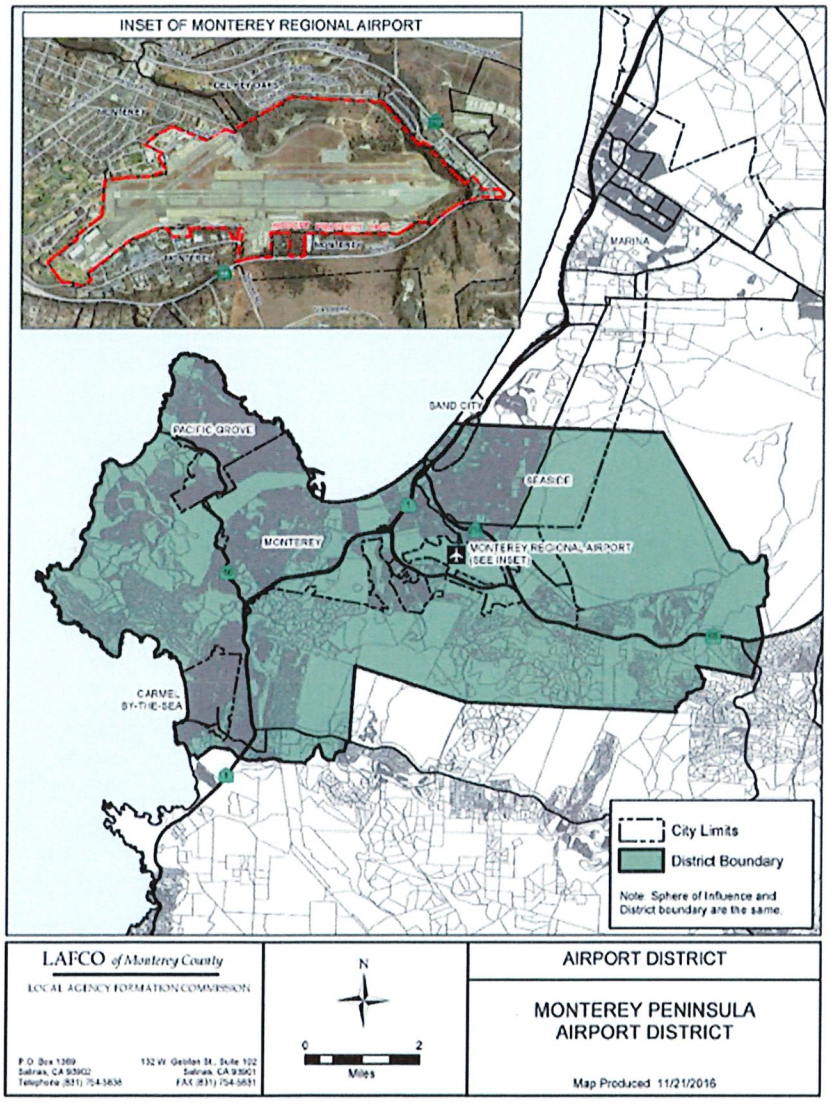
NOTICE OF EXEMPTION (Pub. Res. C. § 21152(b))

From: MONTEREY PENINSULA AIRPORT DISTRICT
200 Fred Kane Dr.
Monterey, CA 93940

Project Title:
Repeal of Monterey Peninsula Airport Ordinance Nos. 308, 309, and 310 – Final Approval

Project Location – Specific:



Project Location – City/County: MONTEREY AIRPORT DISTRICT BOUNDARY (ALL)
City or portions thereof of: Monterey, CA;, Pacific Grove, CA; Seaside, CA; Carmel-by the Sea, Sand City, CA; Del Rey Oaks, CA and portions of the Monterey County unincorporated area, California.

Description of Nature, Purpose, and Beneficiaries of Project:
This matter consists of the repeal of three outdated ordinances previously adopted by the Monterey Peninsula Airport District. These ordinances have never been enforced, are not consistent with current federal law, and have no practical effect on Airport operations. The purpose of the repeal is to eliminate obsolete regulations and clarify the Airport District's regulatory framework. The repeal will not result in any expansion, modification, or intensification of use, nor will it result in any physical change to the environment.

Name of Public Agency Approving Project:
Monterey Peninsula Airport District

Name of Person or Agency Carrying Out Project:
Monterey Peninsula Airport District

Exempt Status:
☐ Ministerial (Sec. 21080(b)(1); 15268)

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

☑ Categorical Exemption – CEQA Guidelines § 15061(b)(3)

☑ Not a "Project" – CEQA Guidelines § 15378(b)(5)

Reasons Why Project is Exempt:
The final repeal of the ordinances qualifies for exemption under CEQA Guidelines § 15061(b)(3) (the "common sense" exemption), because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The ordinances in question were never enforced, and their repeal will not result in any change in operations, intensity of use, or development. There is no potential for physical environmental impacts.

Additionally, the action is exempt because it does not constitute a "project" under CEQA as defined in CEQA Guidelines § 15378(b)(5). The repeal is an organizational and administrative activity of a public agency that does not result in a direct or reasonably foreseeable indirect physical change in the environment.

Lead Agency Contact Person:
Name: Chris Morello
Title: Interim Executive Director
Phone: (831) 648-7000, ext. 212
Email: cmorello@montereyairport.com
Date: 9/17/25

Signature: Chris Morello
Chris Morello, Interim Airport Executive Director

APPROVED AS TO FORM:

Scott Huber, General Counsel

MONTEREY PENINSULA AIRPORT DISTRICT
ORDINANCE NO. 933

AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO REPEAL ORDINANCES 308, 309, AND 310 RELATED TO LIMITING AIRPORT HOURS OF OPERATION, REGULATING ALTITUDE OF AIRCRAFT WITHIN CERTAIN DISTANCES OF THE AIRPORT, AND REGULATING TOUCH AND GO AND STOP AND GO OPERATIONS

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Airport District DO ORDAIN as follows:

SECTION 1: Findings and Purpose. The Board finds and declares as follows:

A. WHEREAS, the Ordinances of the Monterey Peninsula Airport District ("MPAD") have been supplemented over the years with the passage of new ordinances in an effort to regulate certain practices and activities surrounding the airport; and

B. WHEREAS, the Ordinances of MPAD must comply with federal law and the subject matter of each Ordinance must be within the subject matter jurisdiction of MPAD; and

C. WHEREAS, it is well settled that the Federal Aviation Act gives FAA "sovereignty of airspace of the United States," [49 U.S.C. § 40103(a)(1)], which bars state and local governments, such as MPAD, from enacting ordinances which limit airport hours of operation, limit aircraft movements and operations, or which mandate certain aircraft altitudes. [See City of Burbank v. Lockheed Air Terminal Inc., 411 U.S. 624, 633; 49 U.S.C. § 47107(a)(8); and Grant Assurance 19.]

D. WHEREAS, a citizen of the United States has a public right of transit through navigable airspace pursuant to 49 U.S.C. § 40103(a)(2), which may not be limited by local ordinance or regulation.

E. WHEREAS, Ordinance 308 purports to close the Monterey Regional Airport to all aircraft operations during certain nighttime hours, with some exceptions; and

F. WHEREAS, Ordinance 309 restricts aircraft that are taking off from making turns until the aircraft has reached a certain altitude, and mandates minimum altitudes for aircraft within five miles to the north and south of the Airport centerline; and

G. WHEREAS, Ordinance 310 attempts to prohibit touch and go and stop and go operations during certain hours, and attempts to limit the number of touch and go operations and stop and go operations to four within a two-hour period; and

H. WHEREAS, MPAD is aware that Ordinances 308, 309, and 310 have never been enforced, and the subject matter of each is precluded from regulation by a local agency by federal law; and

I. WHEREAS, leaving invalid, ineffective or unconstitutional ordinances in place is not a policy of good governance by a public agency; and

J. WHEREAS, should Ordinances 308, 309, and 310 remain as adopted by MPAD, such a condition would be a violation of MPAD's grant assurances to the FAA and could cause the FAA to withdraw grant opportunities to MPAD.

SECTION 2: Repeal of Ordinance 308. Ordinance 308 is hereby repealed and is of no further force and effect.

SECTION 3: Repeal of Ordinance 309. Ordinance 309 is hereby repealed and is of no further force and effect.

SECTION 4: Repeal of Ordinance 310. Ordinance 310 is hereby repealed and is of no further force and effect.

SECTION 5: CEQA Exemption. The MPAD Board of Directors find and declare that the repeal of the above-listed ordinances is exempt from CEQA pursuant to California Code of Regulations sections 15301, 15378 and 15061 because their repeal will not cause any expansion of use since the ordinances have never been enforced by MPAD, and because the repeal is not a "project" pursuant to CEQA Guidelines.

SECTION 6: Severability. It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

This ordinance shall take effect on the 30th day after its adoption.

PASSED AND ADOPTED by the Board of Directors of the Monterey Peninsula Airport District at a meeting of September 17, 2025 by the following vote:

AYES:	**DIRECTORS:**	Ahmadi, Gaglioti, Pick, Leffel, Miller
NOES:	**DIRECTORS:**	None
ABSTAIN:	**DIRECTORS:**	None
ABSENT:	**DIRECTORS:**	None

Signed this 17th day of September, 2025

Carl M. Miller

Carl M. Miller, Chair

ATTEST:

Christine Morello

Christine Morello
District Secretary

AGENDA ITEM: I-1
DATE: September 17, 2025

TO: Monterey Peninsula Airport District Board of Directors
FROM: Scott E. Huber, District Counsel
SUBJ: **Second Reading of** Ordinance No. 933, An Ordinance of the Monterey Peninsula Airport District to Repeal Ordinances 308, 309, and 310 Related to Limiting Airport Hours of Operation, Regulating Altitude of Aircraft within Certain Distances of the Airport, and Regulating Touch and Go and Stop and Go Operations

BACKGROUND. The Board passed Ordinance 308 on January 10, 1979, and Ordinances 309 and 310 on December 13, 1978. On May 12, 2025, the Air Carrier Service, Marketing and Community Relations Committee received a report from District Counsel related to the applicability and effectiveness of the Ordinances and recommended that the Board repeal the Ordinances. The Board will consider repealing Ordinances 308, 309, and 310.

DISCUSSION. Ordinance 308 purports to limit the hours of operation of the Monterey Regional Airport, but contains exceptions for emergency aircraft and all aircraft that meet the "lowest takeoff and landing levels of Amendment 8 to the Federal Air Regulation 36," as well as some runway use requirements. Ordinance 309 purports to regulate the altitude of aircraft under various components of flight (i.e. turns while departing the pattern, flying in the pattern, overflight of terrain, etc.) within 5 miles north or south of the Airport. Ordinance 310 attempts to establish regulations related to touch-and-go and stop-and-go operations by aircraft at the Monterey Regional Airport.

Staff are informed and believe that these mandatory ordinances have never been enforced since their adoption. In addition, the FAA disallowed the mandatory ordinances to take effect. Further, the Ordinances are preempted by the Federal Aviation Act. Specifically, 49 U.S.C. section 40103(a)(1) and (2) provide, in pertinent part, that "[t]he United States Government has exclusive sovereignty of airspace of the United States" and that "[a] citizen of the United States has a public right of transit through navigable airspace". These provisions bar state and local governments, such as MPAD, from enacting ordinances which limit airport hours of operation, limit aircraft movements and operations, or which mandate certain aircraft altitudes. [See City of Burbank v. Lockheed Air Terminal Inc., 411 U.S. 624, 633; 49 U.S.C. § 47107(a)(8); and Grant Assurance 19.]

Because these mandatory Ordinances are superseded by federal law, have never been enforced by MPAD, and were disallowed by the FAA in 1986, they should be repealed. Staff recommends adoption of Ordinance No. 933 at this second reading.

FISCAL IMPACT. None.

RECOMMENDATION. Adopt Ordinance No. 933, An Ordinance of the Monterey Peninsula Airport District to Repeal Ordinances 308, 309, and 310 Related to Limiting Airport Hours of Operation, Regulating Altitude of Aircraft within Certain Distances of the Airport, and Regulating Touch and Go and Stop and Go Operations.

ATTACHMENTS.

Ordinance No. 933
Proof of Publication following First Reading
Ordinances 308, 309, and 310

The Monterey County Herald
PO Box 271
Monterey, CA 93942-0271
831-726-4382
mhlegals@montereyherald.com

2141463

MONTEREY PENINSULA AIRPORT DISTRICT
200 FRED KANE DR
STE 200
MONTEREY, CA 93940

PROOF OF PUBLICATION

STATE OF CALIFORNIA

County of Monterey

FILE NO. 25135

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Herald, a newspaper of general circulation, printed and published daily and Sunday in the City of Monterey, County of Monterey, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California; that the notice, of which the annexed is a printed copy (set in type not smaller than 6 point), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

07/22/2025

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Executed on 07/22/2025 at Monterey, California.

Signature

Legal No. **0006908791**

MONTEREY PENINSULA AIRPORT DISTRICT
ORDINANCE NO. 933

AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO REPEAL ORDINANCES 308, 309, AND 310 RELATED TO LIMITING AIRPORT HOURS OF OPERATION, REGULATING ALTITUDE OF AIRCRAFT WITHIN CERTAIN DISTANCES OF THE AIRPORT, AND REGULATING TOUCH AND GO AND STOP AND GO OPERATIONS

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Airport District DO ORDAIN as follows:

SECTION 1: Findings and Purpose. The Board finds and declares as follows:

A. WHEREAS, the Ordinances of the Monterey Peninsula Airport District ("MPAD") have been supplemented over the years with the passage of new ordinances in an effort to regulate certain practices and activities surrounding the airport; and

B. WHEREAS, the Ordinances of MPAD must comply with federal law and the subject matter of each Ordinance must be within the subject matter jurisdiction of MPAD; and

C. WHEREAS, it is well settled that the Federal Aviation Act gives FAA "sovereignty of airspace of the United States," [49 U.S.C. § 40103(a)(1)], which bars state and local governments, such as MPAD, from enacting ordinances which limit airport hours of operation, limit aircraft movements and operations, or which mandate certain aircraft altitudes. [See City of Burbank v. Lockheed Air Terminal Inc., 411 U.S. 624, 633; 49 U.S.C. § 47107(a)(8); and Grant Assurance 19.]

D. WHEREAS, a citizen of the United States has a public right of transit through navigable airspace pursuant to 49 U.S.C. § 40103(a)(2), which may not be limited by local ordinance or regulation.

