

**NEWPORT BEACH CITY COUNCIL AIRPORT AND AVIATION POLICY**

**A. EXECUTIVE SUMMARY**

One of the City Council's primary objectives is to protect Newport Beach residents from the adverse impacts of aircraft operations at/from John Wayne Airport (JWA). Aircraft noise, emissions and overflight activity represent one of the most significant long-term threats to residents' quality of life.

The City lacks direct legal authority to regulate airport operations, but the JWA Settlement Agreement (Settlement Agreement) remains the most restrictive in the nation and is the City's most effective tool for limiting adverse impacts from commercial operations. The City Council will continue to prioritize the maintenance of the curfew and the protections that the Settlement Agreement provides.

**B. LEGAL FRAMEWORK**

The City Council understands that aircraft operations and airport regulation are primarily governed by federal law.

1. Federal Aviation Administration.

The Federal Aviation Administration (FAA) has exclusive authority to regulate aviation safety, efficiency and designated United States airspace, thereby preempting local or City control over flight paths and altitudes.

2. John Wayne Airport and the 1985 Settlement Agreement.

The existing restrictions set forth in the Settlement Agreement, as amended, predate the Airport Noise and Capacity Act of 1990 (ANCA). Hence, the existing restrictions under the Settlement Agreement are grandfathered under federal law. While the parties to the Settlement Agreement can agree to amend it, any amendment thereto cannot place additional restrictions on JWA airport operations.

3. Airport Noise and Capacity Act.

ANCA severely limits new noise or access restrictions on modern aircraft. To impose any new restriction, an airport operator (the County) must provide substantial evidence that proposed measures (e.g., limits on operations, noise, etc.) are reasonable and do not unjustly discriminate. Specifically, under 14 Code of Federal Regulations Part 161 (Part 161), any proposed mandatory restriction on noise/capacity (such as flight caps or curfews) must meet the following six statutory criteria:

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- a. The restriction is reasonable, non-arbitrary, and non-discriminatory;
- b. It does not create an unreasonable burden on interstate or foreign commerce;
- c. It maintains safe and efficient use of navigable airspace;
- d. It does not conflict with any existing federal statute or regulation;
- e. There has been an adequate opportunity for public comment; and
- f. It does not create an unreasonable burden on the national aviation system.

#### 4. Grant Assurances.

Airports receiving federal grants must sign “grant assurances” that legally obligate them to keep the airport open to public use on fair and reasonable terms without unjust discrimination.

### C. **POLICY**

#### 1. **Objective.**

The City Council’s objective is to minimize the adverse impacts of JWA operations on Newport Beach residents and ensure that emerging Advanced Air Mobility (AAM) and other technologies are implemented safely and in a manner that protects privacy and quality of life.

#### 2. **JWA Settlement Agreement.**

As a signatory, the City shall prioritize the protections afforded by the Settlement Agreement, consistent with this policy.

#### 3. **JWA Facilities and Operations.**

The City shall continue to oppose any changes to facilities or operations that negatively impact Newport Beach residents including:

- a. A second air carrier runway or runway extension.
- b. Any modification to the noise curfew.
- c. Through-the-fence operations.
- d. Port of Entry designation by U.S. Customs and Border Protection.
- e. Changes to the existing general aviation activity levels, facilities, the County’s General Aviation Improvement Program, land-use map, and General Aviation Noise Ordinance.
- f. Limitations on the Remote Monitoring System and public access to noise data.

Also, the City may evaluate feasible operational or technological measures to reduce impacts, including higher departure altitudes, strict adherence to FAA-approved departure routes, use of quieter Noise Abatement Departure Procedures (e.g., NADP-1), and encourage the adoption of quieter and cleaner aircraft technology.

#### 4. **Advanced Air Mobility.**

The City will proactively engage in AAM planning and integration to advocate for robust community engagement and coordination among the FAA, DOT, operators and service providers, airports and Fixed Base Operators, developers, and regional and local government.

**5. Alternative Transportation Service.**

Recognizing the lack of a feasible second airport in Orange County, the City shall support efforts to accommodate regional air travel demand outside JWA, including:

- a. Improved transportation connections to out-of-county airports.
- b. Development or expansion of air service at other regional airports.
- c. Expanded air cargo facilities at other regional airports, where appropriate.

**6. Public Agency Support and Participation.**

The City may continue participation in the Corridor City Coalition and advocate for policies that:

- a. Align regional transportation plans with JWA constraints.
- b. Improve access to underutilized regional airports

The City will actively participate in regional planning efforts, including SCAG's Regional Transportation Plan, and regularly engage county, state and federal officials.

**7. Community Involvement.**

The City recognizes the importance of community organizations and will support informed, constructive advocacy aligned with this Policy. The City will engage and educate residents on matters relating to aviation and this Policy.

**8. Monitoring and Reporting.**

The City Manager shall coordinate implementation of this Policy and periodically report to the City Council and Aviation Committee on:

- a. Settlement Agreement compliance.
- b. Regional airport and transportation planning.
- c. State and federal legislative actions.

## **PROPOSED**

### ***History***

Adopted B-1 – 2-14-1972 (“Airport Land Use Commission for Orange County”)  
Reaffirmed B-1 – 12-10-1973  
Reaffirmed B-1 – 11-11-1974  
Amended B-1 – 10-14-1975 (renaming “Orange County Airport”)  
Amended B-1 – 11-27-1978  
Created B-2 – 11-27-1978 (“Airport Land Use Commission for Orange County”/same as B-1)  
Amended B-1 – 10-14-1980  
Amended B-1 – 7-27-1981  
Amended B-1 – 9-27-1982  
Amended B-2 – 9-27-1982 (renaming “Limitations of John Wayne Airport and Promotion of a New Regional Airport”)  
Amended B-1 – 3-14-1983  
Amended B-1 – 5-23-1985  
Amended B-1 and B-2 – 12-9-1985  
Amended B-1 and B-2 – 10-22-1990  
Amended B-2 – 7-13-1992  
Amended B-1 – 12-13-1993 (incorporating B-2)  
Amended B-1 – 2-27-1995  
Amended B-1 – 3-22-1999 (changed to A-17)  
Amended A-17 – 7-25-2006  
Amended A-17 – 5-12-2015  
Amended A-17 –