

## Palm Beach County Park Airport (LNA) Community Meeting

February 9, 2022

### Meeting Questions and Answers

**Question 1** – Can the public listen in or watch the Oral Arguments which are scheduled for March 15th?

**Answer 1** – Oral Argument in *Palm Beach County, et al. v. Federal Aviation Administration*, No. 21-10771 (11th Cir.) was held on March 15, 2022. The argument was recorded and may be accessed at <https://www.ca11.uscourts.gov/oral-argument-recordings>. Commissioner Kerner attended the argument on behalf of the County. There is no timeframe in which the Court must issue its decision. The County and Study Team will monitor the status and post updates on the website.

**Question 2** – Voluntary measures have proven successful at other airports. What are those airports doing that is not being done at LNA to make measures successful?

**Answer 2** – The County engages in many of the same voluntary measures that have been successful at other airports. The County regularly attends safety meetings with the Lantana Airport Advisory Board, the County has developed educational materials for the pilot community regarding the noise-sensitivity of the communities surrounding LNA, and the County engages regularly with the pilot community to ensure awareness of these materials. The County has posted signs encouraging the use of the noise abatement runway, which is also noted on the Automated Weather Observation System (AWOS) and broadcast on the UNICOM (an advisory communication service for pilots operating at LNA) twice per day. The County strives to promote the use of the noise abatement runway as much as possible. The Part 150 process will review these steps and develop additional ways to educate the pilots.

**Question 3** – Regarding the helicopter school with the school being a sub-lessee to the County – would the conduct of the operators come into consideration when renewing the lease?

**Answer 3** – The County is obligated by the terms of its grant agreements with the Federal Aviation Administration to provide aeronautical users with access to LNA on reasonable terms and without unjust discrimination. The County is prohibited from enforcing a noise or access restriction through written agreement with an aeronautical operator, unless the restriction is approved by the FAA under the Airport Noise and Capacity Act and its implementing regulations (14 C.F.R. Part 161).

**Question 4** – Can the lease not be renewed due to the way the school operations are flown?

**Answer 4** – The County is obligated by the terms of its grant agreements with the Federal Aviation Administration to provide aeronautical users with access to LNA on reasonable terms and without unjust discrimination. The County may not deny an aeronautical user access to the Airport based only on objections to the nature of the aeronautical activity.

**Question 5** – Would the DOA include community representatives in the education process and/or when meetings are held, so that they may hear what issues the neighborhoods are dealing with "straight from the horse's mouth"?

**Answer 5** – Please visit the Part 150 website and you can participate in public information meetings, which include airport tenants/operators and pilots.

**Question 6** – At FXE, were there operating helicopter flights schools prior to the corridors and what was the effect on their revenue?

**Answer 6** – Yes, there was a helicopter flight school at FXE prior to the adoption of these corridors. The flight school is no longer operating at FXE. The Part 150 team will investigate the impact of the corridors on the flight school, including associated impacts on their revenue.

**Question 7** – The County should install a system that will include an unbiased collection of data and noise to be made available to the public, County, and FAA. This system should include noise measurements and not rely on modeling. The system would likely increase compliance with the voluntary measures.

**Answer 7** – The Part 150 will evaluate potential systems and may recommend a new or upgraded system. We are planning to have several companies make presentations to the Part 150 committees on how they operate.

**Question 8** – Is there a place where residents can report aircraft?

**Answer 8** – You can submit a comment regarding airport noise using the following options:

- Phone number – (561) 683-0472
- Online form at (<https://www.pbia.org/guide/-contact-us-noise-comments-/>)
- Email to [PBCAirportsnoise@pbia.org](mailto:PBCAirportsnoise@pbia.org).

You can submit a comment regarding aircraft safety using the following options:

- Phone number – FAA Flight Standards District Office (FSDO) – (954) 641-6000
- Online link: [https://www.faa.gov/about/office\\_org/field\\_offices/fsdo/](https://www.faa.gov/about/office_org/field_offices/fsdo/)

**Question 9** – If restrictions require FAA approval, then what does that process look like and the time that it requires?

**Answer 9** – A noise or access restriction that first becomes effective after October 1, 1990, must comply with the Airport Noise and Capacity Act of 1990 (ANCA). ANCA requires an airport proprietor proposing such a restriction to provide public notice to certain categories of aeronautical users at the airport and the FAA, and submit an application to the FAA for approval demonstrating (1) the restriction is reasonable, non-arbitrary, and nondiscriminatory; (2) the restriction does not create an undue burden on interstate or foreign commerce; (3) the restriction maintains safe and efficient use of the navigable airspace; (4) the restriction does not conflict with any existing Federal statute or regulation; (5) the applicant has provided adequate opportunity for public comment on the proposed restriction; and (6) the restriction does not create an undue burden

on the national aviation system. Additional information may be found at Title 14 of the Code of Federal Regulations, Part 161. Since ANCA's enactment, the FAA has never approved an application for a new noise or access restriction.

**Question 10** – The County controls the airport development plan. The community would like to see that if there is not compliance then there would be no investment in the facility.

**Answer 10** – The County is obligated by the terms of its grant agreements with the Federal Aviation Administration to maintain LNA in accordance with FAA design standards. The County must also provide aeronautical users with access to LNA on reasonable terms and without unjust discrimination.

**Question 11** – The County is not under any obligation to lease or provide hangars to anyone, correct? Can the lease include if violations then lease will not be renewed? What can the County do within their control?