E. WHEREAS, Ordinance 308 purports to close the Monterey Regional Airport to all aircraft operations during certain nighttime hours, with some exceptions; and

F. WHEREAS, Ordinance 309 restricts aircraft that are taking off from making turns until the aircraft has reached a certain altitude, and mandates minimum altitudes for aircraft within five miles to the north and south of the Airport centerline; and

G. WHEREAS, Ordinance 310 attempts to prohibit touch and go and stop and go operations during certain hours, and attempts to limit the number of touch and go operations and stop and go operations to four within a two-hour period; and

H. WHEREAS, MPAD is aware that Ordinances 308, 309, and 310 have never been enforced, and the subject matter of each is precluded from regulation by a local agency by federal law; and

I. WHEREAS, leaving invalid, ineffective or unconstitutional ordinances in place is not a policy of good governance by a public agen-

cy; and

J. WHEREAS, should Ordinances 308, 309, and 310 remain as adopted by MPAD, such a condition would be a violation of MPAD's grant assurances to the FAA and could cause the FAA to withdraw grant opportunities to MPAD.

SECTION 2: Repeal of Ordinance 308. Ordinance 308 is hereby repealed and is of no further force and effect.

SECTION 3: Repeal of Ordinance 309. Ordinance 309 is hereby repealed and is of no further force and effect.

SECTION 4: Repeal of Ordinance 310. Ordinance 310 is hereby repealed and is of no further force and effect.

SECTION 5: CEQA Exemption. The MPAD Board of Directors find and declare that the repeal of the above-listed ordinances is exempt from CEQA pursuant to California Code of Regulations sections 15301 and 15061(b)(3) because their repeal will not cause any expansion of use since the ordinances have never been enforced by MPAD, and because the repeal is not a "project" pursuant to CEQA Guidelines.

SECTION 6: Severability. It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

This ordinance shall take effect on the 30th day after its adoption.

PASSED TO PRINT by the Board of Directors of the Monterey Peninsula Airport District at a meeting of July 16, 2025 by the following vote:

AYES:	**DIRECTORS:**	Ahmadi, Gagliotl, Leffel, Miller
NOES:	**DIRECTORS:**	None
ABSTAIN:	**DIRECTORS:**	None
ABSENT:	**DIRECTORS:**	Pick

ORDINANCE NO. 308

ORDINANCE LIMITING THE HOURS OF OPERATION OF THE MONTEREY PENINSULA AIRPORT DISTRICT

THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT FIND AS FOLLOWS:

WHEREAS, the Monterey Peninsula Airport District is surrounded on three sides by residential housing, and

WHEREAS, State and Federal law requires the Airport District to decrease the effect of aircraft noise on residents living in the communities surrounding the Airport, and

WHEREAS, aircraft operations between the hours of 11:00 P.M. and 7:00 A.M. have been the subject of noise complaints from residents living in the communities surrounding the Airport, and

WHEREAS, no scheduled commercial flights have been scheduled at the Airport between the hours of 11:00 P.M. and 7:00 A.M. for at least the past five years, and

WHEREAS, Airport surveys have indicated that the numbers of general aviation flights occurring between the hours of 11:00 P.M. and 7:00 A.M. have averaged less than five per week, and

WHEREAS, a closing of the airport, with the exceptions hereafter stated, between the hours of 11:00 P.M. and 7:00 A.M. would have a minimum impact on interstate commerce while providing some relief from noise to nearby residents during normal sleeping hours, and

WHEREAS, certain exceptions to a total ban on aircraft operations between the hours of 11:00 P.M. and 7:00 A.M. should be granted as hereafter provided:

NOW WHEREFORE, the Board of Directors of the Monterey Peninsula Airport District do hereby ordain as follows:

FIRST: That all aircraft operations occurring between the hours of 11:00 P.M. and 7:00 A.M. shall be prohibited with the exceptions of emergency operations, necessary operations by military aircraft, operations by aircraft which meet the lowest take-off and landing levels of Amendment 8 to Federal Air Regulation 36 issued by the Federal Aviation Administration, and to operations

by scheduled commercial carriers which have been delayed due to equipment, weather, or other operational problems beyond the reasonable control of said carriers. In addition, general aviation aircraft which do not ordinarily meet the landing noise levels of Amendment 8 to Federal Air Regulation 36 issued by the Federal Aviation Administration shall be permitted to land at the Airport after 11:00 P.M. and before 7:00 A.M. if:

(1) The arrival of said aircraft was delayed by weather, equipment or other operational problems beyond the reasonable control of the pilot, and

(2) If the pilot has demonstrated to the Manager of the Airport's satisfaction that the aircraft can be operated in a manner which will yield noise levels at or below the landing levels established in Amendment 8 to Federal Air Regulation 36. The permission to land said aircraft shall be subject to such reasonable conditions as may be established by the Manager of the Airport and said permission may be revoked by the Manager at any time.

SECOND: All landings after 11:00 P.M. and before 7:00 A.M. shall be made on Runway 28 unless the aircraft is otherwise directed to use another runway by the FAA Tower.

THIRD: All take-offs after 11:00 P.M. and prior to 7:00 A.M. shall take place from Runway 10 unless the FAA Tower directs the use of some other runway.

FOURTH: That this Ordinance shall be effective thirty (30) days after it has been approved by the Federal Aviation Administration.

FIFTH: That violation of this Ordinance shall be punishable by a fine not exceeding the sum of Five Hundred ($500.00) Dollars for each violation of the Ordinance.

In the event that any person has been convicted of three (3) or more cumulative violations of the provisions of this Ordinance or of any other Ordinance regulating the operation of aircraft at the Airport (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation within a three (3) year period) then for a period of three (3) years thereafter, such person shall be denied the right to land or take-off from the Airport, except in a bonafide emergency for the preservation of life or property as reasonably determined by the Airport Manager and shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport.

In the event that any aircraft has been operated by any person or persons who have cumulatively been convicted of three (3) or more violations of the provisions of this Ordinance or of any other Ordinance of the Airport regulating the operation of aircraft at the Airport, (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation), then it shall be presumed that operation of such aircraft will result in continued violation of the provisions of valid Ordinances and such aircraft will not be permitted to land or tie-down, be based at or take-off from the airport except in emergencies as reasonably determined by the Airport Manager.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY AIRPORT DISTRICT: This 10th day of January, 1979, by the following roll call vote:

AYES: DIRECTORS: Fry, Nakamura, Schmidt, Smith, Chairman Tourangeau

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

Signed this 10th day of January, 1979

Richard Tourangeau
Chairman

ATTEST

Eugenia I. Dunne
District Secretary

ORDINANCE NO. 309

AN ORDINANCE REGULATING ALTITUDE OF AIRCRAFT MAKING TURNS WHILE DEPARTING THE PATTERN, AND SETTING TRAFFIC PATTERN ALTITUDES

THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT FIND AS FOLLOWS:

WHEREAS, the Monterey Peninsula Airport District is the proprietor and operator of the Monterey Peninsula Airport; and

WHEREAS, the Monterey Peninsula Airport is surrounded on all sides by residential housing, and

WHEREAS, numerous complaints have been received from residents living in the surrounding communities complaining of low flying aircraft.

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Airport District does ordain as follows:

SECTION I: No aircraft departing VFR from any runway shall commence a right or left turn prior to reaching an altitude of 900 feet Mean Sea Level, unless cleared or advised to do so by the Federal Aviation Administration Tower or required to do so because of an impending flight emergency.

SECTION II: No aircraft shall fly over that portion of the traffic pattern lying within the airport operating area extending five (5) miles to the north of the center line of the main 10-28 runway at the Monterey Peninsula Airport unless said aircraft is flying at an altitude of at least 1500 feet Mean Sea Level, if powered by propeller, or 2000 feet Mean Sea Level, if powered by turbine, unless said aircraft is specifically cleared or advised to fly at a lower altitude by the Federal Aviation Administration Tower, or is required to do so because of some operating emergency, or is climbing to pattern altitude.

SECTION III: No aircraft shall fly over that portion of the traffic pattern lying within an area extending five (5) miles to the south of the center line of the main 10-28 runway at the Monterey Peninsula Airport unless said aircraft is flown at an altitude not less than 1800 feet Mean Sea Level, if powered by propeller, or 2500 feet Mean Sea Level, if the aircraft is powered by a turbine. The limitation established herein shall not apply if the aircraft is cleared or advised to fly at a lower altitude by the Federal Aviation Administration Tower or is required to fly at a lower altitude in response to an operating emergency or is climbing to pattern altitude.

SECTION IV: Any violation of this Ordinance shall be an infraction and shall be punished by a fine not to exceed the sum of Five Hundred ($500.00) Dollars for each such violation.

SECTION V: In the event that any person has been convicted of three or more cumulative violations of the provisions of this Ordinance or of any other Ordinance regulating the operation of aircraft at the Airport (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation within a three (3) year period) then for a period of three (3) years thereafter, such person shall be denied the right to land or take-off from the Airport, except in a bonafide emergency for the preservation of life or property as reasonably determined by the Airport Manager and shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport.

SECTION VI: In the event that any aircraft has been operated by any person or persons who have cumulatively been convicted of three (3) or more violations of the provisions of this Ordinance or of any other Ordinance of the Airport regulating the operation of aircraft at the Airport, (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation), then it shall be presumed that operation of such aircraft will result in continued violation of the provisions of valid Ordinances and such aircraft will not be permitted to land or tie-down, or based at or take-off from the Airport except in emergencies as reasonably determined by the Airport Manager.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 13th day of December, 1978, by the following roll call vote:

AYES: DIRECTORS: Fry, Schmidt, Smith, Chairman Tourangeau

NOES: DIRECTORS: None

ABSENT: DIRECTORS: Nakamura

Signed this 13th day of December, 1978

Richard Tourangeau

Richard Tourangeau, Chairman

ATTEST

Eugenia I. Dunne

Eugenia I. Dunne
District Secretary

ORDINANCE NO. 310

AN ORDINANCE REGULATING TOUCH AND GO
AND STOP AND GO OPERATIONS

The Board of Directors of the Monterey Peninsula Airport District find as follows:

WHEREAS, the Monterey Peninsula Airport District is the proprietor and operator of the Monterey Peninsula Airport; and

WHEREAS, the Monterey Peninsula Airport is surrounded on three sides by residential housing, and whereas residents of the surrounding communities have made complaints over the hours of operation of and the number of general aviation aircraft making touch and go and stop and go operations at the Airport, and,

WHEREAS, the District Board has an obligation to the citizens of the surrounding residential areas to reduce aircraft noise annoyance where it is reasonably possible to do so.

NOW THEREFORE, the Board of Directors of the Monterey Peninsula Airport District does ordain as follows:

SECTION I - Touch and Go Defined:

For purposes of this Ordinance, a touch and go operation shall mean an action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.

SECTION II - Stop and Go Defined:

For purposes of this Ordinance, a stop and go operation shall mean an action by an aircraft consisting of a landing followed by a complete stop on the runway and a take-off from that point.

SECTION III - Prohibited Operations on Weekdays:

No touch and go operation or stop and go operation shall be permitted on the Airport between 8:00 P.M. of one day and 8:30 A.M. the following day, Monday through Friday inclusive.

SECTION IV - Prohibited Operations on Weekends:

No touch and go operation or stop and go operation shall be permitted on the Airport on Saturdays and Sundays except between 9:00 A.M. and 6:00 P.M.

SECTION V - Prohibited Operations on Holidays:

No touch and go operation or stop and go operation shall be permitted on the Airport except between 10:00 A.M. and 5:00 P.M. on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; providing, however, that if any of such holiday falls on Saturday or Sunday and, as a result a holiday is observed on the preceeding Friday or succeeding Monday, then such Friday or Monday, as the case may be, shall be considered to be a holiday for purposes of this Section.

SECTION VI - Limitation on Number of Touch and Go, Touch and Stop, or Low Approaches:

No person shall perform more than four (4) touch and go or touch and stop operation or any combination thereof within a two hour period.

SECTION VII - Limitation on Use of Runways 6 and 24:

No person shall use Runways 6 or 24 for touch and go or stop and go operations unless directed to do so by the FAA tower.

SECTION VIII - Any violation of this Ordinance shall be an infraction and shall be punished by a fine not to exceed the sum of Five Hundred ($500.00) Dollars for each such violation.
The pilot-in command of the offending aircraft shall be responsible for all violations of this Ordinance.

SECTION IX - Denial of Use of Airport:

In the event that any person has been convicted of three (3) or more cumulative violations of the provisions of this Ordinance or of any other Ordinance regulating the operation of aircraft at the Airport (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation within a three (3) year period) then for a period of three (3) years thereafter, such person shall be denied the right to land or take-off from the Airport, except in a bonafide emergency for the preservation of life or property as reasonably determined by the Airport Manager and shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport.

SECTION X - In the event that any aircraft has been operated by any

person or persons who have cumulatively been convicted of three (3) or more violations of the provisions of this Ordinance or of any other Ordinance of the Airport regulating the operation of aircraft at the Airport, (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation), then it shall be presumed that operation of such aircraft will result in continued violation of the provisions of valid Ordinances and such aircraft will not be permitted to land or tie-down, be based at or take-off from the Airport except in emergencies as reasonably determined by the Airport Manager.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 13th day of December, 1978 by the following roll call vote:

AYES: DIRECTORS: Fry, Schmidt, Smith and Chairman Tourangeau

NOES: DIRECTORS: None

ABSENT: DIRECTORS: Nakamura

Signed this 13th day of December, 1978

Richard Tourangeau

Richard Tourangeau, Chairman

ATTEST

Eugenia I. Dunne

Eugenia I. Dunne
District Secretary

MONTEREY
REGIONAL AIRPORT

MONTEREY PENINSULA AIRPORT DISTRICT -

Effectiveness of Ordinances 308, 309, and 310 and Response to Concerns Submitted

Proposed Adoption of Ordinance 933
September 17, 2025 – Board Meeting

Introduction

Purpose and mission for Monterey Peninsula Airport District (MPAD)

Enabling Act "Sec. 2. Purposes of Act. The purposes of this act are to empower and enable the district to acquire, own, lease, improve, operate, and maintain, or cause to be operated and maintained, a public airport or airports, with the necessary lands, devices, appurtenances, and approaches, for civil and military purposes."

