

## APPENDIX E LAX NOISE WAIVERS AND ORDINANCES

### Ten-Knot Tailwind Component Waiver

Department of Transportation  
Federal Aviation  
Administration

Subject: INFORMATION: Waivers to FAA Order 8400.9

Date: FEB 14 1985

From: *Robert G. Owen*  
Walter S. Luffsey  
Associate Administrator for Air Traffic, AAT-1

Reply to  
Attn of: Jones:426-8511

To: Director, Western Pacific Region, AWP-1  
ATTN: Manager, Air Traffic Division, AWP-500

We have reviewed the AWP-500 memorandum of December 18, 1984, regarding consolidation and expansion of waivers to FAA Order 8400.9 for Los Angeles International Airport (LAX).

Based on the assurances provided in that memorandum, the accompanying concurrences of AWP-200/600 and 14 years of incident-free experience at LAX, we agree that an equivalent level of safety has been demonstrated for operations under the existing and requested waivers.

Therefore, in consideration of these unique, site-specific requirements and the justification provided, we will consolidate and expand the waivers to FAA Order 8400.9 for LAX when applying the approved noise abatement runway use program as follows:

Paragraph 7.b. - Visibility

A waiver is hereby granted to authorize noise abatement operations with a runway visual range (RVR) of not less than 2,400 feet.

Paragraph 7.d.(1)(c) - Tailwind Component - Dry Runway

A waiver is hereby granted to authorize noise abatement operations with a maximum tailwind component no greater than 10 knots.

Paragraph 7.d.(2)(b) - Tailwind Component - Wet Runway

A waiver is hereby granted to authorize noise abatement operations when runways are wet but clear of snow, slush, ice, or standing water with a maximum tailwind component of 10 knots. The waiver does not apply if snow, slush, ice, standing water, or other contaminants are present.

The LAX runway use program shall conform to all other criteria in FAA Order 8400.9. Previous waivers to paragraph 7.d.(1)(c), dated November 9, 1981, and 7.b., dated December 2, 1982, for LAX, are hereby cancelled.

2-0935

## LAX Noise Ordinances

### Ordinance No. 152,455

An Ordinance approving a Regulation adopted by Resolution No. 11650 of the Board of Airport Commissioners of the City of Los Angeles, which Resolution established a noise control regulation for air carriers having operating agreements at Los Angeles International Airport.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:  
Sec. 1. The Regulation adopted by Resolution No. 11650 of the Board of Airport Commissioners on May 7, 1979, is hereby approved. Said Regulation contained in said resolution provides for the establishment of a noise control regulation for air carriers having operating agreements at Los Angeles International Airport and is in words and figures as follows:

**SECTION 1. PURPOSE**—The purpose of this Regulation is to reduce aircraft noise in the communities surrounding Los Angeles International Airport by (a) the establishment of an aircraft noise limitation for new types and classes of aircraft which seek to commence operations at Los Angeles International Airport; (b) the implementation of a three-phase compliance program with FAR Part 36 noise criteria to be completed by January 1, 1985; and (c) the assurance that all affected aircraft shall conform to FAR Part 36 noise criteria by January 1, 1985.

**SECTION 2. EFFECTIVE DATE**—This Regulation shall take effect on the date it becomes effective as an ordinance and shall remain in full force and effect until amended, modified or rescinded.

**SECTION 3. DEFINITIONS**—  
(a) **Affected Aircraft**—All revenue aircraft operating at Los Angeles International Airport weighing 75,000 pounds or more, excepting therefrom military aircraft.  
(b) **Affected Aircraft Operation**—A revenue landing or revenue takeoff of an affected aircraft at Los Angeles International Airport.  
(c) **Aircraft Operator**—The organizational entity responsible for an affected aircraft operation at Los Angeles International Airport of an affected aircraft in interstate and/or foreign commerce pursuant to the terms of the Federal Aviation Act of 1958, as amended, and/or in intrastate commerce pursuant to the provisions of the California Public Utilities Code.  
(d) **Airport**—Los Angeles International Airport.  
(e) **Board**—The Board of Airport Commissioners, City of Los Angeles, as described and defined in Article VI, Section 70, et seq. and Article XXIV, Section 238, et seq. of the Charter of the City of Los Angeles.

(f) **FAA**—Federal Aviation Administration.  
(g) **Federal Aviation Regulation Part 36 (FAR Part 36) Noise Criteria**—The noise criteria for issuance of type certificates for affected transport category aircraft are as defined in Title 14, Code of Federal Regulations, Chapter 1, Part 36, as in effect on December 1, 1979, for purposes of this Regulation, those affected aircraft which are certificated and comply with the International Standards and Recommended Practices—Aircraft Noise, in effect on December 1, 1969, pursuant to Annex 16, Part II, of the International Civil Aviation Organization (ICAO), shall be deemed to meet FAR Part 36 criteria except that aircraft which require runway length of 450 meters or less at maximum certificated weights for airworthiness shall be presumed to meet such criteria.

(h) **Foreign Aircraft Operator**—A foreign air carrier engaged in foreign air commerce as both of said terms are defined in Federal Aviation Regulation Part 1.  
(i) **General Manager**—The General Manager of the Department of Airports, as described and defined in Article VI, Section 70, et seq. and Article XXIV, Section 238, et seq. of the Charter of the City of Los Angeles.

(j) **Noise Value Limitations**—The noise value limitations for each monitoring station based on aircraft noise measurements during the first 180 days of 1978 at Airport. These prescribed noise values were determined by a systematic adjustment of the dBA sound pressure levels at each of the twelve noise monitoring stations in the vicinity of Airport until no more than 2% of the daily operations at each of the stations exceed the resultant established noise values. The noise value limitations are shown on Exhibit A, attached hereto and dated July 24, 1978.

