission is to work with airport owners to meet applicable airport design standards.

With respect to FAA's oversight of pilots, FAA's Flight Standards District Office (FSDO) would be the best source if you have specific questions about pilot compliance with FAA standards pertaining to the safety of flight. Please consult this [guide](#) and contact the appropriate FSDO.

San Diego FSDO 858-502-9882

D) How does the FAA interface with California Public Utilities Codes 21240, 21669, 21407) which impose fines for Noise/Reckless Operation breaches? (attached)

FAA Response: The FAA does not interface with specific California Public Utilities Code and has no authority to enforce State or local codes.

Airport has No Comment on Questions D

E) What other ways can the FAA ensure compliance with FAA guidelines and/or standards with specific noise monitoring and safety specifications?

FAA Response: FAA has no authority to ensure compliance with local noise monitoring for enforcement purposes. The FAA's statutory mission is to ensure the safe and efficient use of navigable airspace in the United States. FAA has promulgated standards for the safe operation of aircraft.

Airport has No Comment on Questions E

F) What airports have model/best practice programs for noise abatement and safety?

FAA Response: The FAA does not maintain a list of local airport noise abatement models/best practices at airports. Because there are many variables to consider this would be a question for the County.

What are Palomar's Best Practices

- ❑ We work with the City to ensuring compatible land development through zoning within the Airport Influence Area.
- ❑ Palomar has established a VNAP program and uses a state-of-the-art Airport noise/operations monitoring system built on decades of experience managing complex airport noise issues and engagement with communities. The system currently has 4 noise microphones.

What are Palomar's Best Practices

- Airport staff makes every effort to educate pilots regarding noise abatement by providing local and transient pilots with an informational program consisting of speaker's presentations, brochures, airport signage, web sites, direct mailings, notification in manuals and providing information to flight schools to follow the VNAP.
- Airport staff also regularly engage current and prospective resident seeking to understand the aircraft noise and steps that can be taken to minimize its effects. Staff also educate resident on how to use Palomar's WebTrak system so that they may submit their concerns.

Balanced Approach to Aviation Noise

- The Federal Government:

The national air transportation exists today primarily through Federal legislation and every facet is governed by the Federal Aviation Administration (FAA) regulations. The FAA exercises control of aircraft noise through noise emission standards, air traffic control, pilot and flight regulations and noise compatibility studies.

- Aircraft & Engine Manufacturers:

Aircraft & Engine manufacturers are charged with building aircraft that are safe and comply with Federal noise regulations.

- Airport Operator:

The airport is responsible for promoting noise abatement procedures and ensuring compatible land development through zoning and stipulations within the Airport Influence Area. Airports have no authority to govern aircraft operators while in the air but are the local point of contact for noise complaints.

Balanced Approach to Aviation Noise

- Local Governments:

Ensuring compatible land development through zoning and stipulations within the Airport Influence Area.

- Pilots/Aircraft Operators:

Aircraft operators are responsible for operating their aircraft safely, while in compliance with Federal Aviation Regulations governing flight and Air Traffic Control (ATC) instructions. Fly Quieter Aircraft. Follow airport published noise abatement procedures.

- Residents:

Current and prospective residents in areas surrounding or near airports should seek to understand the aircraft noise and steps that can be taken to minimize its effects. Prospective home buyers should research the location of airports, flight paths and determine if aircraft noise affects their quality of life.

2. **Issue: Strictly Enforce take-off and landing patterns**

- A) How does the FAA strictly monitor and enforce take-off and landing patterns, especially regarding altitude-too low, flying over residential areas?

FAA Response: The FAA welcomes information from citizens that will enable us to take corrective measures including legal enforcement action against individuals violating Federal Aviation Regulations. It is FAA policy to investigate citizen complaints of low-flying aircraft operated in violation of the regulations that might endanger persons or property. Title 14 of the Code of Federal Regulations (CFR), Section 91.119 of the General Operating and Flight Rules, specifically prohibits low flying aircraft. Also, 14 CFR 91.13 Careless or reckless operation, provides the expected level of safety for aircraft operations. To report a low-flying aircraft, you can consult this [guide](#) and contact the appropriate FSDO. If the issue is noise related, that concern may be submitted to the [FAA Noise Portal](#).

Airport has No Comment on Question A

B) Can the FAA utilize technological capacities to publish monthly listings of violators of these landing and takeoff conditions to better reinforce compliance?