- *"The mission of MPAD is to provide users access to the national air transportation system, to operate the airport in a safe, efficient and fiscally responsible manner, and to develop and adapt the airport's facilities to meet future needs. The airport serves both civil and military purposes."*

  - The National Plan of Integrated Airport Systems (NPIAS) envisioned in the first National Airport Plan issued in 1946, has been developed and nurtured through close cooperation among airport sponsors and other local agencies and Federal and State agencies. FAA Order 5090.5, Formulation of the NPIAS and ACIP, contains the enduring principles guiding Federal involvement in the national airport system. Airports are critical to the national transportation system and contribute to a productive national economy and international competitiveness. This includes the 46 million people living in rural areas where an airport may provide the community with critical access to the national transportation system.

Resource: Resolution No. 1910

RESOLUTION NO. 1910

A RESOLUTION OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO ESTABLISH A POLICY ON AIRCRAFT NOISE MANAGEMENT AND COMMUNITY ENGAGEMENT

WHEREAS, the Monterey Peninsula Airport District ("District") is committed to the responsible and transparent management of aircraft noise impacts on surrounding communities, in full compliance with Federal Aviation Administration (FAA) and Air Traffic Control (ATC) regulations; and

WHEREAS, the District currently implements voluntary noise-preferential runway usage, VFR procedures, pattern altitudes, time-based operational limits, and a prior-permission-request ("PPR") process for night operations as described in its Noise Management guidelines; and

WHEREAS, the Board has invited members of the public to present comments related to noise, air traffic or other matters, to come to the Air Carrier Service, Marketing and Community Relations Committee to discuss those comments with the Committee members and staff; and

WHEREAS, the Board recognizes that the District does not have regulatory authority over flight paths or schedules, which are under FAA purview, but nevertheless seeks to strengthen its role in documenting, responding to, and educating about noise concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT THAT:

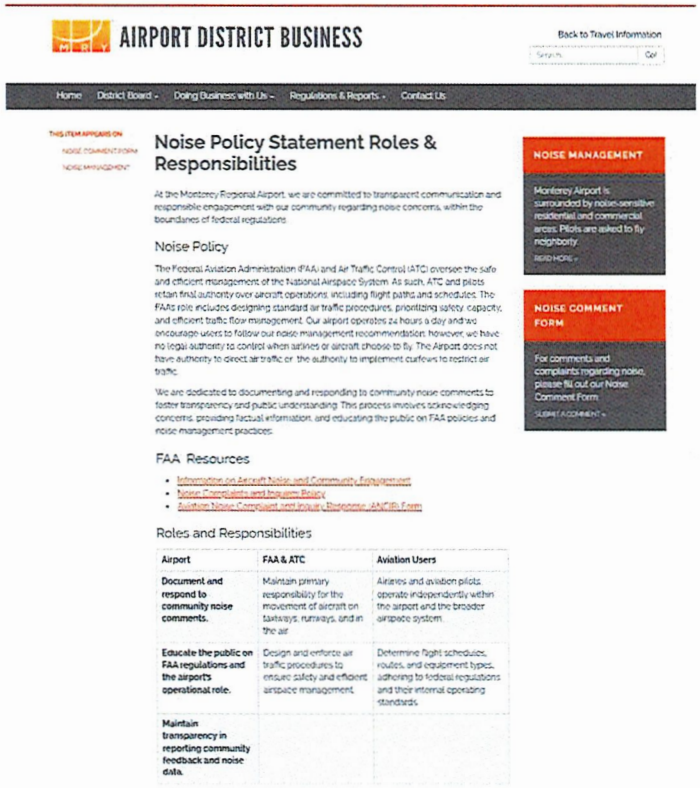
1. The above recitals are true and correct and are incorporated herein.

2. The District adopts this Resolution 1910 to recommend and request that all pilots and aircraft comply with its voluntary Noise Management criteria, which are attached as Exhibit A to this Resolution and can be found on the District's website, which includes but is not limited to:
   a) Preferential runway usage and VFR turn-altitude guidance
   b) Pattern altitude standards for propeller, turbine, and helicopter operations
   c) Parameters for touch-and-go operations and practice approaches per existing guidelines
   d) Nighttime voluntary non-operations hours (2400–0500) with PPR requirement for turbine aircraft operations

3. Staff shall distribute its voluntary Noise Management criteria and materials to pilots, community stakeholders, and in all District communications related to this matter, on a routine and regular basis.

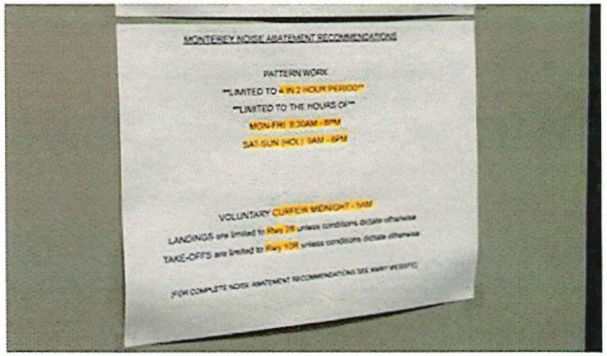
PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of July, 2025, by the following roll call vote:

AYES:	**DIRECTORS:**	Gaglioti, Leffel, Miller
NOES:	**DIRECTORS:**	Ahmadi
ABSTAIN:	**DIRECTORS:**	None
ABSENT:	**DIRECTORS:**	Pick



Voluntary Noise Guidelines Prominently Displayed at AeroDynamic Aviation





Ordinances 308, 309, and 310

- The Board passed Ordinance 308 on January 10, 1979 and Ordinances 309 and 310 on December 13, 1978.
- Ordinance 308 purports to limit the hours of operation of the Monterey Regional Airport (MRY), but contains exceptions for emergency aircraft, military aircraft and all aircraft that meet the "lowest takeoff and landing levels of Amendment 8 to the Federal Air Regulation 36," as well as some runway use requirements
- Ordinance 309 purports to regulate the altitude of aircraft under various components of flight (i.e. turns while departing the pattern, flying in the pattern, overflight of terrain, etc.) within 5 miles north or south of the Airport.
- Ordinance 310 attempts to establish regulations related to touch-and-go and stop-and-go operations by aircraft at the Monterey Regional Airport.

Ordinances 308, 309, and 310

- For various reasons, each ordinance violates the U.S. Constitution, violates the FAA's grant assurances, or has some other legal infirmity.
- For example, each of the three ordinances contain provisions that restrict the right to use the airport and imposes fines, penalties and a possible ban from using the Airport for any violations of the Ordinances.
  - In Santa Monica Airport Association v City of Santa Monica (659 F.2d 100; 1981), the Court held, "The district court did find … the penalty statute violated the Equal Protection and Commerce Clauses. We affirm."

Ordinances 308, 309, and 310

- None of the ordinances contain severance clauses. If a severance clause were in each Ordinance, it would allow a court of competent jurisdiction to extract the unconstitutional penalty and fine provisions and leave the rest of the ordinance intact.
- If there is no severability clause and an ordinance contains language that is unconstitutional, the entire ordinance is struck down.
- The California Supreme Court held, "The rule is well settled, where such a severability clause is included, that the valid portion of a statute or ordinance which is partially unconstitutional will be upheld if the remaining portion is severable and constitutes a completely operative expression of the legislative intent." (In re Portnoy (1942) 21 Cal.2d 237)

Ordinances 308, 309, and 310

- The ordinances also attempt to regulate airspace in some fashion (restricting turns below certain altitudes, mandating certain altitudes within five miles of the airport, etc.) which is a violation of 49 U.S.C. 40103 (a) [enacted in 1994], which provides "The United States Government has exclusive sovereignty of airspace of the United States."
- In general, federal law supersedes state law, including local ordinances.
- As such, these Ordinances violate 49 U.S.C. 40103.

Ordinances 308, 309, and 310

- Further, the ordinances appear to have never been enforced by the Airport.
- Ordinance 308 is totally ineffective due to the noise reduction of aircraft since 1978, and as a result of the exceptions included in the Ordinance.
  - As mentioned in the previous Board Meeting, all commercial aircraft that come to MRY are below the lowest maximum noise threshold (89 EPNdB) where a prohibition of landing could be enforced.
  - Private aircraft are compliant with the noise levels, as well.

Ordinance 308

- Aircraft Noise Levels – Listed in FAA Advisory Circular 36-3H
- Every aircraft that flies in and out of MRY is below the threshold required by Amendment 8 to Federal Air Regulation 36.
  - Amendment 8 to Federal Air Regulation 36 only regulates turbine aircraft (i.e. Stage 1, Stage 2, Stage 3).
  - Even if the noise levels applied to piston and other non-turbine aircraft, they would still be below the noise threshold.
- As such, even if this ordinance were left in place, it is totally ineffective because all aircraft flying in and out of MRY are exempt from the time restrictions.

CEQA/NEPA Compliance

- Even if a project, there would be no significant impact on the environment
  - 14 CCR 15061(b)(3): "A project is exempt from CEQA if … The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (emphasis added)

CEQA/NEPA Compliance

- The repeal of these ordinances is exempt as defined by CEQA regulations
- This is NOT a project, as defined by CEQA:
  - 14 CCR 15301 – exempts items related to minor alterations of existing public facilities (i.e. airways)
  - 14 CCR 15378 – "A project does not include … [c]ontinuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, **general policy and procedure making** …" (emphasis added)

MONTEREY
REGIONAL AIRPORT

Response to Concerns Submitted

Community Concern

- **Concern: Tower not staffed between 9 PM–6 AM, despite operations occurring (including a recent GA accident).**

Response: This is correct, the Air Traffic Control (ATC) tower is not staffed 24/7, operations outside those hours communicate with the Air Traffic Control Northern California (NorCAL) Terminal Radar Approach Center (TRACON) which provides approach and departure control services and adheres to airport procedures under 14 CFR §91.126–91.131.

- **Concern: Runway use direction frequently changes during the day, not always tied to wind direction.**

Response FAA Order JO 7110.65 directs controllers to assign runways considering wind direction, cloud ceiling minimums, operational safety, and efficiency.

Resource:FAA JO 7110.65 14 CFR §91.126–91.131

Community Concern

- **Concern: Operations often conducted with tailwinds rather than into the prevailing WNW winds.**

Response: ATC provides runway use based on multiple weather factors. It is important to note that tailwind components are a factor of manufacturer aircraft specifications; often airline operators set more stringent standards than the manufacturer. The pilot in command (PIC) is ultimately responsible for the safe conduct of a flight. If the PIC determines that deviation is required, it is their responsibility to do so safely.

- **Concern: Monterey reported as having double the missed approaches of comparable airports, with diversions common.**

Response: Missed approaches (go-around) and diversions are accounted for in FAA safety analysis, and equipment outages are coordinated through Notice to Airmen (NOTAM)s.

FAA approach charts include a runway sketch on each chart to make important airport information, traffic pattern and procedures accessible to pilots.

Resource: 14 CFR §91.103 14 CFR §91.13 Missed Approach Procedure Commercial Operation Tailwind Limitations Aircraft Landing Performance

Resource: Aircraft Operating Manual



1.5 WIND LIMITATIONS

REF: AC 150-5200-30
GEMF: E14C F17A

Normal Runway Width (100' and Greater)

Braking Action and Runway Condition				
Pilot Report	Braking Action	RwyCC	Runway Condition	XW/TW Max KT
Good	Deceleration is normal for the braking effort applied AND Directional control is normal	6	Dry	38/15 M
		5	Frost Water, dry snow, wet snow, or slush 1/8" depth or less	31/15
Good to Medium	Deceleration is slightly reduced for the braking effort applied	4	Compact snow with OAT -15°C (5°F) and colder	20/15
Medium[1]	Deceleration is noticeably reduced for the braking effort applied OR Directional control may be slightly reduced	3	Slippery when wet runway Dry snow or wet snow (any depth) over compacted snow Compacted snow with OAT above -15°C (5°F) Dry snow or wet snow greater than 1/8" depth	15/15
Medium to Poor	Potential for hydroplaning exists	2	Water or slush greater than 1/8" depth	12/15
Poor[2]	Deceleration is significantly reduced for the braking effort applied OR Directional control is significantly reduced	1	Ice (not melting)	8/15
Nil	Deceleration is minimal to nonexistent for the braking effort applied OR Directional control may be uncertain	0	Wet ice Slush over ice Water on top of compacted snow Dry or wet snow over ice	Operations prohibited

[1]Previously referred to as "fair."

[2]Landing and stopping can be accomplished as performance dictates, but careful planning, judgment, and execution are essential.

NOTES:

- *TALPA verbiage is defined in FOM section 12, Weather.*
- *Crosswind limits do not include gust factor.*

CAUTION:
Due to engine compressor stall possibility, static takeoff is not recommended with a crosswind component greater than 25 kts.