(k) **Program Period**—The program period of this Regulation shall be defined as the period commencing with the effective date of the ordinance approving this Regulation and continuing thereafter until otherwise modified.

**SECTION 4. APPLICABILITY**—This Regulation shall be applicable in all respects to each and every affected aircraft that now operates or in the future may operate at Airport. It shall further be applicable to each aircraft operator that seeks to operate a type or class of aircraft at Airport, as provided in Part 1 of this Regulation, weighing 75,000 pounds or more.

**SECTION 5. REGULATION**—  
Part 1—To achieve the purpose of this Regulation as stated in paragraph 1(a), an aircraft operator that seeks to commence affected aircraft operations at the Airport with a type or class of aircraft that was not utilized in regularly scheduled passenger or cargo service by any aircraft operator at Airport during the first 180 days of 1978 shall obtain Board approval prior to commencing operations. The General Manager shall administratively furnish a list of aircraft utilized in regularly scheduled passenger or cargo services by any aircraft operated at Airport during the first 180 days of 1978. In order to obtain Board approval, the aircraft operator as a part of the entire criteria must furnish evidence that the operation of said aircraft will not exceed any of the established noise value limitations at any one or more of the noise monitoring locations, as shown on Exhibit A, by more than 2% of said aircraft's total operations on either a takeoff or landing at the Airport, during the first 90-day period of proposed operations.

When furnishing evidence to the Board that an affected aircraft has the ability to comply with this Part of the Regulation, an aircraft operator shall be required to provide appropriate environmental assessment information to validate conclusions and compliance ability by reference to established noise levels for that particular type or class of aircraft as prescribed by the FAA. The Board reserves the right to validate the affected aircraft's compliance ability through the utilization of actual flight noise measurements for the initial 90-day period of operations. In the event such actual flight noise measurements exceed the established noise value limitations as shown on Exhibit A, by more than 2% of said aircraft's total operations on either a takeoff or landing at the Airport, the Board shall rescind its previously granted approval and said aircraft shall no longer engage in affected aircraft operations at Airport. An aircraft which has been certificated by the FAA to be in compliance with the noise criteria of FAR Part 36, as defined herein, prior to commencement of operations, shall be presumed to meet the requirements of Part 1 of this Regulation.

Except as specifically approved and authorized by the FAA, no affected aircraft, including those engaged in the initial 90-day period of operation, shall utilize revised operational flight techniques at the Airport which would increase the established noise levels as shown on Exhibit A. However, this requirement does not apply to missed approaches, easterly departures, safety considerations, or other affected aircraft operations due to weather phenomena.

Part 2—To achieve the purpose of this Regulation as found in paragraph 1(b), a three-phase program to achieve compliance with FAR Part 36 noise criteria is required to be completed by 1985 in order to reduce jet aircraft noise in the communities surrounding the Airport.

Aircraft operators shall not conduct affected aircraft operations at the Airport unless such aircraft conform to the criteria of FAR Part 36, consistent with the following compliance schedule:

(a) By January 1, 1981 and continuing thereafter:

(1) At least 25% of the aircraft operated into the Airport in all affected aircraft types or classes that have four engines with no bypass ratio or with a bypass ratio less than two.

(2) At least 50% of the aircraft operated into the Airport in all other affected aircraft types or classes.

(b) By January 1, 1983 and continuing thereafter:

(1) At least an additional 25% of the aircraft operated into the Airport in all affected aircraft types or classes that have four engines with no bypass ratio or with a bypass ratio less than two.

(2) 100% of all other affected aircraft operated into the Airport.

(c) By January 1, 1985 and continuing thereafter: 100% of the aircraft operated into the Airport in all affected aircraft types or classes that have four engines with no bypass ratio or with a bypass ratio less than two.

Part 3—Notwithstanding the provisions of Parts 1 and 2 of this Regulation and to achieve the purpose of the Regulation as found in paragraph 1(c), by January 1, 1985, all affected aircraft operating at the Airport must be certificated to the noise criteria of FAR Part 36.

SECTION 6. COMPLIANCE—In order to demonstrate compliance with Parts 2 and 3 of this Regulation, commencing with the first calendar quarter after January 1, 1981, and each quarter thereafter, each aircraft operator shall submit a quarterly report to the Department of Airports that identifies all affected aircraft that have operated at the Airport during the preceding quarter by: (1) type or class; (2) registration number; and (3) compliance with Part 36 noise criteria. Each aircraft operator's required quarterly report shall be submitted to the Department of Airports within 20 days after completion of each calendar quarter.

The General Manager shall provide those administrative procedures necessary for reporting compliance with this Regulation.

SECTION 7. VARIANCES—The Board may grant a variance from Part 2(a) and/or (b) of this Regulation upon written application made no later than 90 days prior to the initial compliance dates provided therein. The request for a variance must be accompanied by a proposed alternative program that achieves the objectives contained in this Regulation. In the consideration of the variance request, the Board or its designated officer shall give notice and hold a public hearing to receive all information relevant to the request.

Upon application, the Board shall grant a variance from Part 2(a) and/or (b) of this Regulation as follows:

(a) To a foreign aircraft operator.

(b) To that portion of an aircraft operator's fleet for which the aircraft operator has an FAA approved plan in accordance with Federal Regulation Section 91.305.

(c) To that portion of the fleet of a United States flag aircraft operator that has an approved FAA apportionment plan as provided in Federal Regulation Section 91.307.

In all other circumstances, the Board shall grant a variance if the public interest would be satisfied by such a variance. The weighing the public interest, the Board shall consider the following:

(a) The ability of the aircraft operator to effectuate new aircraft delivery or the retrofitting of existing aircraft in a timely manner.

(b) The economic feasibility of complying with the Regulation.