FAA Response: The FAA publicizes legal enforcement actions involving regulated entities in news releases, monthly reports, or quarterly enforcement reports. At the end of each quarter, the Office of Chief Counsel posts on the FAA's website a compilation of all enforcement actions that the FAA closed during that period that were taken against aviation entities. The report is available [here](#). The Office of Communications posts a monthly report on its website referencing civil penalty actions against entities in which the proposed penalty is \$50,000 or more, and suspensions or revocations involving entities other than housekeeping actions.

Airport has No Comment on Question B

C) Can Operators/Companies/Pilots be fined or otherwise admonished by the FAA for violations?

FAA Response: The FAA Compliance and Enforcement Program is detailed in [FAA Order 2150.3](#). The compliance or enforcement action taken by the FAA depends on the circumstances and severity of that event.

Airport has No Comment on Question C

D) How many violations of such standards have there been January-June 2022 and for 2021/2020/2019?

FAA Response: The FAA publishes quarterly a compilation of enforcement actions against regulated aviation entities that are closed with either a civil penalty or issuance of a certificate suspension or revocation [here](#).

Airport has No Comment on Question D

E) What other ways can the FAA ensure compliance with such standards?

FAA Response: The FAA publishes guidance for pilots on recommended practices and methods of compliance with the regulations in numerous reference documents, including: the Aeronautical Information Manual (AIM); Advisory Circular (AC) 90-66, Non-Towered Airport Flight Operations; AC-90-48, Pilots' Role in Collision Avoidance; the Airplane Flying Handbook; and the Pilots Handbook of Aeronautical Knowledge. The FAA also conducts in-person and online outreach on this topic through the FAA Safety Team, which includes free seminars, webinars, online courses, etc. FAA Hotline provides a single venue for FAA employees, the aviation community and the public to file their reports.

Airport has No Comment on Question E

F) What airports have model/best practice approaches on this issue?

FAA Response: The airport noise and air traffic conditions at and around each airport including the surrounding communities differs from airport to airport. Thus the FAA cannot offer a suggestion on a specific airport as an example for the community around CRQ to follow. The FAA encourages airport owners, airport users, and surrounding communities to engage with each other in order to build rapport and establish a means of communication regarding local concerns. Pilots should be part of those discussions so they can learn from the discussions and also share their perspective. The FAA also supports community engagement in certain contexts, including when it comes to noise as described [here](#).

Airports Response:

- ❑ In 2019/2020 a Voluntary Noise Abatement Procedures VNAP subcommittee was established made up of an Airport Support staff, Airport users and community members in order to build a rapport and look at local community concerns.
- ❑ Additionally, Palomar has established a VNAP program and uses a state-of-the-art Airport noise/operations monitoring system built on decades of experience managing complex airport noise issues and engagement with communities.

3. **Issue: Ensure Palomar Airport compliance with B II Airport Designation**

A) How does the FAA monitor and allow Airport usage by aircraft exceeding B II rated runway capacity? (Ex: Palomar Airport used by C-600, G- 650 Aircraft)

FAA Response: The FAA does not monitor or control airport usage by any particular user. Federally obligated airports must be available to the flying public unless safety is compromised. In the case of CRQ, the County identifies the airport design in its publications and/or airport layout plan. The pilot in command of the aircraft determines whether the aircraft can operate safely at a given airport.

Airport has No Comment on Question A

B) What consequences can result from (mis) uses of the airport runway capacity to the Aircraft Owners/Pilots/Airport?

FAA Response: The question requires speculation and assumptions that are too vague for FAA to respond to without more detail. Please clarify the question with a specific example. This will enable the FAA to respond appropriately.

Airport has No Comment on Question B

C) Does the FAA conduct reviews to ensure Airport compliance with B II designation? If so, can it be made public on a monthly basis from January 2022?

FAA Response: The FAA does not conduct periodic reviews of airport activity to ensure compliance with runway design standards. This is a question for the County.

Airport does not track Airport Operations by Airports Reference Code (ARC)

4. **Issue: Ensure that all appropriate conditions are met for any runway extension or Airport Expansion.**

A) What conditions, plans, permits will the FAA require and compel airport/county compliance with, prior to approving any Palomar Airport runway extension or Airport expansion?