Resource: 10R Availability

Runway 10R Preferred
No Tailwind, <10kt Crosswind

Hour (Local)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0:00	73.0%	68.0%	63.5%	56.0%	69.0%	76.9%	81.2%	79.6%	74.0%	74.8%	75.4%	76.2%
1:00	75.0%	67.1%	65.8%	59.9%	67.8%	73.7%	80.1%	80.2%	78.4%	74.8%	74.9%	77.2%
2:00	76.5%	68.6%	68.5%	62.6%	74.6%	78.0%	84.2%	83.9%	79.9%	77.9%	77.8%	75.8%
3:00	71.6%	64.7%	69.1%	64.9%	75.2%	81.9%	87.7%	85.3%	79.7%	74.5%	75.4%	75.1%
4:00	75.4%	64.8%	69.7%	64.7%	76.4%	80.1%	84.5%	89.5%	80.0%	74.6%	74.5%	72.3%
5:00	74.2%	63.3%	68.9%	65.7%	76.4%	84.2%	84.4%	85.9%	80.1%	75.6%	76.0%	71.2%
6:00	72.0%	69.1%	66.7%	64.1%	79.4%	90.2%	91.8%	88.3%	82.5%	76.6%	72.0%	75.4%
7:00	75.1%	69.1%	75.4%	71.7%	78.4%	85.6%	87.0%	91.9%	90.3%	79.1%	81.8%	72.1%
8:00	81.8%	81.5%	79.9%	65.9%	67.5%	72.5%	77.3%	85.4%	85.8%	83.6%	83.2%	82.9%
9:00	84.2%	82.2%	68.1%	54.2%	55.0%	56.1%	60.1%	71.6%	75.7%	75.3%	81.8%	82.9%
10:00	82.8%	73.6%	57.5%	38.5%	46.3%	44.2%	51.9%	56.1%	61.0%	70.0%	73.2%	79.2%
11:00	77.5%	66.3%	47.9%	30.4%	30.9%	33.5%	34.0%	43.5%	54.6%	62.5%	64.6%	73.8%
12:00	71.7%	59.4%	24.4%	16.4%	21.8%	19.6%	24.8%	33.5%	38.3%	49.7%	58.2%	69.3%
13:00	76.3%	48.6%	17.7%	17.9%	23.2%	14.7%	25.6%	24.9%	23.2%	31.7%	47.6%	68.9%
14:00	75.6%	43.8%	16.2%	17.4%	21.4%	16.5%	30.6%	28.4%	23.1%	21.9%	42.6%	65.7%
15:00	70.2%	43.3%	15.3%	16.0%	22.8%	15.0%	31.9%	27.5%	20.2%	19.4%	40.7%	61.1%
16:00	53.2%	41.0%	18.7%	16.2%	21.2%	20.3%	29.8%	30.5%	24.7%	21.2%	23.5%	37.9%
17:00	45.8%	29.5%	18.8%	14.8%	25.8%	21.1%	37.6%	32.5%	25.4%	23.6%	44.6%	53.8%
18:00	60.7%	46.5%	19.0%	19.6%	29.8%	25.5%	41.9%	38.2%	27.2%	23.2%	61.3%	65.8%
19:00	69.4%	56.8%	33.7%	21.8%	35.0%	27.2%	54.6%	45.9%	40.6%	54.4%	70.3%	69.3%
20:00	72.1%	63.7%	54.8%	39.9%	44.9%	39.5%	58.3%	65.1%	65.7%	68.5%	74.8%	73.9%
21:00	69.2%	63.7%	60.4%	54.1%	62.2%	65.1%	76.4%	76.5%	77.9%	75.7%	69.8%	74.4%
22:00	74.5%	65.0%	68.0%	64.0%	70.2%	75.4%	80.4%	85.3%	78.5%	74.2%	74.1%	70.4%
23:00	72.1%	63.9%	63.3%	62.7%	66.9%	77.4%	82.1%	82.0%	80.7%	74.7%	69.4%	74.7%
Day	74.8%	58.0%	38.2%	31.6%	39.9%	38.7%	48.5%	47.0%	45.8%	48.9%	56.0%	69.1%
Night	70.4%	63.5%	62.7%	56.7%	68.4%	73.2%	79.9%	79.0%	74.8%	69.9%	73.4%	71.8%
24 Hours	72.1%	61.0%	50.5%	44.1%	51.8%	53.1%	61.6%	63.0%	60.3%	59.9%	66.1%	70.8%

Runway 10R Capable
<10kt Tailwind, <15kt Crosswind

Hour (Local)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0:00	98.4%	95.6%	96.0%	93.8%	97.5%	98.7%	99.7%	100.0%	99.7%	99.0%	98.5%	96.4%
1:00	97.5%	94.1%	97.3%	93.1%	95.8%	99.4%	99.7%	100.0%	99.4%	98.9%	98.0%	96.7%
2:00	98.5%	95.8%	97.6%	93.9%	97.2%	98.1%	99.4%	99.8%	99.7%	98.9%	97.7%	97.6%
3:00	98.7%	94.4%	96.6%	93.8%	98.2%	99.4%	99.2%	100.0%	99.1%	98.7%	98.0%	96.2%
4:00	98.6%	93.1%	98.6%	95.7%	97.7%	99.6%	99.5%	100.0%	99.4%	99.4%	98.6%	96.4%
5:00	97.7%	95.0%	96.4%	93.8%	96.5%	99.2%	99.4%	100.0%	99.2%	99.0%	98.7%	96.9%
6:00	98.1%	96.5%	97.0%	96.1%	97.6%	99.4%	99.8%	99.1%	99.8%	99.6%	98.1%	97.0%
7:00	98.9%	95.3%	97.0%	96.3%	97.3%	98.7%	99.1%	99.7%	99.2%	98.7%	98.7%	97.7%
8:00	98.6%	94.5%	96.3%	94.1%	96.1%	98.8%	99.3%	100.0%	99.2%	99.0%	98.0%	97.3%
9:00	97.0%	94.9%	95.7%	93.3%	91.8%	95.8%	99.1%	99.6%	97.7%	97.0%	97.9%	97.0%
10:00	96.6%	92.3%	93.1%	89.9%	84.2%	86.3%	94.4%	96.9%	94.7%	97.1%	96.9%	96.7%
11:00	96.2%	89.2%	89.0%	81.6%	76.7%	78.2%	84.4%	92.2%	89.2%	94.2%	93.7%	95.4%
12:00	92.5%	83.7%	81.8%	67.5%	65.1%	66.7%	73.8%	77.6%	83.8%	93.1%	91.8%	92.9%
13:00	92.5%	82.3%	74.4%	59.9%	60.3%	58.6%	63.0%	66.0%	73.1%	87.2%	89.8%	90.3%
14:00	92.6%	81.1%	72.1%	53.9%	56.4%	56.9%	56.5%	63.7%	74.1%	86.3%	89.5%	89.7%
15:00	92.6%	83.7%	71.6%	55.9%	59.9%	63.8%	65.9%	67.2%	76.1%	87.4%	91.3%	90.3%
16:00	94.7%	87.2%	81.2%	63.2%	65.0%	69.4%	72.8%	80.0%	80.8%	91.4%	94.7%	91.5%
17:00	96.0%	90.7%	86.0%	78.1%	77.6%	79.0%	82.4%	90.5%	91.6%	95.7%	96.8%	93.3%
18:00	94.0%	92.1%	91.5%	84.0%	85.7%	89.4%	93.0%	97.0%	96.9%	96.2%	96.3%	94.0%
19:00	94.4%	93.6%	92.0%	90.5%	92.5%	94.5%	97.5%	99.0%	98.3%	97.4%	96.6%	95.8%
20:00	96.4%	93.5%	95.3%	91.0%	95.0%	98.0%	99.1%	99.6%	99.1%	98.7%	97.7%	96.3%
21:00	95.2%	95.8%	95.0%	92.8%	95.9%	99.0%	98.9%	99.5%	99.2%	98.2%	98.2%	96.5%
22:00	96.0%	94.8%	94.8%	93.2%	95.7%	98.9%	99.7%	100.0%	99.1%	99.2%	98.8%	96.2%
23:00	96.0%	96.1%	96.1%	93.8%	94.8%	99.0%	99.7%	100.0%	99.2%	99.5%	97.3%	95.6%
Day	94.8%	88.6%	85.8%	76.5%	79.0%	81.1%	84.3%	85.9%	88.0%	93.4%	94.0%	93.5%
Night	97.0%	94.6%	96.1%	93.5%	96.4%	98.9%	99.4%	99.7%	99.3%	98.7%	97.9%	96.2%
24 Hours	96.1%	91.9%	90.9%	85.0%	86.3%	88.5%	90.6%	92.8%	93.7%	96.2%	96.3%	95.2%

RWY 10R Wind Availability

- Potential for using runway 10R is highest in the mornings and evenings
- Runway 10R is potentially capable of handling arrivals year-round except for higher wind periods in the spring/summer afternoons when steady onshore winds exceed the tailwind limitation

Resource: 28L Availability

Runway 28L Preferred
No Tailwind, <10kt Crosswind

Hour (local)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0:00	38.8%	38.1%	44.5%	58.2%	71.6%	70.5%	77.5%	74.1%	64.7%	49.8%	33.6%	34.0%
1:00	36.3%	36.7%	42.4%	56.9%	69.1%	70.6%	73.0%	78.8%	69.6%	48.5%	34.9%	37.9%
2:00	37.6%	39.0%	43.6%	58.0%	71.9%	71.1%	77.1%	77.0%	67.6%	48.6%	34.1%	33.6%
3:00	38.1%	37.5%	44.6%	52.7%	66.7%	72.5%	79.1%	78.6%	68.4%	47.2%	35.6%	36.1%
4:00	38.0%	39.1%	43.8%	54.6%	66.8%	72.1%	78.0%	77.9%	68.5%	47.4%	35.2%	28.2%
5:00	38.1%	36.1%	39.3%	51.0%	68.5%	72.2%	76.1%	75.5%	60.5%	42.4%	33.8%	33.4%
6:00	38.0%	37.6%	40.1%	50.1%	67.5%	71.8%	79.9%	75.1%	56.2%	42.0%	36.1%	31.3%
7:00	38.8%	41.9%	44.9%	55.8%	84.8%	85.7%	84.8%	82.8%	67.4%	43.1%	46.0%	31.2%
8:00	51.6%	58.0%	63.8%	79.1%	91.7%	94.6%	94.7%	91.9%	85.0%	68.6%	65.4%	49.5%
9:00	72.4%	73.4%	80.7%	89.2%	97.1%	97.9%	98.2%	94.9%	94.5%	83.8%	79.1%	71.6%
10:00	81.1%	77.1%	83.4%	96.2%	97.7%	99.2%	97.5%	97.9%	95.3%	91.7%	84.7%	76.5%
11:00	84.6%	83.7%	85.1%	95.7%	97.1%	98.9%	97.9%	99.6%	99.0%	94.4%	91.1%	83.6%
12:00	88.6%	87.1%	86.5%	94.3%	95.8%	97.1%	98.7%	98.5%	99.0%	96.8%	92.7%	87.9%
13:00	88.5%	87.6%	88.3%	93.4%	93.6%	96.2%	96.6%	98.5%	98.0%	94.5%	94.0%	89.9%
14:00	86.3%	87.3%	85.2%	91.8%	91.7%	94.6%	96.2%	95.3%	97.7%	96.6%	94.3%	88.0%
15:00	85.8%	82.9%	85.2%	90.3%	93.6%	98.2%	94.1%	96.6%	96.5%	94.6%	93.2%	85.7%
16:00	84.3%	82.8%	86.4%	91.3%	93.1%	97.3%	93.6%	97.2%	96.8%	92.0%	84.2%	78.1%
17:00	66.4%	73.1%	83.2%	91.4%	93.6%	96.1%	96.1%	98.1%	97.2%	89.7%	57.5%	54.1%
18:00	45.8%	52.7%	76.6%	89.9%	94.0%	96.7%	96.3%	97.9%	93.7%	73.9%	44.1%	40.4%
19:00	35.1%	50.9%	63.5%	80.5%	90.5%	93.3%	96.7%	92.9%	82.3%	61.1%	40.9%	35.6%
20:00	37.0%	44.7%	57.4%	66.1%	85.9%	84.4%	90.3%	84.4%	74.2%	52.5%	35.5%	39.7%
21:00	29.2%	41.1%	55.3%	62.8%	74.2%	77.1%	83.7%	85.8%	67.6%	52.0%	40.0%	35.4%
22:00	34.4%	38.9%	52.6%	60.5%	72.2%	69.6%	80.6%	76.0%	66.2%	46.8%	37.9%	33.8%
23:00	33.4%	41.0%	46.2%	59.1%	71.5%	72.3%	78.0%	76.4%	68.6%	45.8%	35.8%	38.1%

Day	80.3%	75.9%	79.1%	88.2%	91.6%	94.1%	94.4%	95.8%	93.3%	85.9%	83.6%	79.0%
Night	39.0%	41.0%	47.8%	59.2%	71.8%	73.2%	79.3%	79.4%	67.9%	50.1%	37.4%	36.2%
24 Hours	54.5%	57.0%	63.5%	73.7%	83.3%	85.4%	88.1%	87.6%	80.6%	66.8%	56.7%	52.2%

Runway 28L Capable
<10kt Tailwind, <15kt Crosswind

Hour (local)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0:00	98.4%	94.9%	98.5%	99.1%	100.0%	99.8%	99.7%	100.0%	100.0%	98.6%	97.5%	96.5%
1:00	97.0%	93.6%	98.6%	99.3%	100.0%	99.4%	99.7%	100.0%	100.0%	98.9%	98.0%	96.3%
2:00	97.1%	94.4%	98.8%	99.6%	100.0%	99.4%	99.4%	99.8%	99.7%	99.1%	97.6%	98.3%
3:00	97.9%	94.3%	98.7%	99.1%	100.0%	100.0%	99.3%	100.0%	99.4%	98.3%	97.5%	96.8%
4:00	97.6%	94.2%	98.5%	98.7%	99.7%	99.7%	99.5%	100.0%	99.7%	99.7%	97.8%	96.4%
5:00	96.5%	94.7%	98.0%	98.4%	99.1%	100.0%	99.4%	100.0%	99.7%	97.7%	98.0%	95.7%
6:00	97.9%	96.0%	97.2%	99.5%	99.7%	100.0%	99.8%	99.3%	99.8%	98.6%	98.1%	95.9%
7:00	97.6%	96.4%	97.3%	99.7%	99.1%	99.7%	99.3%	99.7%	99.2%	98.8%	98.2%	96.3%
8:00	97.6%	96.6%	98.3%	99.2%	99.6%	99.9%	99.3%	100.0%	99.8%	99.7%	97.5%	97.7%
9:00	97.0%	97.3%	97.6%	99.4%	99.6%	99.2%	99.9%	99.6%	99.6%	98.1%	98.2%	97.4%
10:00	96.5%	95.3%	96.4%	98.8%	100.0%	99.6%	99.4%	99.5%	99.7%	98.3%	97.8%	96.0%
11:00	96.3%	94.1%	95.0%	98.4%	98.8%	99.4%	98.9%	99.6%	99.7%	98.3%	97.9%	97.1%
12:00	95.7%	92.8%	95.3%	97.1%	96.5%	98.1%	98.7%	98.8%	99.0%	97.7%	96.6%	97.4%
13:00	96.2%	93.4%	93.4%	95.5%	96.5%	96.6%	96.9%	98.8%	98.4%	96.2%	98.2%	97.6%
14:00	95.9%	93.7%	91.2%	93.8%	94.0%	95.8%	97.1%	95.9%	98.5%	97.6%	99.1%	96.8%
15:00	96.3%	95.1%	91.7%	94.1%	95.5%	98.5%	94.7%	97.8%	98.0%	96.4%	99.4%	97.4%
16:00	96.6%	95.8%	93.7%	94.8%	94.2%	97.9%	95.7%	97.8%	98.6%	96.5%	98.8%	97.5%
17:00	98.2%	96.3%	95.8%	95.0%	96.0%	98.3%	96.7%	99.1%	99.5%	97.6%	99.7%	98.2%
18:00	96.3%	97.1%	96.6%	98.6%	96.7%	97.9%	98.5%	99.9%	99.7%	98.6%	99.2%	97.7%
19:00	96.1%	96.3%	96.8%	98.8%	98.7%	99.0%	98.7%	99.7%	99.7%	99.1%	98.9%	98.5%
20:00	95.9%	95.7%	97.6%	99.0%	99.3%	99.4%	99.7%	99.8%	99.7%	99.5%	98.6%	97.2%
21:00	96.8%	96.6%	98.3%	98.8%	98.7%	99.4%	99.7%	99.7%	99.7%	98.8%	98.8%	96.7%
22:00	96.7%	96.5%	97.8%	98.5%	99.4%	99.5%	99.7%	100.0%	99.8%	98.5%	99.4%	97.7%
23:00	97.1%	95.4%	98.1%	98.6%	99.3%	99.9%	99.7%	100.0%	100.0%	99.6%	99.7%	98.2%