(c) The noise impact should the variance be granted.

(d) The value to the public of the services for which the variance is sought.

(e) Whether the aircraft operator is taking measures which achieve the objectives of this Regulation.

The burden of proof shall be upon the applicant for a variance. The Board shall make findings on the merits of said request based on the aforementioned criteria and either grant or deny the request.

In no event shall a variance be granted herein for a period beyond December 31, 1984.

SECTION 8. ENFORCEMENT AND PENALTIES—Any aircraft operator that fails to comply with any part of this Regulation shall be subject to loss of its operating rights at the Airport.

Prior to initiating enforcement proceedings, the subject aircraft operator shall be notified in writing of the violation and shall be afforded the opportunity to respond thereto at a public hearing.

SECTION 9. SEVERABILITY OF REGULATION—If any provision of this Regulation or the application thereof is held unconstitutional or otherwise unlawful, the remainder of the Regulation and the application of same shall not be affected thereby.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles at its meeting of May 29, 1979.

REX E. LAYTON, City Clerk  
By Irvin Walder, Deputy

Approved May 31, 1979.  
TOM BRADLEY, Mayor

File No. 76-1869

July 24, 1979

EXHIBIT "A"  
Maximum Noise Limitations in dBA for each  
Monitoring Station at LAX. The State of  
California has certified the LAX Noise Monitoring  
System to be accurate within plus or minus 1.5 dBA  
(JN2690) Jun 6

Ordinance No. 168852

An Ordinance repealing Ordinance No. 152,455 and approving a regulation adopted by Resolution No. 17601, as amended by Resolution No. 18298, of the Board of Airport Commissioners of the City of Los Angeles, which Resolutions established a Stage 2 airplane phaseout regulation for airplanes operating at Los Angeles International Airport.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

**LOS ANGELES INTERNATIONAL AIRPORT**  
**STAGE 2 AIRPLANE PHASEOUT REGULATION**

Sec. 1. The regulation adopted by Resolution No. 17601, as amended by Resolution No. 18298 of the Board of Airport Commissioners on May 15, 1991 and December 21, 1992, respectively, is hereby approved. Said regulation contained in said Resolutions provides for the establishment of a Stage 2 airplane phaseout regulation for airplanes operating at Los Angeles International Airport and is set forth as follows:

SECTION 1. PURPOSE: The purpose of this Regulation is to reduce airplane noise in the communities surrounding the Airport by (a) prohibiting the introduction of any new affected airplane operations with Stage 2 airplanes; (b) implementing a four-phase program to eliminate operations with Stage 2 airplanes, to be completed by January 1, 2000; (c) implementing a program to limit nighttime affected airplane operations with Stage 2 airplanes; and (d) assuring that all affected airplanes operated at the Airport on or after January 1, 2000 comply with the Stage 3 noise standards of FAR Part 36.

SECTION 2. EFFECTIVE DATE: This Regulation shall take effect on the date it becomes effective as an ordinance and shall remain in full force and effect until amended, modified or rescinded.

SECTION 3. DEFINITIONS:

- (a) Affected Airplane -- A subsonic or supersonic airplane operated at the Airport with a maximum certificated weight of more than 75,000 pounds, except military airplanes.
- (b) Affected Airplane Operation -- a landing or takeoff of an affected airplane at the Airport.
- (c) Airplane Operator -- The entity responsible for an affected airplane operation at the Airport.
- (d) Airport -- Los Angeles International Airport.

(e) Board -- The Board of Airport Commissioners, City of Los Angeles, as described and defined in Article VI, Section 70, et seq. and Article XXIV, Section 238, et seq. of the Charter of the City of Los Angeles.

(f) FAA -- Federal Aviation Administration.

(g) General Manager -- General Manager, also designated "Executive Director", of the Department of Airports, as described and defined in Article VI, Section 70, et seq. and Article XXIV, Section 238, et seq. of the Charter of the City of Los Angeles.

(h) Quarterly Period -- The successive three-month periods occurring at regular intervals four times a year, the first quarter of any given year beginning on the first day of January, the last quarter ending on the thirty-first day of December.

(i) Stage 2 Airplane -- A United States registered affected airplane certificated by the FAA as complying with the Stage 2 noise standards of Appendix C, Part 36 of the Federal Aviation Regulations (14 CFR 36), or an affected airplane certificated by the country of registry as complying with the noise standards of Chapter 2, Volume I of Annex 16 to the Convention on International Civil Aviation.

(j) Stage 3 Airplane -- A United States registered affected airplane certificated by the FAA as complying with the Stage 3 noise standards of Appendix C, Part 36 of the Federal Aviation Regulations (14 CFR 36), or an affected airplane certificated by the country of registry as complying with the noise standards of Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation.

- (iii) On and after January 1, 1999, at least 75 percent of each airplane operator's affected airplane operations at the Airport shall be conducted with Stage 3 airplanes; and
- (iv) On and after January 1, 2000, 100 percent of each airplane operator's affected airplane operations at the Airport shall be conducted with Stage 3 airplanes.

(c) Part 3A -- If, during any given month, prior to January 1, 2000, an airplane operator conducts an average of no more than four affected airplane operations per day at the Airport, then during said month that airplane operator is not required to comply with the compliance schedule set forth in Part 2 (i) through (iii) of this Section; provided, however, that no airplane operator is permitted to conduct a greater number of annual affected airplane operations with Stage 2 airplanes than is shown for that airplane operator on Exhibit A of this Regulation.

