



# **LAX Community Noise Roundtable**

Work Program Item A2

FAR Part 161 Process

July 9, 2014



## INTRODUCTION

- **On June 10, 2014, FAA accepted LAWA’s FAR Part 161 application for a proposed restriction on east departures during west flow or over-ocean operations**
- **FAA’s acceptance of the application began a 150-day review period within which the FAA must approve or disapprove the proposed restriction**
- **This is a good time to take a step back to examine the enactment and application of FAR Part 161**
- **It also provides an opportunity for the Roundtable, neighboring jurisdictions, elected officials, aircraft operators, and the public to provide written comments to the FAA supporting or opposing the proposed restriction**



## HISTORY

- In the early to mid 1980s, several airports were enacting noise restrictions (e.g., noise budgets, curfews, single-event limits) without regard to the impact on the efficiency of the national airspace system and interstate commerce
- As a result, in 1990 Congress passed the Airport Noise and Capacity Act (ANCA), which provided for a phase-out of Stage 2 aircraft greater than 75,000 pounds by January 1, 2000
- In return for the Stage 2 Phase-out, ANCA also established a process that made it very difficult for airport proprietors to enact new aircraft noise and access restrictions
- The process was formalized in Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 161 – “Notice and Approval of Airport Noise and Access Restrictions”



## HISTORY

- During the roll-out process at national aviation conferences in the early 1990s, FAA made it clear that the purpose of FAR Part 161 was to make it very difficult, if not impossible, for airports to enact new noise and access restrictions
- The bar for restrictions on Stage 3 aircraft was set particularly high; airport proprietors are required to demonstrate that the benefits of a proposed restriction outweigh the costs of the restriction and FAA must approve the restriction
- FAR Part 161 is the required process that airport proprietors must follow to demonstrate that the benefits outweigh the costs
- As evidenced with the difficulty in getting FAA to accept LAWA's Part 161 application, receiving FAA approval may be challenging



## DISAPPROVED OR WITHDRAWN APPLICATIONS

- **In the 24 years since ANCA was enacted, no application for noise and access restrictions at an air carrier airport has been approved by FAA**
- **Several FAR Part 161 studies have been completed and either not submitted or withdrawn (e.g., Van Nuys, San Francisco, San Jose, Minneapolis-St. Paul, and Flying Cloud)**
- **More recently, Bob Hope Airport submitted a Part 161 application for a nighttime curfew, which was disapproved by the FAA**
- **Failure to receive FAA approval has resulted in some attempts at alternative methods of achieving the same result**
  - **For example, federal legislation was introduced for a Bob Hope Airport nighttime curfew, but failed to receive sufficient votes to pass**



## ONE APPROVED STAGE 2 APPLICATION

- In the 24 years since ANCA was enacted, only one application for a Stage 2 aircraft noise and access restriction at a general aviation airport was approved by FAA
- In October 2001, FAA approved the FAR Part 161 Study documenting a 24-hour ban on Stage 2 aircraft at Naples Municipal Airport in Florida
- However, FAA ruled separately that the restriction violated the Naples Airport Authority's (NAA) grant assurances and suspended Airport Improvement Program (AIP) grant funding for the Airport
- The NAA sued the FAA, and in June 2005 the U.S. Court of Appeals overturned FAA's ruling and retroactively restored the Airport's eligibility for AIP grants



## RELEVANCE OF THE NAPLES OUTCOME

- **The Naples outcome is not relevant to current and future FAR Part 161 efforts because:**
  - **Stage 2 aircraft greater than 75,000 pounds stopped operating in the continental United States on January 1, 2000**
  - **Stage 2 aircraft less than 75,000 pounds will be phased out of operation by January 1, 2016**
  - **A Stage 3 restriction requires FAA approval, while a Stage 2 restriction does not require FAA approval**



## LAWA'S FAR PART 161 APPLICATION

- **LAWA has made a good-faith effort to prepare a noise restriction application that fully meets the requirements of FAR Part 161**
- **The application has been deemed complete by the FAA**
- **Approval or disapproval of LAWA's FAR Part 161 application lies solely within FAA's jurisdiction**
- **There is a brief window of time to provide comments supporting or opposing LAWA's proposed restriction**
- **The deadline for submitting comments on LAWA's FAR Part 161 application is July 26, 2014**





## HOW TO SUBMIT YOUR COMMENTS

- **FAA has requested that the comments on the proposed LAX restriction “...should relate to the factors that Part 161 requires an airport sponsor to address in its application for restriction approval.”**
- **FAA has provided a “Comment Now!” tab on the following web page containing Docket Number FAA-2013-0259-0493:  
<http://www.regulations.gov/#!documentDetail;D=FAA-2013-0259-0493>**
- **In addition, comments can be submitted to:**  
  
**Mr. James Byers**  
**Planning and Environmental Division, APP-400**  
**800 Independence Avenue SW., Washington DC 20591**  
**Email address: jim.byers@faa.gov**



## IN CLOSING

- **Receiving FAA approval of the LAWA's proposed restriction will be an uphill battle, but surrounding jurisdictions that are impacted by noise from east departures at night can voice their support for the proposed restriction**
- **Similarly, airlines and aircraft operators that feel they may be impacted by the restriction may voice their opposition**
- **Reminder: the deadline for submitting comments on LAWA's FAR Part 161 application is July 26, 2014**
- **FAA intends to issue its decision approving or disapproving the proposed restriction by November 8, 2014**



## RESOURCES

- **LAWA's FAR Part 161 application is available for review at the LAX Part 161 Project website:**

**<http://www.lawa.org/LAXPart161.aspx?id=7203>**

- **FAA's Notice of Proposed Airport Access Restriction and Opportunity for Public Comment on LAWA's proposed restriction can be found in the Federal Register at:**

**<https://federalregister.gov/a/2014-15150>**



***Questions?***