Day	96.5%	95.2%	95.2%	97.0%	97.5%	98.6%	98.1%	98.9%	99.1%	97.7%	98.3%	97.2%
Night	97.1%	95.4%	98.1%	98.9%	99.5%	99.7%	99.6%	99.9%	99.8%	98.8%	98.4%	97.1%
24 Hours	96.9%	95.3%	96.6%	98.0%	98.4%	99.0%	98.7%	99.4%	99.5%	98.3%	98.3%	97.1%

RWY 28L Wind Availability

- Potential for using runway 28L is highest during daylight hours, during onshore winds from daytime heating and during calmer wind conditions during the summer
- Runway 28L is potentially capable of handling arrivals all year round

Community Concern

- **Concern: Instrument approach availability and NOTAMS affecting ability to land safely in fog/dark/storms.**

Response: FAA Order 8260 governs instrument procedure development. The FAA owned Instrument Landing System (ILS) for 10R is the most precise and accurate approach. Pilots are ultimately responsible under 14 CFR §91.103 and §91.13 for safe operation, including assessing tailwind and ceiling limitations.

The Automated Weather Observing System provides continuous minute-by-minute observations and performs the basic observing functions necessary to generate an aviation routine weather report (METAR) and other aviation weather information. Airfield weather conditions are reported on the Automatic Terminal Information Service (ATIS), a continuous broadcast of aviation information for pilots and via Air Traffic Control (ATC) communications.

Equipment outages or abnormal field conditions are coordinated through NOTAMs and broadcast on the ATIS.

Resource: FAA Order 8260 AC 150/5200-28G

Community Concern

- **Concern: ILS for Runway 28L often "out of service"; only precision approach is ILS 10R.**

Response: There has never been an ILS system for 28L. 28L does have Localizer, GPS, and Visual approach options. The Instrument Landing System (ILS) for 10R is the most precise and accurate approach .

- **Concern: Runway Safety Project (2015) created a slope (west end 157 ft east end 256 ft, possibly forcing larger aircraft to land from the west with tailwinds.**

Response: The RSA project did not change the slope of the main runway; it did shorten the runway by 428 feet (length was 7,603'). 10R-28L has always had a 1.4" slope from east to west and the current length is 7,175 feet (1.36 miles). Runway slopes are designed within AC 150/5300-13 limits and reviewed during RSA projects. Aircraft take many factors, including the slope, into consideration when landing and departing.

Resource: AC 150/5300-13 Published Slope-Airfield Diagram

Community Concern

- **Concern: Repeal of curfews, minimum altitudes, and limits on flight school operation.**

Response: Flight operations at public-use airports are governed by 14 CFR Part 91. FAA regulations and grant assurance 22 that states "*it will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport*". Pilots must operate in accordance with Part 91, including maintaining safe altitudes (§91.119) and avoiding hazardous flight paths.

Resource: **14 CFR Part 161 (ANCA)** Notice and Approval of Airport Noise and Access Restrictions

- **Concern: Pilots (including from flight schools) hiding tail numbers from public tracking apps.**

Response: Participation in programs that limit the availability of aircraft registration or flight information on public tracking websites (e.g., through the Limiting Aircraft Data Displayed [LADD] or Privacy ICAO Address [PIA] programs) is not prohibited. However, such participation does not relieve the pilot in command, operator, or certificate holder from compliance with all applicable statutes, regulations, and operational requirements."

Resource: **FAA LADD (Limiting Aircraft Data Displayed)** Provides aircraft operators the ability to block tail numbers from public feeds (does not affect FAA oversight).

Community Concern

- **Concern: Departures to the west not consistently following published noise abatement procedures (2-6 per day).**

Response: The fly neighborly program has always been a voluntary program. Staff work with tenants to communicate these voluntary recommendations, requesting they use the quietest departure techniques and follow published pattern altitudes and procedures when safety, weather and/or traffic conditions permit.

Congress enacted the Airport Noise and Capacity Act of 1990 (ANCA) (P.L. 101-508, Title IX, Subtitle D) which established a national policy for aviation noise, requiring a phase-out of older, noisier Stage 2 aircraft and giving the Federal Aviation Administration (FAA) authority over airport noise and access restrictions. The law increased FAA's authority over noise matters and authorized a local charge on departing passengers as an additional source of airport revenue, known as a "Passenger Facility Charge" (PFC).

ANCA and its resulting regulations, 14 C.F.R. Part 161, Airport Noise and Access Restrictions were established to limit uncoordinated restrictions on aviation and airport access and establish a national program for federal review of airport noise and access restrictions. Under Part 161, airports may implement voluntary noise abatement procedures, like "fly friendly" programs.

Resource: Resolution No. 1910

RESOLUTION NO. 1910

A RESOLUTION OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO ESTABLISH A POLICY ON AIRCRAFT NOISE MANAGEMENT AND COMMUNITY ENGAGEMENT

WHEREAS, the Monterey Peninsula Airport District ("District") is committed to the responsible and transparent management of aircraft noise impacts on surrounding communities, in full compliance with Federal Aviation Administration (FAA) and Air Traffic Control (ATC) regulations; and

WHEREAS, the District currently implements voluntary noise-preferential runway usage, VFR procedures, pattern altitudes, time-based operational limits, and a prior-permission-request ("PPR") process for night operations as described in its Noise Management guidelines; and

WHEREAS, the Board has invited members of the public to present comments related to noise, air traffic or other matters, to come to the Air Carrier Service, Marketing and Community Relations Committee to discuss those comments with the Committee members and staff; and

WHEREAS, the Board recognizes that the District does not have regulatory authority over flight paths or schedules, which are under FAA purview, but nevertheless seeks to strengthen its role in documenting, responding to, and educating about noise concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT THAT:

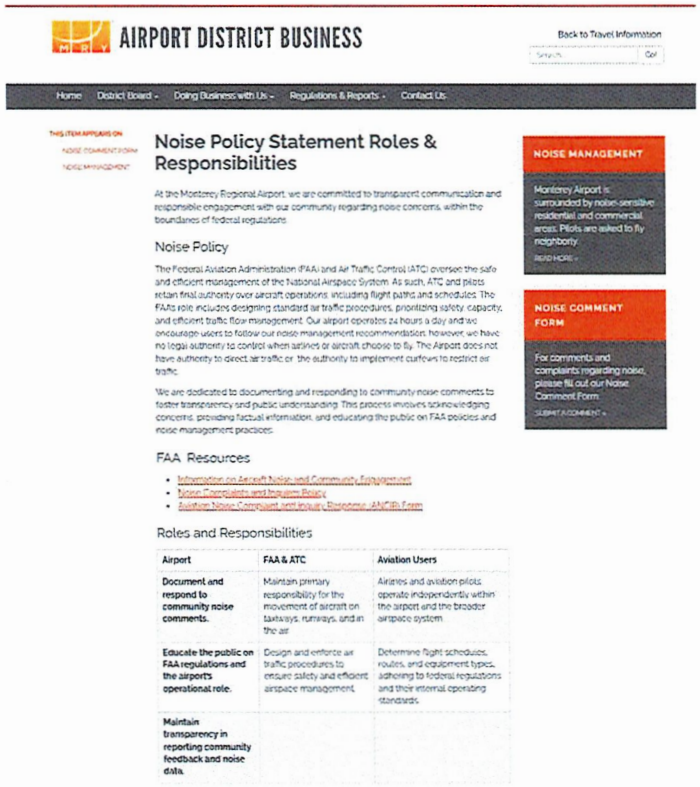
1. The above recitals are true and correct and are incorporated herein.

2. The District adopts this Resolution 1910 to recommend and request that all pilots and aircraft comply with its voluntary Noise Management criteria, which are attached as Exhibit A to this Resolution and can be found on the District's website, which includes but is not limited to:
   a) Preferential runway usage and VFR turn-altitude guidance
   b) Pattern altitude standards for propeller, turbine, and helicopter operations
   c) Parameters for touch-and-go operations and practice approaches per existing guidelines
   d) Nighttime voluntary non-operations hours (2400–0500) with PPR requirement for turbine aircraft operations

3. Staff shall distribute its voluntary Noise Management criteria and materials to pilots, community stakeholders, and in all District communications related to this matter, on a routine and regular basis.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of July, 2025, by the following roll call vote:

AYES:	**DIRECTORS:**	Gaglioti, Leffel, Miller
NOES:	**DIRECTORS:**	Ahmadi
ABSTAIN:	**DIRECTORS:**	None
ABSENT:	**DIRECTORS:**	Pick



AIRPORT DISTRICT BUSINESS

Back to Travel Information

Home | District Board | Doing Business with Us | Regulations & Reports | Contact Us

THIS ITEM APPEARS ON
NOISE COMMENT FORM
NOISE MANAGEMENT

Noise Policy Statement Roles & Responsibilities

At the Monterey Regional Airport, we are committed to transparent communication and responsible engagement with our community regarding noise concerns, within the boundaries of federal regulations.

Noise Policy

The Federal Aviation Administration (FAA) and Air Traffic Control (ATC) oversee the safe and efficient management of the National Airspace System. As such, ATC and pilots retain final authority over aircraft operations, including flight paths and schedules. The FAA's role includes designing standard air traffic procedures, prioritizing safety, capacity, and efficient traffic flow management. Our airport operates 24 hours a day and we encourage users to follow our noise management recommendation, however, we have no legal authority to control when airlines or aircraft choose to fly. The Airport does not have authority to direct air traffic or the authority to implement curfews to restrict air traffic.

We are dedicated to documenting and responding to community noise comments to foster transparency and public understanding. This process involves acknowledging concerns, providing factual information, and educating the public on FAA policies and noise management practices.

FAA Resources

- Information on Aircraft Noise and Community Engagement
- Noise Complaints and Inquiry Process
- Aviation Noise Complaint and Inquiry Response - (ANCIR) Form

Roles and Responsibilities

Airport	FAA & ATC	Aviation Users
Document and respond to community noise comments.	Maintain primary responsibility for the movement of aircraft on taxiways, runways, and in the air.	Airlines and aviation pilots operate independently within the airport and the broader airspace system.
Educate the public on FAA regulations and the airport's operational role.	Design and enforce air traffic procedures to ensure safety and efficient airspace management.	Determine flight schedules, routes, and equipment types, adhering to federal regulations and their internal operating standards.
Maintain transparency in reporting community feedback and noise data.		

NOISE MANAGEMENT

Monterey Airport is surrounded by noise-sensitive residential and commercial areas. Pilots are asked to fly neighborly.

READ MORE »

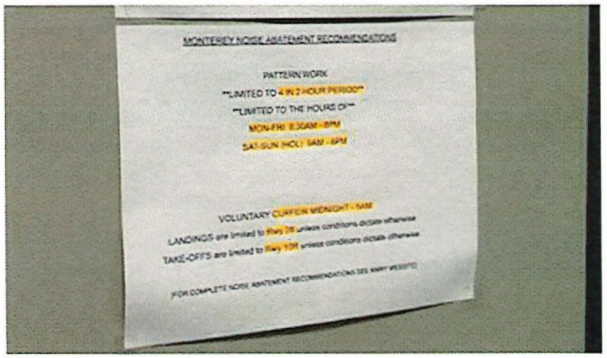
NOISE COMMENT FORM

For comments and complaints regarding noise, please fill out our Noise Comment Form.