(d) Part 3B -- Prior to January 1, 2000, an affected airplane operator is exempted from complying with Subsections (i), (ii), or (iii), whichever is currently applicable, of Section 5(b) Part 2 if the percentage of affected Stage 3 airplane operations conducted by all airplane operators at the Airport, calculated quarterly on an airport fleet-wide basis, meets or exceeds the Stage 3 percentage requirement of the applicable subsection. If at any time the quarterly airport fleet-wide percentage of affected Stage 3 airplane operations fails to equal or exceed the currently applicable percentage stated in Part 2, the exemption in this Part 3B shall thereafter become inoperative and all

affected airplane operators shall individually comply fully with the compliance schedule set forth in Part 2.

The General Manager shall issue a quarterly report of airport-wide operations, which shall include the percentage of Stage 3 operations and a forecast of projected compliance or non-compliance, if any, with the applicable Stage 3 percentage.

(e) Part 4 -- To provide for the reduction of airplane noise in the communities surrounding the Airport during nighttime hours, a three-phase program shall be implemented to limit the number of affected airplane operations conducted with Stage 2 airplanes:

- (i) On and after July 1, 1991, during the hours from 1:00 a.m. through 5:59 a.m., no airplane operator shall conduct a greater number of annual affected airplane operations with Stage 2 airplanes than is shown for that airplane operator on Exhibit B of this Regulation;
- (ii) On and after January 1, 1994, during the hours from midnight through 5:59 a.m., no airplane operator shall conduct a greater number of annual affected airplane operations with Stage 2 airplanes than is shown for that airplane operator on Exhibit B of this Regulation; and,
- (iii) On and after January 1, 1996, during the hours from midnight through 6:29 a.m., no airplane operator shall conduct a greater number of annual affected airplane



operations with Stage 2 airplanes than is shown for that airplane operator on Exhibit B of this Regulation.

(f) Part 5 -- On and after January 1, 2000, no airplane operator shall conduct an affected airplane operation at the Airport unless the airplane has been certificated by the FAA to the Stage 3 noise standards of FAR Part 36.

SECTION 6. COMPLIANCE: To demonstrate compliance with the provisions of this Regulation, commencing with the first quarterly period after the effective date of this Regulation, and each quarterly period thereafter, each airplane operator shall submit a quarterly report to the Department of Airports that lists all affected airplanes that have operated at the Airport during the preceding quarter by the airplane characteristics in (a) through (d), and that provides the additional summary information in (e) through (g), as follows:

- (a) type or class and model number;
- (b) type of engines;
- (c) registration number;
- (d) compliance with Part 36 Stage 2 or 3 noise standards;
- (e) number of affected airplane operations by each type or class and model number and the total number of affected airplane operations;
- (f) percentages of total affected airplane operations conducted with Stage 2 and Stage 3 airplanes during the quarterly period; and

(g) a comparison showing the total number of Stage 2 affected airplane operations conducted by the airplane operator during the preceding four quarterly periods and the number of Stage 2 affected airplane operations shown for that airplane operator on Exhibit A of this Regulation.

Each airplane operator's required quarterly report shall be submitted to the Department of Airports within 20 days after completion of each quarterly period.

The General Manager shall provide those administrative procedures necessary for reporting compliance with this Regulation.

#### SECTION 7. VARIANCES:

(a) The Board may grant a variance from Section 5 of this Regulation upon written application. The request for a variance must be accompanied by a proposed program that will achieve the objectives contained in this Regulation. In the consideration of the variance request, the Board or its designated officer shall give notice and hold a public hearing to receive all information relevant to the request and shall grant a variance if the public interest would be satisfied by such a variance. In weighing the public interest, the Board shall consider the following:

- (i) The ability of the airplane operator to effectuate new airplane delivery or the retrofitting of existing airplanes in a timely manner, including evidence that firm and timely orders have been placed for hush kit or new affected airplane deliveries.

- (ii) The economic feasibility of complying with the Regulation.
- (iii) The noise impact should the variance be granted.
- (iv) The value to the public of the services for which the variance is sought.
- (v) Whether the airplane operator is taking measures which achieve the objectives of this Regulation.
- (vi) Whether the airplane operator has a statement, signed by the Secretary of State or by a Deputy Secretary of State, stating the official position of the United States that the granting of a variance is in the foreign policy or national security interests of the United States.
- (vii) Whether the airplane operator has a statement, signed by the Secretary of Transportation, which finds the granting of a variance would be in the vital national interest.

(b) The burden of proof shall be on the applicant for a variance. The Board shall make findings on the merits of said request based on the aforementioned criteria and either grant or deny the request. The Board may grant a variance in part, or for limited duration, and may impose such conditions on the granting of a variance which it finds appropriate to accomplish the purposes of this Regulation.

(c) In acting upon any variance, the Board shall be subject to the following limitation: the terms of any variance shall not exceed two years or the length of the term of any applicable compliance period which is the subject of a variance

request, whichever is shorter; a variance shall not be granted which is a continuation of or modification to a variance previously granted.

(d) If a variance is requested from Section 5(a) Part 1 of this Regulation for the purpose of permitting a new entrant airplane operator to commence operations at the Airport with affected Stage 2 airplanes, the variance may be granted only on the condition the prospective new entrant airplane operator conducts operations at the Airport with a percentage of Stage 3 operations at least equal to the quarterly airport fleet-wide percentage of Stage 3 aircraft operations at the Airport at the time of entry. Any air carrier not listed on Exhibit A may only apply to operate at the airport as a "new entrant airplane operator."