FAA Response: This question requires speculation on the part of FAA and is better proposed to the County. To generally answer the question, the County would need to submit a development proposal(s) for CRQ to the FAA for our review and consideration. The FAA would then review all relevant airport planning documentation from the County that would support an FAA National Environmental Policy Act (NEPA) review. If the County's proposal receives a favorable FAA NEPA review, the County can then pursue federal funding, which would require an additional FAA review for project eligibility and design.

Step 1. County Airport must have an Approved ALP with project seeking funding on the ALP

Step 2. Seek FAA Funding - If a proposed airport improvement or development requires a federal action by the FAA it must adhere to NEPA.

B) If not addressed in A above specifically, what will be the FAA role/responsibilities in requiring the following?

a) Updated Part 150 Noise Study (last done in 2006)

FAA Response: Participation in the 14 CFR Part 150 Airport Noise Compatibility Planning process is voluntary. If the County wishes to request federal funding for approved noise mitigation and abatement measures in a Noise Compatibility Program (NCP), the County must have up-to-date Noise Exposure Maps (NEMs) that have been prepared pursuant to the requirements of 14 CFR Part 150.

FAA's role in the Part 150 program is to provide an Airport Sponsor with technical assistance in developing the NEMs and the NCP.

(A) In 2006, a FAR Part 150 Study Update was completed by the County of San Diego for McClellan-Palomar Airport to identify land use compatibility and noise issues surrounding the Airport. The study determined that McClellan-Palomar Airport is not a noise impacted airport because the Community Noise Equivalency Level (CNEL) 65 dB contour does not extend into noise-sensitive areas surrounding the Airport.

(A) In 2006, a FAR Part 150 Study Update was completed by the County of San Diego for McClellan-Palomar Airport to identify land use compatibility and noise issues surrounding the Airport. The study determined that McClellan-Palomar Airport is not a noise impacted airport because the Community Noise Equivalency Level (CNEL) 65 dB contour does not extend into noise-sensitive areas surrounding the Airport.

- In 2018 and again in 2021 a noise analysis completed as part of the accompanying Program Environmental Impact Report (PEIR) indicates that noise levels have actually decreased around the Airport over the past 20 years, due to reduced number of aircraft operations and newer, quieter aircraft using the Airport.
- The expected value obtained from a new study would not justify the expense. Updates of noise data is available at no additional expense from other sources and studies. Part 150 information is available on the airport website. Also, the Part 150, by regulation, only mitigates noise within the 65CNEL.

b) Airport Land Use Compatibility Plan (ALUCP)

FAA Response: Land use planning is a local function. The California Department of Transportation, as the State's oversight organization, would be the appropriate agency to address this question.

FAA encourages that airport sponsors work with the local zoning agencies to ensure compatible land uses around airports.

(B) County Airports does work with City to ensuring compatible land development through zoning within the Airport Influence Area.

c) City of Carlsbad Conditional Use Permit (CUP)

FAA Response: FAA is not a party to the subject Conditional Use Permit, or to any other agreement between the City of Carlsbad and the County. This is a question for the County.

(c) The County would seek an amendment to amend CUP-172 for any change in the existing Airport Reference Cod (ARC) as shown on an ALP from B-II to something greater (i.e., B-III or higher).

Please reference Palomar's Airport Master plan Para graph 2.10.3 Zoning which can found on page 2-2-35.

d) All Environmental Permits (Ex: CEQUA/NEPA etc.)

FAA Response: The California Environmental Quality Act (CEQA) is a State of California environmental review process. The FAA has no role in the CEQA process. When there is a major Federal action requiring FAA approval (e.g., an update to an airport layout plan, federal financial assistance, etc.), the FAA must comply with the National Environmental Policy Act (NEPA).

Airport has No Comment on Question D

e) Any/All Other conditions as required/needed

FAA Response: Please clarify the question so the FAA may respond accordingly.

Airport has No Comment on Question E

5. **Issue: Encourage and Support Implementation of Quiet Hours (10PM-7AM)**
(Note: Currently no onsite control tower staff during these hours)

- A) What can the FAA do to promote this reasonable and safety condition, even if it can only be accomplished voluntarily under current Federal Standards?