SUBMIT A COMMENT »

Voluntary Noise Guidelines Prominently Displayed at AeroDynamic Aviation





Community Concern

- **Concern: Experiencing more overflights, dramatic increase in traffic, repetitive practice circuits.**

Response: The FAA published Terminal Area Forecast records the following annual operations:

2008 MRY had **80,602** annual operations

2017 MRY had **99,184** annual operations

2023 MRY had **53,167** annual operations

The final 2019 Master Plan anticipated approximately **64,600** annual operations in 2023

The 2023 TAF records **10,791** Airline Operations and the 2019 Master Plan anticipated approximately **12,000**

Resource: https://taf.faa.gov/

Resource: Terminal Area Forecast Detail Report

https://taf.faa.gov/

APO TERMINAL AREA FORECAST DETAIL REPORT
Forecast Issued January 2025

MRY

	Enplanements			AIRCRAFT OPERATIONS: Itinerant Operations					AIRCRAFT OPERATIONS: Local Operations					
Fiscal Year	Air Carrier	Commuter	Total	Air Carrier	Air Taxi & Commuter	GA	Military	Total	Civil	Military	Total	Total Ops	Total Tracon Ops	Based Aircraft
REGION:AWP STATE:CA LOCID:MRY														
CITY:MONTEREY AIRPORT:MONTEREY RGNL														
1990	170,511	69,243	239,754	6,118	15,726	47,877	2,308	72,029	13,672	1,137	14,809	86,838	137,513	182
1991	127,999	152,279	280,278	4,831	27,586	57,495	2,690	92,602	15,433	1,519	16,952	109,554	144,269	168
1992	119,068	170,436	289,504	2,656	31,813	61,966	2,709	99,144	17,891	1,498	19,389	118,533	159,704	168
1993	101,326	141,600	242,926	2,907	31,397	54,168	2,787	91,259	19,532	1,316	20,848	112,107	147,701	168
1994	67,488	141,688	209,176	2,977	26,818	53,413	1,235	84,443	16,648	518	17,166	101,609	138,040	0
1995	61,676	151,696	213,372	2,781	28,243	48,997	1,349	81,370	16,034	192	16,226	97,596	133,264	168
1996	48,815	175,105	223,920	1,723	28,580	50,341	1,134	81,778	13,118	244	13,362	95,140	132,296	168
1997	56,699	207,200	263,899	1,724	28,547	55,552	1,229	87,052	12,188	80	12,268	99,320	147,693	169
1998	53,587	181,688	235,275	1,525	26,884	58,083	1,329	87,821	10,095	196	10,291	98,112	143,984	169
1999	49,441	200,128	249,569	2,454	29,379	62,611	1,336	95,780	9,326	204	9,530	105,310	162,167	169
2000	24,001	214,088	238,089	1,538	30,315	60,536	987	93,376	11,736	190	11,926	105,302	143,125	169
2001	2,107	219,517	221,624	63	31,285	55,729	810	87,887	15,188	251	15,439	103,326	131,554	169
2002	2,158	170,991	173,149	71	24,740	51,559	863	77,233	11,215	310	11,525	88,758	118,793	169
2003	2,847	179,862	182,709	148	23,380	51,735	956	76,219	5,801	86	5,887	82,106	8,130	170
2004	2,803	180,737	183,540	406	19,825	48,558	944	69,733	4,361	96	4,457	74,190	0	154
2005	2,451	183,761	186,212	1,032	21,125	55,616	839	78,612	10,476	133	10,609	89,221	0	154
2006	2,535	199,692	202,227	1,073	22,491	58,667	835	83,066	8,982	98	9,080	92,146	0	153
2007	1,875	206,304	208,179	1,431	24,846	52,692	762	79,731	5,239	146	5,385	85,116	0	162
2008	8,677	210,629	219,306	1,341	26,309	46,618	938	75,206	5,261	135	5,396	80,602	0	156
2009	29,103	158,438	187,541	1,534	20,126	38,097	656	60,413	7,532	65	7,597	68,010	0	159
2010	27,838	164,564	192,402	1,347	17,504	31,440	732	51,023	6,235	70	6,305	57,328	0	159
2011	16,701	162,802	179,503	1,277	15,253	25,357	898	42,785	10,142	234	10,376	53,161	0	153

Resource: Terminal Area Forecast Detail Report

https://taf.faa.gov/

2012	19,162	171,694	190,856	689	17,080	26,363	949	45,081	11,095	344	11,439	56,520	0	136
2013	18,546	185,812	204,358	1,072	15,553	24,979	829	42,433	11,559	680	12,239	54,672	0	136
2014	15,064	176,066	191,130	1,008	13,453	25,412	903	40,776	8,426	1,582	10,008	50,784	0	116
2015	15,025	164,711	179,736	1,807	12,036	28,025	935	42,803	18,181	2,858	21,039	63,842	0	91
2016	15,010	173,479	188,489	3,319	11,663	27,535	1,249	43,766	40,650	4,536	45,186	88,952	0	114
2017	13,787	185,016	198,803	3,845	18,576	28,486	2,421	53,328	40,239	5,617	45,856	99,184	0	143
2018	13,337	170,008	183,345	3,506	12,056	30,471	2,167	48,200	28,292	3,928	32,220	80,420	0	116
2019	14,448	209,429	223,877	4,364	12,257	30,192	1,234	48,047	7,793	982	8,775	56,822	0	130

APO TERMINAL AREA FORECAST DETAIL REPORT
Forecast Issued January 2025

MRY

	Enplanements			AIRCRAFT OPERATIONS										
				Itinerant Operations					Local Operations					
Fiscal Year	Air Carrier	Commuter	Total	Air Carrier	Air Taxi & Commuter	GA	Military	Total	Civil	Military	Total	Total Ops	Total Tracon Ops	Based Aircraft
2020	8,929	116,480	125,409	3,333	8,514	23,342	922	36,111	4,136	212	4,348	40,459	0	121
2021	12,364	135,144	147,508	4,625	10,529	27,728	1,138	44,020	8,404	1,048	9,452	53,472	0	121
2022	15,166	218,620	233,786	5,229	13,017	30,558	1,376	50,180	8,726	1,196	9,922	60,102	0	152
2023	67,956	182,706	250,662	5,965	10,791	25,632	931	43,319	9,036	812	9,848	53,167	0	153
2024*	79,546	211,276	290,822	7,855	10,068	28,101	1,227	47,251	9,599	741	10,340	57,591	0	152

Resource: Terminal Area Forecast Detail Report

https://taf.faa.gov/

EXHIBIT 3-32

TOTAL AIRCRAFT OPERATIONS AT MONTEREY PENINSULA AIRPORT

Calendar Year	Total Operations	Air Carrier	Air Taxi 1/	General Aviation 1/	Military
1965	114,722	12,116		69,008	33,598
1966	125,951	11,195		85,619	29,131
1967	114,188	8,989		84,285	20,914
1968	112,338	10,702		81,118	20,518
1969	128,677	11,017		96,731	20,929
1970	128,060	13,170		90,306	24,584
1971	133,388	11,449		94,446	27,493
1972	102,555	8,876	932	86,680	6,007
1973	102,540	9,701	1,566	87,154	4,119

Community Concern

- **Concern: Lack of updated noise studies since 2007 (or ever) in many neighborhoods**

Response: Noise analyses were a component of the Runway Safety Area project Environmental Review in 2012, and a component of the Updated Master Plan Environmental Review in 2020.

FAA Part 150 establishes the process for airports to evaluate and mitigate noise impacts. Noise studies are periodically updated as operations change or projects are anticipated, and participation by local jurisdictions and communities is part of the FAA-approved process.

Resource: https://montereyairport.specialdistrict.org/safety-enhancement-program

In the FAA Reauthorization Act of 2018 (P.L. 115-254), Congress directed FAA to conduct several reviews and studies of noise-related issues, including metrics, costs, and benefits of phasing out older and noisier aircraft, and potential health and economic impacts of overflight noise. While several of these studies have been completed, others are ongoing. The results may be of interest to Congress as it reexamines federal aviation and airport noise policies and programs in the context of considering reauthorization of federal civil aviation programs.

Resource: Airport Master Plan

Current aviation activities are within the analysis that was completed during the Airport Master Plan (AMP). The AMP Environmental Impact Report and Environmental Assessment analyses were based on the peaking characteristics included in Table 2BB:

These activities were studied in the certified Environmental Impact Report (EIR) for the AMP as it relates to: Aesthetics; Agriculture and Forest Resources; Air Quality; Biological Resources; Cultural Resources; Energy, Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; and Hydrology and Water Quality. (CEQA)

The Environmental Assessment (EA) for the Safety Enhancement Program was studied as it relates to: Air Quality; Biological Resources; Climate; Department of Transportation Section 4(f); Hazardous Materials; Solid Waste and Pollution Prevention; Historical, Architectural, Archaeological and Cultural Resources; Natural Resources and Energy Supply; Noise and Compatible Land Use; Socioeconomic Impacts; Visual Effects; Water Resources (Surface and Groundwater); and Cumulative Impacts. (NEPA)

The Master Plan analysis was then study by the County and incorporated into the adopted 2019 Airport Land Use Compatibility Plan (ALUCP) related to: MRY Environs; Airport Facilities and Improvements; Compatibility Policies and MRY Compatibility Zones; Criteria as it relates to Noise, Safety and Compatibility Zones; and Airspace Protection.

TABLE 2BB
Peaking Characteristics
Monterey Regional Airport

	BASE YEAR	FORECAST		
	2013	2018	2023	2033
AIRLINE ENPLANEMENTS				
Annual Enplanements	200,651	223,000	245,000	275,000
Peak Month	18,246	21,496	23,617	26,509
Design Day	589	699	768	862
Design Hour	183	217	239	268
AIRLINE OPERATIONS				
Annual Operations	11,786	11,800	12,000	11,800
Peak Month	1,088	1,092	1,111	1,092
Design Day	30	32	32	32
Design Hour	5	5	5	5
GENERAL AVIATION OPERATIONS				
Annual Operations	36,146	39,900	44,100	56,300
Peak Month	3,478	3,976	4,395	5,611
Design Day	112	128	142	181
Design Hour	16	18	20	25
TOTAL AIRPORT OPERATIONS				
Annual Operations	53,827	58,100	64,600	80,600
Peak Month	5,177	5,695	6,332	7,900
Design Day	167	184	204	255
Design Hour	23	25	28	35

Source: Coffman Associated analysis

Community Concern

- **Concern: No avigation easements in Old Town, New Monterey, Pacific Grove, Seaside or Del Rey Oaks despite regular overflights.**

Response: FAA grant assurances require airports to preserve compatible land use but do not give airports zoning authority. That responsibility lies with the Airport Land Use Commission (ALUC) and local jurisdictions. Avigation easements are tools to protect both communities and airports but must be secured through local action.

Resource: FAA AC 150/5020- Land Use Compatibility Planning guidance.

- **Concern: ALUC 'area of influence' not updated to reflect today's expanded operations impact.**

Response: The ALUC is a seven member Monterey County commission created under the authority of California State Aeronautics Act (Public Utility Code section 21670). The January 2019 Airport Land Use Compatibility Plan (ALUCP) reflects the current operations, flight paths, and fleet mix that use Monterey Regional Airport. Resource: State of California Aeronautics Act

Resource: Airport Master Plan

TABLE FA-1
Operational Fleet Mix
Monterey Regional Airport

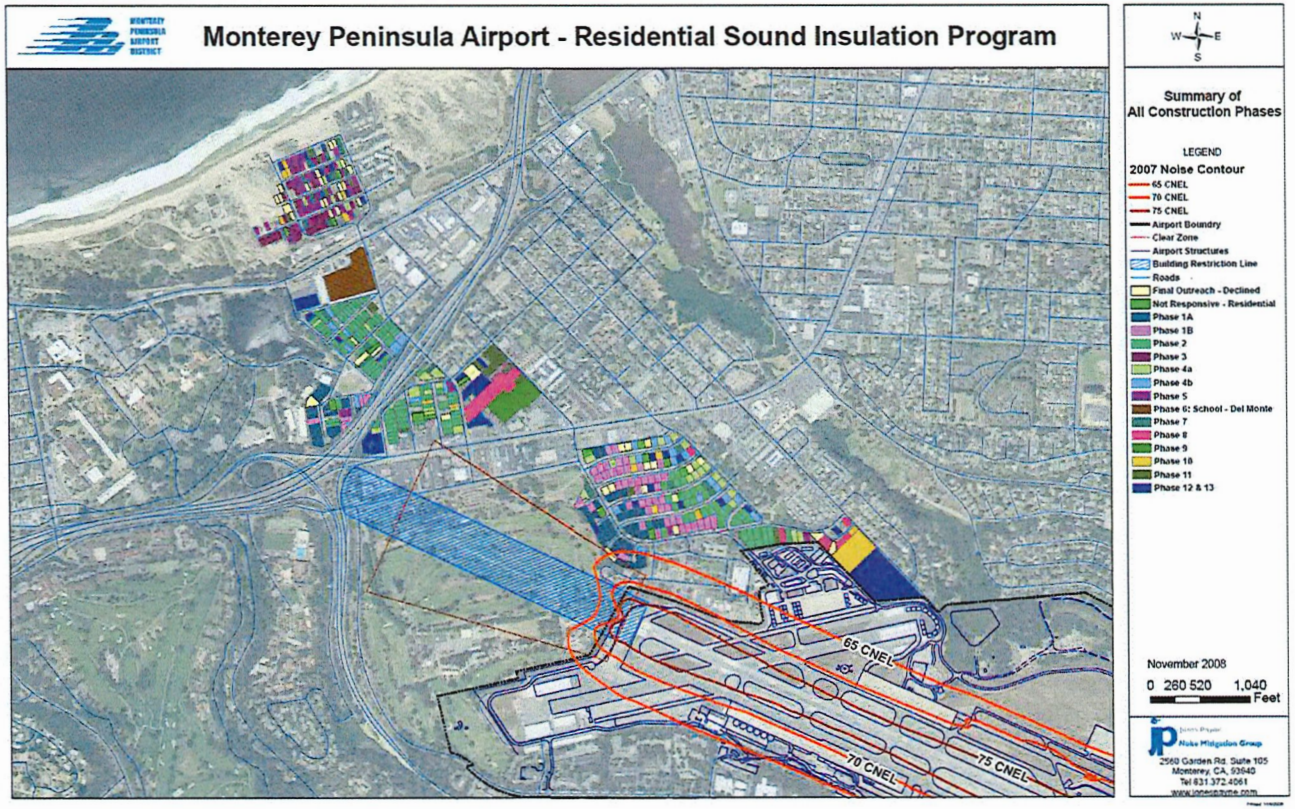
Aircraft Type	INM Designator[1]	2013[2]	2033[3]
	ITINERANT		
Twin and Turboprop			
Twin Engine Piston	BEC58P	1,664	2,537
Cessna 208	CNA208	1,103	1,682
Cessna 441	CNA441	2,790	4,255
Shorts 330	SD330	250	380
Subtotal		5,807	8,854
Business Jets GA			
Cessna Citation III	CIT3	521	794
Challenger 600	CL600	1,058	1,613
Challenger 601	CL601	784	1,195
Cessna 500	CNA500	771	1,175
Cessna 510	CNA510	1467	2,256
Cessna 550	CNA55B	1,504	2,417
Cessna 560	CNA560U	582	887
Cessna 680	CNA680	391	655
Cessna 750	CNA750	1,119	1,706
Falcon 50	F10062	428	652
Gulfstream III	GIIB	521	--
Gulfstream IV	GIV	630	960
Gulfstream V	GV	819	1,638
Israel IAI 1125	IA1125	268	409
Lear 35	LEAR35	2,014	3,277
Mitsubishi 3001	MU3001	555	847
Subtotals		13,431	20,484
Commercial			
B-737-700	73700	36	870
A-319	A319-131	0	252
CRJ-200	CL601	7,147	2,478
CRJ-900	CRJ9-ER	52	2,520
Embraer 145	EMB145	72	--
Embraer -190	GV	56	2,142
MD-83	MD83	252	--
Cessna 208	CNA208	1,128	1,084
Dash 8	DHC830	764	734
Embraer 120	EMB120	3,604	2,520
Subtotals		13,112	12,600
Helicopter			
Helicopter	SA365N	500	1,200
Subtotals		500	1,200
Military			
Single Engine Piston	GASEPV	86	97
Helicopter	EC130	74	83
Fighter Jet	F18EF	49	55
C-130	C130E	173	194
Twin Turboprop	CVR580	420	471
Subtotals		803	900