(e) In the event the Board denies the variance as requested by an airplane operator, such operator may request within 30 days of said denial a written finding of the Secretary of Transportation that granting a variance will be in the "vital national interest." If the Secretary pursuant to Section 7(a)(vii) issues the requested finding, the Board shall grant a variance provided the finding is specific as to why a variance is in the vital national interest considering (i) competition in the air carrier industry, (ii) essential small community air service, (iii) financial viability and continued existence of the operator, and (iv) new service to a city presently without commercial air service to or from Airport. The Board shall not be required to grant a variance pursuant to Section 7(a)(vii) if it would lead to an increase in affected Stage 2 operations at the airport beyond that percentage of Stage 2 operations which is required by the most recent interim compliance date, or if it would permit Stage 2 operations beyond December 31,

1999. Section 7(a)(vii) shall not be applicable to the Board's denial of any variance from Section 7(d) of this Regulation. The Board shall, however, consider any opinion issued by the Secretary of Transportation on the subject of the Board's denial of a variance.

(f) If pursuant to Section 7(a)(vi) an airplane operator secures the required statement of the Secretary of State regarding the granting of the requested variance, the Board shall be obligated to grant a variance.

**SECTION 8. ENFORCEMENT AND PENALTIES:** Any airplane operator that fails to comply with any part of this Regulation shall be subject to the loss of its Stage 2 operating rights at the Airport.

Prior to initiating enforcement proceedings, the subject airplane operator shall be notified in writing of the violation and shall be afforded the opportunity to respond thereto at a public hearing.

If carrier-by-carrier Stage 3 rules are imposed pursuant to Section 5(d), an airplane operator shall receive ninety (90) days advance written notice prior to losing its Stage 2 operating rights at the Airport.

**SECTION 9. SEVERABILITY OF REGULATION:** If any provision of this Regulation or the application thereof is held unconstitutional or otherwise unlawful, the remainder of the Regulation and the application of same shall not be affected thereby.

Sec. 2. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

ELIAS MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

\_\_\_\_\_  
JAMES K. HAHN, City Attorney

By *James K. Hahn*

File No. \_\_\_\_\_

EXHIBIT A

LOS ANGELES INTERNATIONAL AIRPORT

The annual number of Stage 2 affected airplane operations permitted to be conducted by airlines commencing on June 1, 1990. This list was promulgated pursuant to the Interim LAX Noise Control Moratorium Policy adopted by the Los Angeles City Board of Airport Commissioners on May 31, 1990 under Resolution No. 17151.

AIRLINE	PERMITTED ANNUAL STAGE 2 OPERATIONS	AIRLINE	PERMITTED ANNUAL STAGE 2 OPERATIONS
Aero Argentinas	0	Japan Airlines	450
Aero California	3650	Kalitta Air	834
Aerocancun	0	Key Airlines	18
Aeromexico	1868	KLM Royal Dutch	100
Air America	0	Korean Airlines	688
Air Canada	766	LACSA Airlines	662
Air France	310	Lan Chile	266
Air Jamaica	26	Lot Polish Air	34
Air New Zealand	6	LTU	0
Air Train	398	Lufthansa	388
Airborne Express	520	Malaysian Air	0
Alaska Airlines	5176	Martinair	10
Alitalia	338	Mexicana	7594
All Nippon Airways	62	MGM Air	1348
Amer Trans Air	18	Midway	0
America West	18512	Northwest Air	9360
American	11164	Pan AM	6864
Amerijet Int'l	1560	Philippine Air	536
Avianca	312	Piedmont Air	132
Aviateca	138	Qantas Airways	764
Balair	0	Rosenbalm	1554
British Airways	0	Royal Jordanian	0
CAAC	78	Scandinavian Air	0
Caledonian Air	86	Singapore Air	24
Canadian Pacific	3188	Southern Air	908
China Airlines	330	Southwest	9125
Condor	0	Sun Country	104
Continental	5974	Swiss Air	0
Delta Airlines	46414	TACA	90
DHL	520	Tap Air Portugal	2
Eastern Airlines	0	Trans Continental	22
Ecuatoriana	124	TWA	1590
Egypt Air	0	United Airlines	37242
El Al Israel	218	United Express	0
Emery Worldwide	80	UPS	4
Evergreen Int'l	128	US Air	5190
Federal Express	4490	UTA French Air	0
Finnair	0	Vairg Brazil Air	0
Garuda Indonesia	0	Virgin Atlantic	32
Great American	48	West Air/United	0
Hawaiian Air	286	Yugoslav Air	0
Iberia Airlines	186	Zantop	430
Independent Air	26		

EXH-A.LIS/9-2-92/RMB:rc

EXHIBIT B

LOS ANGELES INTERNATIONAL AIRPORT

Commencing on July 1, 1991, the annual number of Stage 2 affected airplane operations permitted to be conducted by airlines at LAX are listed below for specified dates and time periods. This list was promulgated pursuant to the LAX Stage 2 Airplane Phaseout Regulation adopted by the City of Los Angeles Board of Airport Commissioners on December 21, 1992 under Resolution No. 18298.

AIRLINE	PERMITTED ANNUAL STAGE 2 NIGHTTIME OPERATIONS		
	On and After July 1, 1991 <u>1:00 am-5:59 am</u>	On and After January 1, 1994 <u>12 am-5:59 am</u>	On and After January 1, 1996 <u>12 am-6:29 am</u>
Air France	---	52	52
Airborne Express	208	208	260
Alaska Airlines	52	52	52
America West Airlines, Inc.	520	624	884
Amerijet International	---	260	260
Aviateca S.A.	---	52	52
Connie Kalitta Services, Inc.	260	260	364
Continental Airlines	520	520	520
Delta Airlines, Inc.	208	312	936
Evergreen International Airlines	128	128	128
Federal Express	1456	1872	1872
Japan Airlines	312	312	364
Korean Airlines	260	260	260
Lufthansa German Airlines	---	52	52
Mexicana de Aviacion	728	832	832
MGM Grand Air, Inc.	104	104	104
Northwest Airlines, Inc.	312	572	624
Pan American World Airways	312	312	364
Philippine Airlines	---	52	52
Qantas	104	104	104
Rosenbalm Aviation, Inc.	364	364	468
Southwest Airlines Co., Inc.	208	208	260
Trans Continental Airlines	22	22	22