FAA Response: FAA mission is to ensure safe and efficient national airspace system. While it is not FAA's role to promote local noise procedures, we do try to support such procedures to the extent possible. FAA encourages airport owners to do what they can to ensure their airport is a good neighbor. That said, it is the County's responsibility, as owner and operator of CRQ, to engage with its community over airport-related concerns. FAA tries to support as technical advisors in these efforts when possible and applicable. An example is our response to these questions.

Palomar Airport has established a

- ❑ VNAP program and uses a state-of-the-art Airport noise/operations monitoring system built on decades of experience managing complex airport noise issues and engagement with communities. The system currently has 4 noise microphones.
- ❑ Airport staff makes every effort to educate pilots regarding noise abatement by providing local and transient pilots with an informational program consisting of speaker's presentations, brochures, airport signage, web sites, direct mailings, notification in manuals and providing information to flight schools to follow the VNAP.
- ❑ Palomar airport is also working on developing an Airport Flight Data DASHBOARD for the community to use and research aircraft operations and trends

B) What can Palomar Airport Operations do to more assertively promote non-use of the airport during such Quiet Hours?

FAA Response: This is a question and role for the County, as owner and operator of CRQ. However, an outreach and engagement initiative or campaign directed at pilots advising of the noise sensitivities of the community may be one approach to consider.

(B) Palomar Airport will continue to engage the pilot community advising them of the noise sensitive areas around the airport and educating pilots on all aspects of the VNAP.

C) What are examples of airports successfully influencing voluntary quiet hours?

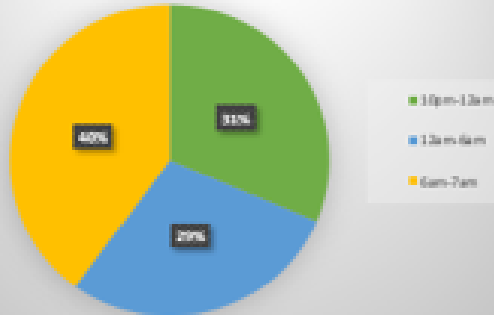
FAA Response: The FAA does not monitor efforts by airport owners to influence quiet hours at their airports. Because there are many variables to consider, this would be a question for the County.

- ❑ Airport staff makes every effort to educate pilots regarding noise abatement by providing local and transient pilots with an informational program consisting of speaker's presentations, brochures, airport signage, web sites, direct mailings, notification in manuals and providing information to flight schools to follow the VNAP.
- ❑ See next slide which is a one small example of how pilot outreach has kept Quiet Hour Operation below 1% of total operations.

March (70)

10pm-12am	12am-6am	6am-7am
22	20	28
March Total Ops (11,446)		
March Jet Quiet hours Operations (70)		
.611% of operations during quiet hours		

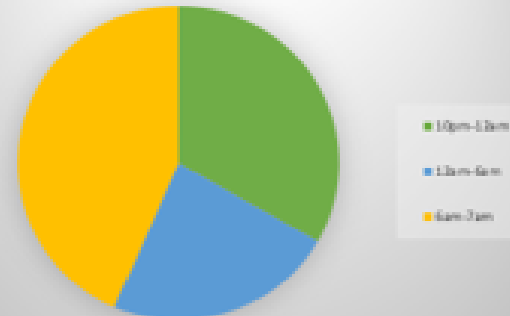
March Quiet Hours (70)



April (69)

10pm-12am	12am-6am	6am-7am
23	16	30
April Total Ops (11,988)		
April Jet Quiet hours Operations (69)		
.579% of operations during quiet hours		

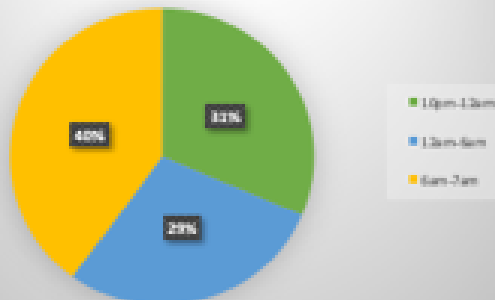
April Quiet Hours (69)



May (63)

10pm-12am	12am-6am	6am-7am
14	19	30
May Total Ops (11,306)		
May Jet Quiet hours Operations (63)		
.557% of operations during quiet hours		

May Quiet Hours (63)



Prop Quiet Hours 12a

20

Private Owner

2

Corporation/flight school

18

12am-6am

20

March (12)

11,446

0.104%

April (3)

11,988

0.025%

May (5)

11,306

0.044%