TABLE FA-1
Operational Fleet Mix
Monterey Regional Airport

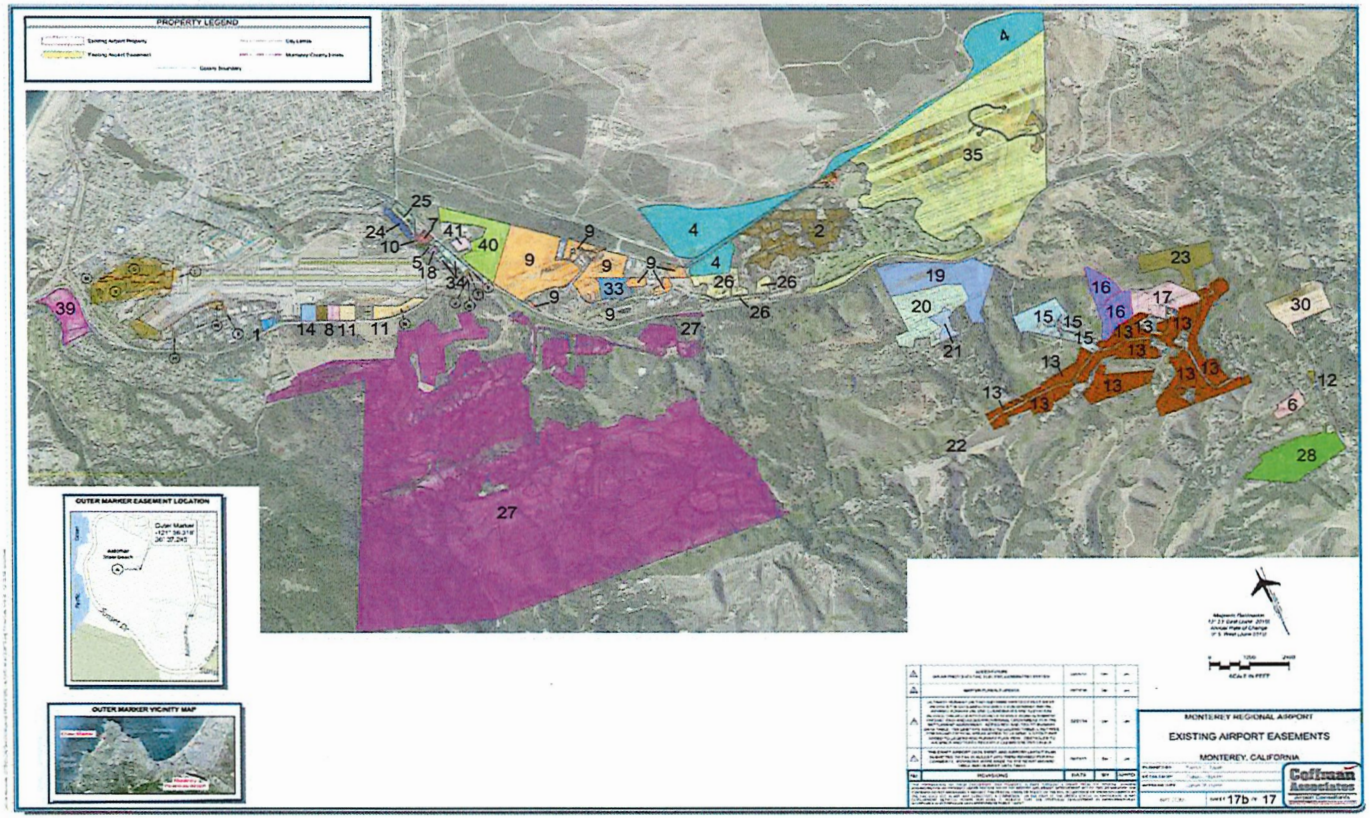
Aircraft Type	INM Designator[1]	2013[2]	2033[3]
	ITINERANT		
General Aviation			
Cessna 182	CNA182	1,196	2,681
Cessna 206	CNA206	519	1,243
Single Engine Piston Var. Pitch	GASEPV	3334	7,979
Single Engine Fixed Pitch	GASEPF	3333	7,979
Subtotals		8,382	20,062
TOTAL ITINERANT		42,037	64,100
	LOCAL		
General Aviation			
Single Engine Piston Var. Pitch	GASEPV	4,894	7,155
Single Engine Piston Fixed Pitch	GASEPF	4,894	7,155
Multi-Engine Piston	BEC58P	1,088	1,590
Subtotal		10,876	15,900
Military			
Single Engine Piston	GASEPV	457	300
Twin Turboprop	CVR580	457	300
Subtotal		914	600
TOTAL LOCAL		11,790	16,500
TOTAL OPERATIONS		53,827	80,900

[1] Coffman Associates analysis
[2] Federal Aviation Administration Airport Traffic Control Tower Records for calendar year 2013.
[3] Operational forecasts prepared by Coffman Associates as part of the *2014 Monterey Regional Airport Master Plan*.

Resource: Easement Tracking



Resource: Easement Tracking



Community Concern

- **Concern: Emissions and health impact in neighborhoods now more regularly overflown.**

Response: The arrival and departure Instrument Approach Procedures have not changed since the ALUCP was adopted. The frequency of aircraft is below historic levels.

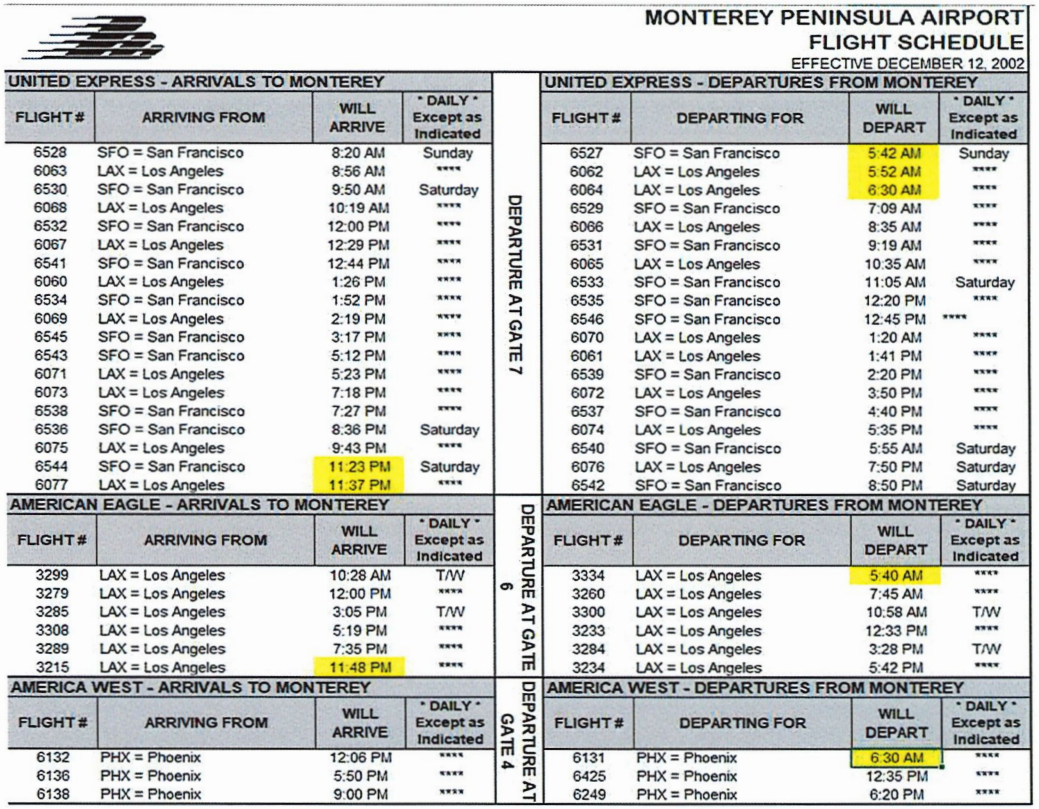
Air quality analyses were completed in 2012 as part of the Runway Safety Area project Environmental Review, and in 2020 as part of the Updated Master Plan Environmental Review. Community input was an important part of both NEPA and CEQA review ensuring potential impacts were considered.

Resource: https://montereyairport.specialdistrict.org/safety-enhancement-program

Community Concern

- **Concern: Early morning Departures and late arrivals**

Response: Airline Flight schedules have historically had early morning departures and late evening arrivals at MRY as provided by these sample schedules



MONTEREY PENINSULA AIRPORT
FLIGHT SCHEDULE
EFFECTIVE DECEMBER 12, 2002

UNITED EXPRESS - ARRIVALS TO MONTEREY

FLIGHT #	ARRIVING FROM	WILL ARRIVE	* DAILY * Except as Indicated
6528	SFO = San Francisco	8:20 AM	Sunday
6063	LAX = Los Angeles	8:56 AM	****
6530	SFO = San Francisco	9:50 AM	Saturday
6068	LAX = Los Angeles	10:19 AM	****
6532	SFO = San Francisco	12:00 PM	****
6067	LAX = Los Angeles	12:29 PM	****
6541	SFO = San Francisco	12:44 PM	****
6060	LAX = Los Angeles	1:26 PM	****
6534	SFO = San Francisco	1:52 PM	****
6069	LAX = Los Angeles	2:19 PM	****
6545	SFO = San Francisco	3:17 PM	****
6543	SFO = San Francisco	5:12 PM	****
6071	LAX = Los Angeles	5:23 PM	****
6073	LAX = Los Angeles	7:18 PM	****
6538	SFO = San Francisco	7:27 PM	****
6536	SFO = San Francisco	8:36 PM	Saturday
6075	LAX = Los Angeles	9:43 PM	****
6544	SFO = San Francisco	11:23 PM	Saturday
6077	LAX = Los Angeles	11:37 PM	****

DEPARTURE AT GATE 7

UNITED EXPRESS - DEPARTURES FROM MONTEREY

FLIGHT #	DEPARTING FOR	WILL DEPART	* DAILY * Except as Indicated
6527	SFO = San Francisco	5:42 AM	Sunday
6062	LAX = Los Angeles	5:52 AM	****
6064	LAX = Los Angeles	6:30 AM	****
6529	SFO = San Francisco	7:09 AM	****
6066	LAX = Los Angeles	8:35 AM	****
6531	SFO = San Francisco	9:19 AM	****
6065	LAX = Los Angeles	10:35 AM	****
6533	SFO = San Francisco	11:05 AM	Saturday
6535	SFO = San Francisco	12:20 PM	****
6546	SFO = San Francisco	12:45 PM	****
6070	LAX = Los Angeles	1:20 AM	****
6061	LAX = Los Angeles	1:41 PM	****
6539	SFO = San Francisco	2:20 PM	****
6072	LAX = Los Angeles	3:50 PM	****
6537	SFO = San Francisco	4:40 PM	****
6074	LAX = Los Angeles	5:35 PM	****
6540	SFO = San Francisco	5:55 AM	Saturday
6076	LAX = Los Angeles	7:50 PM	Saturday
6542	SFO = San Francisco	8:50 PM	Saturday

AMERICAN EAGLE - ARRIVALS TO MONTEREY

FLIGHT #	ARRIVING FROM	WILL ARRIVE	* DAILY * Except as Indicated
3299	LAX = Los Angeles	10:28 AM	T/W
3279	LAX = Los Angeles	12:00 PM	****
3285	LAX = Los Angeles	3:05 PM	T/W
3308	LAX = Los Angeles	5:19 PM	****
3289	LAX = Los Angeles	7:35 PM	****
3215	LAX = Los Angeles	11:48 PM	****

DEPARTURE AT GATE 6

AMERICAN EAGLE - DEPARTURES FROM MONTEREY

FLIGHT #	DEPARTING FOR	WILL DEPART	* DAILY * Except as Indicated
3334	LAX = Los Angeles	5:40 AM	****
3260	LAX = Los Angeles	7:45 AM	****
3300	LAX = Los Angeles	10:58 AM	T/W
3233	LAX = Los Angeles	12:33 PM	****
3284	LAX = Los Angeles	3:28 PM	T/W
3234	LAX = Los Angeles	5:42 PM	****

AMERICA WEST - ARRIVALS TO MONTEREY

FLIGHT #	ARRIVING FROM	WILL ARRIVE	* DAILY * Except as Indicated
6132	PHX = Phoenix	12:06 PM	****
6136	PHX = Phoenix	5:50 PM	****
6138	PHX = Phoenix	9:00 PM	****

DEPARTURE AT GATE 4

AMERICA WEST - DEPARTURES FROM MONTEREY

FLIGHT #	DEPARTING FOR	WILL DEPART	* DAILY * Except as Indicated
6131	PHX = Phoenix	6:30 AM	****
6425	PHX = Phoenix	12:35 PM	****
6249	PHX = Phoenix	6:20 PM	****

Community Concern

- **Concern: Early morning Departures and late arrivals**

Response: Airline Flight schedules have historically had early morning departures and late evening arrivals at MRY as provided by these sample schedules