**Notes:**

This exhibit is based upon annualized Stage 2 operations from Flight Progress Strips between April 2, 1991 to April 8, 1991. Time periods are local Los Angeles time. Flight Progress Strips list airplanes by family, not family/model. Generally, airplane families determine Stage 2 or 3 designation, but occasionally airplane family/model is required to make the determination. Airlines operating airplane families that contain models that are both Stage 2 and Stage 3 have been allotted operations as if they were all Stage 2. Summary listings of the Flight Progress Strips were compared against April 1991 Revenue Landing Reports and Airline Quarterly Reports, which contain both airplane family and model number. Airlines operating 100% Stage 3 airplanes by family/model number were not allotted any Stage 2 nighttime operations. All operations were then compared to permitted operations according to Exhibit A and capped at that level. In no event shall Exhibit B operations be greater than Exhibit A operations.

EXH-B.LIS/9-1-92/AS:rc



CITY OF LOS ANGELES  
CALIFORNIA



TOM BRADLEY  
MAYOR

ELIAS MARTINEZ  
City Clerk

J. Michael Carey  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

91-0905  
91-0906

Office of:  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - 485-5703  
General Information - 485-5705

Pat Letcher  
Chief Legislative Assistant

CD 6

June 30, 1993

Department of Airports  
Airport Commission  
City Attorney  
City Administrative Officer  
Chief Legislative Analyst

RE: ESTABLISHING STAGE 2 AIRPLANE PHASEOUT (NOISE) REGULATIONS FOR  
COMMERCIAL AIRCRAFT OPERATING AT THE LOS ANGELES AND ONTARIO  
INTERNATIONAL AIRPORTS

At the meeting of the Council held June 23, 1993, the following  
action was taken:

Attached report adopted, as amended.....	X
See attached motion adopted (Flores - Galanter).....	X
Two Ordinances adopted.....	X
Ordinance Number.....	<u>168852</u>
Publication date.....	<u>07-02-93</u>
Effective date.....	<u>08-02-93</u>
Mayor approved.....	<u>06-30-93</u>
Ordinance Number.....	<u>168853</u>
Publication date.....	<u>07-02-93</u>
Effective date.....	<u>08-02-93</u>
Mayor approved.....	<u>06-29-93</u>

*Nancy Russell*

City Clerk  
bem

stcno1910905

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File Nos. 91-0905  
91-0906

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE

reports as follows:

Public Comments Yes No  
XX —

COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE REPORT and ORDINANCES relative to establishing Stage 2 airplane phaseout (noise) regulations for commercial aircraft operating at Los Angeles and Ontario International Airports.

Recommendations for Council action, as recommended by the City Administrative Officer:

1. PRESENT and ADOPT accompanying two (2) Ordinances establishing Stage 2 airplane phaseout (noise) regulations for commercial aircraft operating at Los Angeles International Airport and Ontario International Airport.
2. NOT PRESENT and ORDER FILED two (2) draft Ordinances dated May 16, 1991 relative to noise regulations, inasmuch as these are "old" draft Ordinances.

Summary

On June 8, 1993, the Commerce, Energy and Natural Resources Committee considered and approved recommendations of the City Administrative Officer relative to adopting two proposed Ordinances to establish a Stage 2 airplane phaseout (noise) regulations for commercial (air carrier) aircraft operating at Los Angeles and Ontario International Airports.

In 1991, the City Council considered draft Ordinances relative to phasing out the operations of the more noisy Stage 2 commercial aircraft at Los Angeles and Ontario International Airports by the year 2000. The primary differences between the proposed Ordinances and the requirements of the Federal Aviation Administration (FAA) at that time was the City schedule to achieve reductions in the number of operations sooner.

Enactment of these earlier draft Ordinances was successfully frustrated by the FAA under its broad authority to withhold noise mitigation grant funds and approval of applications by a local airport operator to impose the Passenger Facility Charge (PFC) if

locally enacted restrictions on Stage 2 and Stage 3 aircraft operations are believed to be inconsistent with the needs of the national air transport system. The City Council returned the previous draft Ordinances to the Commerce, Energy and Natural Resources Committee and requested the Department of Airports (DOA) to resolve the concerns of the FAA.

The replacement Ordinances are believed by the DOA Executive Director and the City Attorney to resolve the concerns of the FAA. If adopted, the noise regulations should no longer cause difficulty in receiving federal noise grant funds or jeopardize receipt of PFC's in the future. The City Attorney believes that the FAA concurs with this view.

Although not as aggressive in limiting Stage 2 operations as the prior draft Ordinances, the replacement Ordinances will permit regulation of Stage 2 operations at LAX and Ontario, i.e., there is a definable limit on the number of Stage 2 operations and penalties for violations.

The Committee recommended that the Ordinances dated May 16, 1991 be received and thereafter filed, inasmuch as they are old drafts, and further recommended that the currently proposed Ordinances relative to noise restrictions at Los Angeles and Ontario International Airports be adopted by the City Council.

Respectfully submitted,

COMMERCE, ENERGY AND NATURAL RESOURCES COMMITTEE

KC  
6/9/93  
CD 6 (91-0905)  
Enc: Ordinances (4)  
#910905

*Joan Wilke Ilos*  
*Keith Galanter*  
*John Adams*

REPORT  
ADOPTED  
\*AS AMENDED  
JUN 23 1993

LOS ANGELES CITY COUNCIL  
SEE ATTACHED MO.  
ORDS ADOPTED

MOTION

40 A

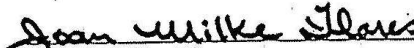
The Commerce, Energy and Natural Resources Committee Report and Ordinances considered Stage 2 airplane phase out (noise regulations) for commercial aircraft operating at Los Angeles Airport and Ontario International airports.

