



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

Aug 21, 2000

Ms. Lisa LeBlanc-Hutchings  
City of Naples Airport Authority  
160 Aviation Drive North  
Naples, FL 34104-3568

Dear Ms. LeBlanc-Hutchings:

The following reflects Federal Aviation Administration (FAA) comments on the "Notice of Proposed Restriction on Stage 2 Jet Aircraft Operations at Naples Municipal Airport" and accompanying cost-benefit analysis (Study). We have also reviewed the 2000/2005 Noise Exposure Map (NEM) update that was incorporated by reference into the Part 161 Study. The restriction proposed in the Study is a 24-hour ban on Stage 2 aircraft weighing less than 75,000 pounds, with limited exceptions. The Study also briefly examined a full nighttime curfew and a nighttime curfew affecting only Stage 2 aircraft.

Compliance with 14 Code of Federal Regulations (CFR) Part 161 Subpart C

Section 161.203, Notice of Proposed Restriction: We note that the airport did an extensive notice and opportunity for public comment. Documentation in the appendices demonstrates a thorough effort to determine impacts on users and provide opportunity for input. Information regarding proposed enforcement mechanism(s) appeared to be lacking in the published notice, and should be included in any new notice (section 161.203(c)(5)).

Section 161.205 Required Analysis of Proposed Restriction and Alternatives: We have compared the contents of the notice and Study with the regulatory requirements and have determined that the Study does not meet the requirements of section 161.205(a)(3).

There are brief references in the Study to earlier Part 150 studies, and a summary paragraph on page 80 of the Study related to property values. However, the Study does not contain the required "description of the alternative measures considered that do not involve aircraft restrictions, and a comparison of the costs and benefits of such alternative measures to costs and benefits of the proposed...restriction." See also 14 CFR § 161.305(e)(2)(i)(2) (requiring, for Stage 3 restrictions, evidence that other available remedies, including non-aircraft controls, are "infeasible or would be less cost-effective"); *id.*, § 161.205(c) (noting that the information described in section 161.305 is also useful for analysis of Stage 2 restrictions); FAA Order 1050.11A, paragraph 8 (stating FAA policy that "[a]ll possible measures to

reduce noise should be considered before airport restrictions are proposed"). The FAA has briefly reviewed the 1996 and 1998 Part 150 Noise Compatibility Program (NCP) analyses. Neither document included information on numbers and types of non-compatible land uses within the DNL 60 dB noise contour, nor discussed any proposed non-restriction mitigation measures within that contour area or why such measures are not viable. There does not appear to be any available documentation with which to make the comparison required by section 161.205(a)(3).

We note that the 1996 NCP provides some information on the Rock Creek Campground and Naples Villas area (page 5-3), including property values and numbers of parcels. The FM approved Part 150 land-use mitigation recommendations in this area. The Part 161 Study states the land use measures have not yet been implemented. Is the area no longer within the DNL 65 dB noise contour? The 2000/2005 NEMs (Figures 3 and 4, June 2000 NEM submittal) do not explain whether this area remains non-compatible; in fact, the NEMs show no non-compatible land uses within the DNL 65 dB noise contour.

What alternative non-restriction operational measures were considered? For example, Gulfstream has developed an operational technique for its GII aircraft called "Quiet Flying." Gulfstream recommends the technique as the normal procedure for routine operations. Operators of the Lear 25 and Lear 35 aircraft use similar techniques at other airports (Van Nuys for example). The alternate departure procedures involve thrust cutback during initial climb. Benefits and costs of alternative departure techniques such as this should be included in the analysis of non-restriction operational measures, or reasons provided why they were rejected at Naples Municipal Airport (APF).

In summary, the Part 161 Study concludes "that the NM has exhausted all reasonably feasible non-restrictive measures to achieve its land use compatibility goal " without documenting how it reached this conclusion. The Study is required to document this finding as part of the formal Part 161 process. The remedy for this deficiency is to include appropriate analysis of non-aircraft restrictions, show the comparison, and publish availability of the revised analysis in a new notice, in accordance with requirements of sections 161.209(b) and (c). (See below.)

Sections 161.207 and 161.209, Comment by interested parties/Requirements for proposal changes: Please note that for purposes of a revised notice and analysis, all parties that have commented on the proposed restriction are considered to be "interested parties" for purposes of direct notice for any revised analysis and notice. (161.209(a)) (See your statement at page 86.) Section 161.209(b) states that "If there are substantial changes to the proposed restriction or the analysis during the 180--day notice period, the airport operator shall initiate new notice " Change to the Study to fully meet the analysis requirements of 161.205 is a substantial change to the analysis.