**Answer 11** – The County is obligated by the terms of its grant agreements with the Federal Aviation Administration to provide aeronautical users with access to LNA on reasonable terms and without unjust discrimination. Pursuant to this obligation, the County must provide a reasonable opportunity to lease or construct aircraft storage hangars. The County is prohibited from enforcing a noise or access restriction through written agreement with an aeronautical operator, unless the restriction is approved by the FAA under the Airport Noise and Capacity Act and its implementing regulations (14 C.F.R. Part 161).

**Question 12** – Voluntary measures have not worked so far. Here in the City of Atlantis, west of the airport, noise has become a big issue. Especially helicopters hovering over our house. Same goes for my other house at Lantana Pines, south of the airport. Also, jets have been spotted regularly on and around the airport.

**Answer 12** – The Part 150 study will review the existing voluntary measures and will evaluate any future measures that can be put into place. The FAA has ordered the County to rescind or otherwise commit to not enforcing the long-standing restriction of jet aircraft at LNA. The County and the City of Atlantis have sought review of the FAA's order before the U.S. Court of Appeals for the Eleventh Circuit. The County has suspended its enforcement of the jet restriction while that appeal remains pending.

**Question 13** – I thought the County had a long-standing agreement that there would be no helicopter flight pattern training over the residential neighborhoods? The helicopters are continually abusing the residential neighborhoods by their flight pattern training.

**Answer 13** – The Interlocal Governmental Agreement for Lantana Airport by and between the County and the City of Atlantis does not prohibit helicopter flight pattern training over residential neighborhoods. The County may not unilaterally prescribe limitations on where helicopters or other aircraft may operate. The Part 150 study will evaluate additional options to modify or relocate the flight pattern operations through voluntary or other means.

**Question 14** – Would voluntary helicopter rules be considered unjustified discrimination?

**Answer 14** – The County is obligated by the terms of its grant agreements with the Federal Aviation Administration to provide aeronautical users with access to LNA on reasonable terms and without unjust discrimination. Voluntary rules which by their nature are not conditions on access to or the use of LNA would not generally be subject to the prohibition on unjust discrimination.

**Question 15** – How will you make sure these get followed if they aren't following rules now?

**Answer 15** - The County will evaluate additional means of incentivizing compliance with voluntary noise abatement measures through the Part 150 study, including a comprehensive noise monitoring program and continuing education of the pilot community. Any mandatory noise procedures or restrictions require approval from the FAA.

**Question 16** – Can there be further transparency on the efforts that are taking place by the County to review and educate on the voluntary measures? Being that all measures are in place voluntarily then what more can be done?

**Answer 16** – The County will evaluate additional means of incentivizing compliance with voluntary noise abatement measures through the Part 150 study, which may include a Fly Quiet Program with online materials, additional pilot outreach and education programs to increase adherence to the voluntary measures, and a noise and operations monitoring system to evaluate performance.

**Question 17** – How can the DOA provide assistance with the complaints filed with the FAA by the community, especially with regards to safety?

**Answer 17** – The County has reached out to FSDO to let them know generally about the complaints and issues from residents; however, the FAA is primarily responsible for the safety of aircraft in flight. Specific complaints should be reported directly to FSDO. See Answer 8 above for contact information.

**Question 18** - We need to build a database to record and document all issues as part of this process and why can't all parties use this database?

**Answer 18** – The County agrees with your suggestion and intends to evaluate methods for developing the database through the Part 150 study. The County intends that it will make any data collected through the database of noise monitoring system available to the FAA.

**Question 19** - Why can't the Department of Airports provide a written letter for the record to the operators when not following guidelines?

**Answer 19** – The Department of Airports has provided correspondence to operators who do not follow the recommended guidelines and continues to regularly engage with the operators at the airport about the guidelines, including providing this information at pilot meetings.

**Question 20** – Has the County considered incentives to encourage voluntary compliance?

**Answer 20** - The County will evaluate additional means of incentivizing compliance with voluntary noise abatement measures through the Part 150 study, including a comprehensive noise monitoring program and continuing education of the pilot community.

**Question 21** – Since we know that The FAA has total control over the airspace, the County’s only leverage to protect the surrounding neighborhoods is the current land usage of the Airport. Do you think changing the usage to another activity would be feasible for the County to do?

**Answer 21** – The County is obligated by the terms of its grant agreements with the Federal Aviation Administration to keep LNA open as an airport. The County cannot circumvent this requirement by changing the land use requirements for the land on which LNA is located.

**Question 22** – Can your panel overlay the FAA traffic patterns for all runways and both left and right traffic patterns over a residential map to show the impact?

**Answer 22** – Yes, TAC Meeting 1 displayed flight track density plots on slides 28 to 30 and TAC Meeting 2 displayed the model tracks developed for the noise model study on slides 23 to 25. Both meeting presentations are available on the LNA Part 150 study web page.

**Question 23** – Is there really a restriction to operate over residential areas?

**Answer 23** – No. The County cannot restrict operations over residential areas. The County has developed a Voluntary Noise Abatement Procedure that requests helicopters to keep pattern route over the airport and away from residential areas, but it cannot be enforced as a regulatory measure.

**Question 24** – I would like to add that although the County "cannot require helicopters utilize other airports" for training, that does not mean that it cannot be strongly recommended to mitigate the concerns regarding noise in our communities. Right?

**Answer 24** – The County can and will continue to work with the operators and the community to mitigate and reduce aircraft noise, but it cannot prohibit aircraft from engaging in operations on and around the airport or require operators to utilize other airports for training activities.