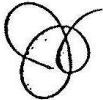
The Committee was advised by the City Attorney and the Executive Director of the Department of Airports, that the Ordinance for commercial aircraft operating at Los Angeles airport does not apply to private aircraft and applies only to federally certificated air carriers, and that a letter had been had issued so stating.

The Committee instructed the Department of Airports to include the letter in the file to clarify this issue.

I THEREFORE MOVE THAT the Committee report be amended to add an instruction to the City Attorney's office to include the letter from the Department of Airports in the file to clarify this issue.

PRESENTED BY:

  
Joan Milke Flores  
Councilwoman, 15th District



SECONDED BY:



mtn105

\* MO.  
ADOPTED

JUN 23 1993

LOS ANGELES CITY COUNCIL



City of Los Angeles Department of Airports  
Tom Bradley, Mayor

Board of Airport Commissioners

Robert A. Chick  
President  
Leland Wong  
Vice President  
Johnnie L. Cochran, Jr.  
Maria Elena Durazo  
Jack Tenner  
Clifton A. Moore  
Executive Director

RESOLUTION NO. 18298

WHEREAS, aircraft noise has been of significant concern at Los Angeles International Airport since the advent of the jet age in 1959; and

WHEREAS, in 1969, the State of California adopted an Airport Noise Law and thereafter approved noise regulations, with amendments thereto, requiring airport operators to reduce the noise impact of jet aircraft in the vicinity of California airports; and

WHEREAS, in Air Transport Association v. Crotti, etc., et al., a case to which the City of Los Angeles was a party, the California Noise Regulations were ruled constitutional on their face with respect to Community Noise Equivalent Levels (CNEL) and it was held that each airport proprietor has certain duties, rights, obligations, and powers in this regard; and

WHEREAS, in Aaron, et al. v. City of Los Angeles, the California Court of Appeal imposed liability upon the City of Los Angeles, as the airport proprietor, for the diminution in property values due to noise emanating from jet aircraft operating to and from Los Angeles International Airport; and

WHEREAS, in Japan Air Lines, et al. v. City of Los Angeles, the California Court of Appeal held, as to property damage under the law of eminent domain, that the City of Los Angeles is not entitled to indemnification from air carriers operating at Los Angeles International Airport; and

WHEREAS, in Baker v. Burbank-Glendale-Pasadena Airport Authority, the California Supreme Court held airport proprietors may be held liable for emotional distress and personal injury damages caused by aircraft noise under the legal theory of nuisance; and

WHEREAS, the management of the Department of Airports has been apprised of the holdings of the United States Supreme Court in Griggs v. Allegheny County and Lockheed Air Terminal, Inc. v. City of Burbank, the Federal Circuit Court of Appeals opinion in the Concorde 1 and 2 cases with respect to the Port Authority of New York and New

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Jersey, and the Federal District Courts' Opinions in National Aviation v. City of Hayward and San Diego Unified Port District v. Gianturco, which relate in various ways to the rights, duties, obligations, and powers inherent in an airport proprietor with regard to the liability for and the control of jet aircraft noise; and

WHEREAS, the Los Angeles City Attorney's Office has reported to the Board of Airport Commissioners on numerous occasions, by virtue of the above-referenced statute, regulations, decisions, and the common law rights vested in the airport proprietor that said Board has the obligation, duty, and right to take affirmative steps to reduce the noise impact of aircraft using the City of Los Angeles' Airports; and

WHEREAS, the Board of Airport Commissioners, by Resolution No. 11650, dated May 7, 1979, adopted the Los Angeles International Airport Noise Control Regulation to limit and reduce the noise from aircraft operations through the phaseout of FAR Part 36 Stage 1 aircraft, said Regulation being adopted on May 29, 1979 by Los Angeles City Council Ordinance No. 152,455; and

WHEREAS, Los Angeles City Council Ordinance No. 152,455, pertaining to the phaseout of Stage 1 aircraft at Los Angeles International Airport, was upheld in 1985 as valid and enforceable by the Ninth Circuit Court of Appeals in Empresa Ecuatoriana de Aviacion v. City of Los Angeles; and

WHEREAS, the Board of Airport Commissioners, by Resolution No. 16854, dated September 27, 1989, directed the Executive Director to investigate and definitively prepare proposed noise and access restrictions ("proposed regulation") regarding the phaseout,

nighttime operations, and non-addition of FAR Part 36 Stage 2 aircraft at Los Angeles International Airport; and

WHEREAS, after submission of the Executive Director's proposed regulation, the Board of Airport Commissioners, by Resolution No. 17150, dated May 31, 1990, directed the Executive Director to circulate for review and comment the proposed regulation to all concerned parties including the air carriers, local governments, the Federal Aviation Administration, the LAX Area and Citywide Advisory Committees, and the Air Transport Association and to simultaneously initiate the appropriate environmental review process; and

WHEREAS, as an interim measure, the Board of Airport Commissioners, by Resolution No. 17151, dated May 31, 1990, adopted an Interim Noise Control Moratorium Policy to prohibit as a policy the introduction of additional new aircraft operations by FAR Part 36 Stage 2 aircraft at Los Angeles International Airport; and

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WHEREAS, the Board of Airport Commissioners, by Resolution No. 17601, dated May 15, 1991, adopted a proposed Stage 2 regulation which was forwarded to the Los Angeles City Council for approval by ordinance; and

WHEREAS, the Los Angeles City Council returned the proposed regulation without taking action to adopt it as an ordinance; and

WHEREAS, in accordance with discussions and negotiations with the Federal Aviation Administration, the Board of Airport Commissioners is now amending and readopting the proposed Stage 2 regulation to amend certain provisions to address the concerns expressed by the Federal Aviation Administration; and