### Cost-Benefit Analysis

NAA's stated objective is "minimizing residential land within the DNL 60 dB, consistent with the City and County land-use policies." Study, page 78. It is not clear that the City of

Naples and Collier County have in fact determined that residential use is non-compatible within the DNL 60 dB contour. The text of the City's ordinance, as set forth in Appendix D of the 2000 NEM Update, states that land within the DNL 60 dB contour shall require GDSP [General Development Site Plan] approval by City Council," but it is unclear what this means in terms of non-compatibility of residential use. On its face, the ordinance does not clearly prohibit residential development within the DNL 60 dB contour. We have not been able to review the relevant Collier County ordinance, since neither the Study nor the 2000 NEM Update contains a copy. (The Study contains inconsistent statements regarding the status of the Collier County ordinance. See Study, pages 3 and 16.)

As part of the City's 1997 NCP update, the F M approved a measure to use the DNL 60 dB contour "as a buffer to ensure that residential and noise sensitive uses are not developed too close to the Airport." 1997 Record of Approval (2000 NEM Update, Appendix A), measure 7.3.3. The Study does not indicate whether any of the residential development cited as non-compatible within the DNL 60 dB contour was permitted by the City after this approval.

The overall execution of the economic analysis appears professional and generally conforming with accepted economic practice.

A few additional concerns are noted:

Survey data is an acceptable manner to collect information, but the findings must be applied in a rational manner.

FAA, in its own analyses, is required to utilize Department of Transportation-mandated values of passenger time which for general aviation, an all purpose (mixed business and personal) aggregation, is \$31.10 in 1995 dollars.

Although the Study may report the economic impact on local businesses, FAA's principal focus is on the national impacts of access restrictions. For purposes of Part 161 review, losses to local fixed-base operators or other local economic impacts are not of national concern, but may weigh heavily at the local decision level and may impact on the sponsor's ability to comply with its grant assurances.

As a result of certain values and assumptions incorporated in the economic analysis portion of the Study, the costs are probably overstated. For instance, attributing the entire aircraft replacement cost to the proposed restriction is clearly an overstatement if less expensive alternatives are available such as hushkitting or if such decisions are made for other financial or operational reasons not explicitly stated. The true cost should not exceed the marginal value of the flights to APF or the result is irrational.

For purposes of reporting the number of people benefited from the restriction, it should be explained how the Part 150-approved land use mitigation measures are figured into the reported benefits and whether the sponsor plans to complete that mitigation.

Section 7.2.6 of the Study gives a projection of increased activity at alternate airports as a result of the 24-hour stage 2 restrictions. How were the incremental operations projected? Why did Southwest Florida International (RSW) get the majority of the operations?

We believe it is inappropriate to provide language for the Airport Facilities Directory and Jeppesen Publications until after the Part 161 comment period has been successfully concluded (page 87).

Following are additional editorial comments: Several places in the text appear to not provide appropriate references to exhibits. Examples: Page 35. The last paragraph indicates 145 operations in the survey base, but Exhibit 6-1 shows 128 operators to be contacted. Page 39. The text indicates five percent would substitute Stage 3 aircraft and Exhibit 6-4 shows a four percent substitution. Pages 50, 56 & 55. The text states the referenced exhibits indicate daily cost but Exhibits 7-1 through 7-4 show Annual Cost and Exhibit 7-7 indicates total one-time cost.

#### Other Federal law

The FAA's review of the proposed restriction is not limited to compliance with applicable provisions of the Airport Noise and Capacity Act (ANCA) and Part 161. ANCA does not supersede applicable requirements under pre-existing Federal law, including assurance in FAA-awarded airport development grants. The FAA is addressing, in separate comments, issues under other Federal law. There has been no previous Part 161 proposal in which the FAA has addressed the issue of the reasonableness of an access restriction designed to mitigate noise within the DNL 60-64 dB noise contour, with all land uses at DNL 65 dB and above being currently compatible. We would not make a final determination on whether the NAA's specific proposal would be reasonable, under the grant assurances, without full consideration of the views of airport users.

The FAA stands ready to work with the NAA in accomplishing its noise-reduction goals in a manner consistent with all applicable requirements under Federal law.

Sincerely,

Woodie Woodward  
Acting Associate Administrator for Airports