

FEB 16 2023



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Western-Pacific Region  
Office of Airports

777 S. Aviation Blvd., Suite 150  
El Segundo, CA 90245

February 1, 2023

Olivier Brackett  
Manager, McClellan-Palomar Airport  
2192 Palomar Airport Road, Carlsbad, CA 92011-4409

Dear Mr. Brackett,

Thank you for providing the questions from the Dom Betro-Solamar HOA/Gary Greening Spyglass HOA on September 7, 2022. We have reviewed the questions and our responses are outlined below.

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.

- 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.

- 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.

- 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.

- 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.

- 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.

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](#).

- 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.

- 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.

- 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](#).

- 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.

- 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](#).

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.

- 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.

- 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.

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.

- 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.

- 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.

- 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.

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

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**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).

- e) Any/All Other conditions as required/needed

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

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.

- 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.

- 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.

We would like to take this opportunity to highlight the Federal Aviation Administration's (FAA) Noise Complaint Initiative Portal for community complaints. The general public may submit questions or comments regarding noise directly to the FAA by accessing the FAA Noise Portal at <https://noise.faa.gov/noise/pages/noise.html>. Information on the process may be found at <https://www.faa.gov/noise/inquiries/>.

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The FAA's mission is to provide the safest, most efficient aerospace system in the world. We will continually strive to improve the safety and efficiency of flight in this country.

In addition, the FAA seeks to efficiently and effectively respond to and address aircraft noise complaints and inquiries from the public in a clear, consistent, and repeatable manner that is responsive and applies the best use of FAA resources.

If we can be of further assistance, please contact my office at (424) 405-7000.

Sincerely,



Erik Amend  
Acting Regional Administrator