WHEREAS, the amending language does not significantly change the general scope and effect of the proposed regulation and retains the object of phasing out all Stage 2 aircraft by the year 2000; however, the amending language will permit the Board of Airport Commissioners to grant variances in additional situations and make the LAX regulation more closely aligned with federal Stage 2/3 regulations;

WHEREAS, this action amends Board of Airport Commissioners Resolution No. 17601 and the provisions of the proposed regulation adopted by said Resolution; and

WHEREAS, the proposed amended regulation ("proposed regulation") is intended to apply only to FAR Part 36 Stage 2 aircraft operations and is not intended to regulate or restrict Stage 3 aircraft operations; and

WHEREAS, in order to comply with the California Environmental Quality Act and to ensure that the proposed regulation is fair, nondiscriminatory, economically sound, and not unduly burdensome in interstate commerce, the Board of Airport Commissioners caused the proposed regulation to be widely distributed and, thereafter, public hearings held with respect to the proposed regulation; and

WHEREAS, pursuant to said process, public meetings and hearings were held on May 31, 1990, August 28, 1990, March 25, 1991, and May 15, 1991 affording the opportunity for comments by governmental agencies, elected officials, industry representatives, airport neighbors, and members of the general public, which meetings and hearings were widely attended by the public; and

WHEREAS, the Federal Aviation Administration received copies of the proposed regulation at the outset of the proposed action which resulted in oral and written presentations by Federal Aviation Administration representatives to the Board of Airport Commissioners

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with respect to the provisions of the proposed regulation; and

WHEREAS, the Federal Aviation Administration sent a written request that the Board of Airport Commissioners study and investigate 15 specific items, prior to adopting the proposed regulation, which the Department of Airports accomplished with the aid of a professional consultant study of the economic effect of the proposed regulation both at Los Angeles International Airport and nationally, including an assessment of other economic alternatives; and

WHEREAS, the United States Congress, on November 5, 1990, adopted the "Airport Noise and Capacity Act of 1990" enacting a national Aviation Noise Policy which expressly provides in Section 9304(a)(2)(A) that Stage 2 noise regulations "proposed" by local airports prior to October 1990 are categorically exempt from the provisions of the Act; and

WHEREAS, this proposed regulation qualifies as a Stage 2 regulation proposed prior to October 1, 1990 and, therefore, is expressly grandfathered by the provisions of Section 161.201(a)(1) of the Federal Aviation Regulation and Section 9304(2)(A) of the Airport Noise and Capacity Act of 1990 [49 U.S.C. 2153(a)(2)(A) and 49 U.S.C. 1305]; and

WHEREAS, the Executive Director reviewed the economic and environmental studies, reviewed and considered the comments submitted by all interested parties, analyzed the comments of the Federal Aviation Administration, weighed the practical alternatives, and hereby recommends the Board of Airport Commissioners' adoption of the proposed regulation; and

WHEREAS, the Board of Airport Commissioners has reviewed the economic and environmental studies, reviewed and considered the recommendation of the Executive Director, and has considered other practical alternatives to this proposed regulation, and hereby finds the proposed regulation to be a reasonable, feasible, and legally appropriate method of reducing the impact of jet aircraft engaging in operations at Los Angeles International Airport; and

WHEREAS, pursuant to the powers of the Board of Airport Commissioners contained in the City Charter of the City of Los Angeles, the Board of Airport Commissioners finds that the proposed regulation achieves a balance between the needs of the community impacted by jet aircraft noise, the needs of the City of Los Angeles, and the region served by Los Angeles International Airport as a whole and the requirements of the air carriers operating at this facility; and

WHEREAS, the purpose of the Los Angeles International Airport Stage 2 Airplane Phaseout Regulation, as amended, is to reduce airplane



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noise in the communities surrounding the airport by: (a) prohibiting the introduction of any newly affected airplane operations with Stage 2 airplanes; (b) implementing a four-phase program to eliminate operations with Stage 2 airplanes to be completed by January 1, 2000; (c) implementing a program to limit nighttime affected airplane operations with Stage 2 airplanes; and (d) assuring that all affected airplanes operated at the airport on or after January 1, 2000 comply with the Stage 3 Noise Standards of Part 36; and

WHEREAS, the environmental consequences of this action has been previously assessed by the Board of Airport Commissioners by Resolution No. 17600, dated May 15, 1991, with the approval of a final Environmental Impact Report (EIR); and

WHEREAS, this action is in compliance with the California Environmental Quality Act and the City of Los Angeles Guidelines, Article III, 2.(i);

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners hereby AMENDS Resolution No. 17601; APPROVES and ADOPTS the Los Angeles International Airport Stage 2 Airplane Phaseout Regulation, a copy of which is attached hereto; DIRECTS the Executive Director to transmit the Regulation to the Los Angeles City Council for consideration and adoption in the form of an ordinance; REQUESTS the Los Angeles City Council to adopt the Resolution as an ordinance upon preparation and approval as to legal form by the City Attorney; DIRECTS the Executive Director, if necessary, to transmit the Regulation to the Los Angeles City Council for adoption in ordinance form; and RESCINDS Resolution No. 11650 upon final adoption of this Resolution No. 18299 by ordinance; and

BE IT FURTHER RESOLVED this Regulation, attached hereto and incorporated herein, shall be applicable in all respects to each and every affected aircraft that now operates, or in the future may operate, at Los Angeles International Airport.

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I hereby certify that the foregoing is a true and correct copy of Resolution No. 18298 adopted by the Board of Airport Commissioners at a regular meeting held Monday, December 21, 1992.



Elaine E. Staniec - Secretary  
BOARD OF AIRPORT COMMISSIONERS

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