MONTEREY PENINSULA AIRPORT

FLIGHT SCHEDULE EFFECTIVE
April 1 - May 1, 2009

	ARRIVALS					DEPARTURES					
	FROM	AIRLINE	FLIGHT	TIME	SCHD	TO	AIRLINE	FLIGHT	TIME	SCHD	
CRJ 200 (50)	LAS	US AIRWAYS	2772	1:28 AM	TH-FR SUN	SFO	UNITED EXPRESS SkyWest	6175	5:50 AM	DAILY	EMB (27)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6222	7:29 AM	DAILY	DEN	UNITED EXPRESS SkyWest	6732	6:00 AM	DAILY	CRJ 700 (66)
EMB (27)	LAX	UNITED EXPRESS SkyWest	6085	8:20 AM	DAILY	PHX	US AIRWAYS	2920	6:15 AM	DAILY	DASH 8 (33)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6224	9:40 AM	DAILY	SLC	Delta SkyWest	3813	6:20 AM	MO-TU TH-SA	CRJ 200 (50)
EMB (27)	LAX	UNITED EXPRESS SkyWest	6087	10:01 AM	DAILY	LAX	American	3026	6:45 AM	DAILY	SAAB (30)
SAAB (30)	LAX	American	3025	10:40 AM	DAILY	LAX	UNITED EXPRESS SkyWest	6088	7:48 AM	DAILY	EMB (27)
CRJ 900 (86)	PHX	US AIRWAYS	2769	12:01 PM	DAILY	SFO	UNITED EXPRESS SkyWest	6225	8:41 AM	DAILY	EMB (27)
CRJ 200 (50)	SLC	Delta SkyWest	3960	12:22 PM	WE-MO	LAX	UNITED EXPRESS SkyWest	6062	10:00 AM	DAILY	EMB (27)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6168	12:41 PM	DAILY	SFO	UNITED EXPRESS SkyWest	6231	10:27 AM	DAILY	EMB (27)
EMB (27)	LAX	UNITED EXPRESS SkyWest	6091	2:04 PM	DAILY	LAX	American	3028	11:05 AM	DAILY	SAAB (30)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6216	3:30 PM	DAILY	PHX	US AIRWAYS	2824	12:31 PM	DAILY	CRJ 900 (86)
EMB (27)	LAX	UNITED EXPRESS SkyWest	6093	4:03 PM	DAILY	SFO	UNITED EXPRESS SkyWest	6168	1:00 PM	DAILY	EMB (27)
EMB (27)	LAX	UNITED EXPRESS SkyWest	6037	5:07 PM	DAILY	SLC	Delta SkyWest	3802	1:00 PM	WE-MO	CRJ 200 (50)
SAAB (30)	LAX	American	3077	5:30 PM	DAILY	LAX	UNITED EXPRESS SkyWest	6091	2:25 PM	DAILY	EMB (27)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6236	5:43 PM	DAILY	SFO	UNITED EXPRESS SkyWest	6216	3:50 PM	DAILY	EMB (27)
DASH 8 (33)	PHX	US AIRWAYS	2771	6:11 PM	DAILY	LAX	UNITED EXPRESS SkyWest	6093	4:22 PM	DAILY	EMB (27)
EMB (27)	LAX	UNITED EXPRESS SkyWest	6095	7:26 PM	DAILY	LAX	UNITED EXPRESS SkyWest	6037	5:29 PM	DAILY	EMB (27)
CRJ 700 (66)	DEN	UNITED EXPRESS SkyWest	6709	7:38 PM 7:28 PM	MO-SA SU	LAX	American	3078	6:00 PM	DAILY	SAAB (30)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6204	8:03 PM	DAILY	SFO	UNITED EXPRESS SkyWest	6236	6:08 PM	DAILY	EMB (27)
SAAB (30)	LAX	American	3031	8:45 PM	DAILY	LAX	UNITED EXPRESS SkyWest	6095	7:46 PM	DAILY	EMB (27)
CRJ 200 (50)	SLC	Delta SkyWest	3821	10:17 PM	SU-MO WED-FR	LAS	US AIRWAYS	2780	8:20 PM	TH-FR SUN	CRJ 200 (50)
EMB (27)	SFO	UNITED EXPRESS SkyWest	6237	10:51 PM	DAILY	SFO	UNITED EXPRESS SkyWest	6204	8:22 PM	DAILY	EMB (27)

Community Concern

- **Concern: Early morning Departures and late arrivals**

Response: Airline Flight schedules have historically had early morning departures and late evening arrivals at MRY as provided by these sample schedules

Monterey Regional Airport
July 2018 Flight Schedule

	ARRIVALS					DEPARTURES					
Aircraft Type (Seats)	FROM	AIRLINE	FLIGHT	TIME	SCHD	TO	AIRLINE	FLIGHT	TIME	SCHD	Aircraft Type (Seats)
CRJ200 (50)	LAX	UNITED	5310	8:55 AM	DAILY	LAX	UNITED	5521	5:30 AM	DAILY EXC JULY 5	E175 (76
EMB175 (76)	SAN	Alaska	3417	8:55 AM	DAILY	PHX	American Airlines	5721	5:55 AM	DAILY	CRJ900 (76)
CRJ900 (76)	PHX	American Airlines	5981	11:43 AM	DAILY EFFECTIVE JULY 5	SFO	UNITED	5316	6:00 AM	DAILY	CRJ200 (50)
CRJ200 (50)	LAX	UNITED	5337	12:55 PM	DAILY	LAX	UNITED	5522	9:30 AM	DAILY	CRJ200 (50)
E175 (76)	SFO	UNITED	5201	1:55 PM	DAILY EXC JULY 2 - 6	SAN	Alaska	3486	9:35 AM	DAILY	EMB175 (76)
A319 (156)	LAS	allegiant air	540	3:20 PM	MON & FRI	PHX	American Airlines	5981	12:35 PM	DAILY EFFECTIVE JULY 5	CRJ900 (76)
CRJ900 (76)	PHX	American Airlines	5722	3:25 PM	DAILY	LAX	UNITED	5534	1:25 PM	DAILY	CRJ200 (50)
CRJ200 (50)	LAX	UNITED	5623	4:35 PM	DAILY	SFO	UNITED	5984	2:30 PM	DAILY EXC JULY 2 - 6	E175 (76
CRJ900 (76)	PHX	American Airlines	5905	6:30 PM	DAILY EXC JULY 4 & 5	LAS	allegiant air	541	4:05 PM	MON & FRI	A319 (156)
CRJ200 (50)	LAX	UNITED	5594	7:25 PM	DAILY	PHX	American Airlines	5722	4:10 PM	DAILY	CRJ900 (76)
CRJ900 (76)	PHX	American Airlines	5837	9:55 PM	DAILY	LAX	UNITED	5724	5:05 PM	DAILY	CRJ200 (50)
E175 (76)	SFO	UNITED	5374	11:20 PM	DAILY EXC JULY 3 & 4	PHX	American Airlines	5905	7:10 PM	DAILY EXC JULY 4 & 5	CRJ900 (76)
CRJ200 (50)	LAX	UNITED	5850	11:30 PM	DAILY	LAX	UNITED	5751	8:20 PM	DAILY EXC JULY 3	CRJ200 (50)

Community Concern

- **Concern: Early morning Departures and late arrivals**

Response: Airline Flight schedules have historically had early morning departures and late evening arrivals at MRY as provided by these sample schedules

Monterey Regional Airport
June 2022 Flight Schedule

	ARRIVALS					DEPARTURES					
Aircraft Type (Seats)	FROM	AIRLINE	FLIGHT	TIME	SCHD	TO	AIRLINE	FLIGHT	TIME	SCHD	Aircraft Type (Seats)
EMB175 (76)	LAX	UNITED	5310	10:50 AM 10:00 AM	JUN 1 - 2 JUN 4 - 30	DEN	UNITED	5681	5:15 AM	JUN 3 - 30	CRJ200 (50)
CRJ700 (66)	PHX	American Airlines	4970 5768	12:00 PM	DAILY	LAX	UNITED	5658 5248	6:00 AM 10:30 AM	JUN 1 - 2 JUN 4 - 30	EMB175 (76)
EMB175 (76)	DFW	American Airlines	4004	12:55 PM	DAILY	PHX	American Airlines	3147	6:10 AM	JUN 2 - 30	CRJ200 (50)
CRJ200 (50)	SFO	UNITED	5479	1:55 PM 12:20 PM	JUN 1 - 2 JUN 3 - 30	DFW	American Airlines	3555	7:00 AM	JUN 4 - 30	EMB175 (76)
EMB175 (76)	SEA	Alaska	3471	2:10 PM 1:45 PM	JUN 1 - 15 JUN 16 - 30	SFO	UNITED	5357	8:00 AM	DAILY	EMB175 (76)
CRJ200 (50)	DEN	UNITED	5259 5438	3:20 PM 1:45 PM	DAILY	DEN	UNITED	5418 5778	11:25 AM 12:55 PM	JUN 1 - 2 JUN 3 - 30	CRJ200 (50)
EMB175 (76)	SAN	Alaska	3383	3:25 PM 5:10 PM	JUN 1 - 15 JUN 16 - 30	PHX	American Airlines	4970	12:40 PM	DAILY	CRJ700 (66)
CRJ700 (66)	PHX	American Airlines	3147 5761	3:50 PM	DAILY	DFW	American Airlines	4004	1:50 PM 1:25 PM	JUN 1 - 2 JUN 3 - 30	EMB175 (76)
EMB175 (76)	DFW	American Airlines	3880	6:10 PM	JUN 3 - 30	SFO	UNITED	4729	2:30 PM	DAILY	CRJ200 (50)
EMB175 (76)	LAX	UNITED	5288 5280	8:25 PM 4:05 PM	JUN 1 - 2 JUN 4 - 30	SEA	Alaska	3471	2:50 PM 2:25 PM	JUN 1 - 15 JUN 16 - 30	EMB175 (76)
CRJ200 (50)	DEN	UNITED	4736	8:50 PM	JUN 3 - 30	SAN	Alaska	3383	4:05 PM 5:50 PM	JUN 1 - 15 JUN 16 - 30	EMB175 (76)
A319 (156)	LAS	allegiant	108	9:30 PM 9:00 PM	3, 6, 10, 13, 27 17, 20, 24	PHX	American Airlines	3147	4:20 PM	JUN 2 - 30	CRJ700 (66)
CRJ700 (66)	PHX	American Airlines	3044	9:55 PM	DAILY	LAX	UNITED	5410	4:45 PM	DAILY	EMB175 (76)
EMB175 (76)	SFO	UNITED	5850	11:55 PM	DAILY EXC 4, 8, 11, 15, 18, 22	LAS	allegiant	109	10:20 PM 9:50 PM	3, 6, 10, 13, 27 17, 20, 24	A319 (156)

FAA Letter of Dec. 4, 1975

- The FAA analyzed the 1975 Airport Master Plan ("AMP"), which contained a noise reduction component
- THE FAA disagreed with the "Positive Noise Reduction Program" at Chapter 5, commencing on page 89
  - Item 9 of the AMP stated "Discourage requests for touch and go landing or practice instrument approaches by military or commercial aircraft" (Note: does not include non-commercial aircraft)
- The FAA stated, "...item 9 of that program – as written – appears to be discriminatory and may be in violation of past assurances.
- The FAA further stated, "Discrimination as proposed in item 9 strictly on the basis of "noise abatement" cannot be sanctioned, at present, by the FAA.

FAA Letter of Nov. 24, 1986

- The FAA analyzed the Airport Noise Compatibility Program dated October 30, 1985 ("ANCP")
- The ANCP recommended 31 measures related to noise
- The FAA disagreed with several of the measures , which are directly at issue in Ordinances 308, 309, and 310.

FAA Letter of Nov. 24, 1986

- Item 10 listed a desire to "Limit, Restrict or Transfer Local Training Operations."

Specifically, the FAA disagreed with this measure

- The FAA stated, "Training Restrictions (Page III-9). ...The Airport proprietor is advised that certain provisions of the Ordinance appear to attempt to regulate aircraft operations, preferential runway usage, and the maintenance of flight proficiency in a manner that is preempted by the Federal Government." (emphasis added.)

FAA Letter of Nov. 24, 1986 (cont.)

- Item 11 listed a measure to " Continue Restrictions on Operating Hours"

Specifically, the FAA disagreed with this measure

- The FAA stated, "Restrict Operating Hours (page III-10). Approved as a voluntary measure only."
- It should be noted that the Ordinances as written are NOT voluntary. They are mandatory and include fines and penalties for violations.
- The Board approved Resolution No. 1910, which Established a policy on aircraft noise management and community engagement, which codifies the voluntary nature of the requested measures.

MPAD's Airport Noise Compatibility Plan Recognizes Operating Hour Restrictions are Preempted by Federal Law

- The Airport's Noise Compatibility Program dated October 30, 1985.

- On page III-10, the Airport states the following: "Continue Restrictions on Operating Hours. The responsibility for the enforcement of airport operating hours is that of the Airport District. However, because of federal preemption of restrictions on interstate commerce, the District is precluded from establishing a curfew or closing the Airport between certain hours. Therefore, enforcement of existing airport operating hours must remain voluntary on the part of tenants, the airlines and fixed base operators."

MPAD's Airport Noise Compatibility Plan Recognizes Operating Hour Restrictions are Preempted by Federal Law

Continue Restrictions on Operating Hours. The responsibility for the enforcement of airport operating hours is that of the Airport District. However, because of federal preemption of restrictions on interstate commerce, the District is precluded from establishing a curfew or closing the Airport between certain hours. Therefore, enforcement of existing airport operating hours must remain voluntary on the part of tenants, the airlines and fixed base operators.

Information concerning hours of operations at Monterey Peninsula Airport should continue to be posted in conspicuous places at the Airport, and handouts distributed through the FBOs. The FAA's cooperation in publishing this information, and in broadcasting it via the Airport Terminal Information Service (ATIS), would also be of help.

Maintain Military Operations Procedures. Implementation of these actions are the dual responsibility of the Airport District and the military. As part of the ANCLUC Study process, Airport management began working with representatives from Fort Ord and the U.S. Air Force to establish published procedures for the use of Monterey Peninsula Airport by military aircraft involved in tactical training operations.

The following revised procedures pertaining to the Airport should be submitted for publication in the Department of Defense flight information publication, "IFR-Supplement." This publication is issued every eight weeks and covers all U.S. civil and military airports:

"MONTEREY PENINSULA (AIRPORT)

Noise abatement procedures in effect, noise sensitive areas SW and NW quadrants. Pilot required to use noise abatement procedures (as follow):

1. Due to the high density of noise sensitive areas surrounding Monterey Airport, strongly encourage strictest compliance with noise abatement procedures.
2. Departing aircraft use aircraft flight manual's maximum allowable rate of climb consistent with safety and following ATC instructions to assigned altitude.
3. All departures will maintain runway heading until reaching a minimum of 900 feet MSL, or until over Highways 1/68 interchange. Right turn to 330° departure heading or as assigned by ATCT.
4. No aircraft engine-runups between 2300 hours (11:00 p.m.) and 0700 hours (7:00 a.m.).

III-10

(10) Training Restrictions (page III-9)
No action required at this time. This measure relates to flight procedures under the provisions of section 104(b) of the Act. The FAA recognizes that this is not a new proposal; it is a continuation of an existing ordinance (Ordinance No. 310) which has been in effect since 1978. However, the FAA is for the first time being requested to approve this measure under Part 150. The airport proprietor is advised that certain provisions of the Ordinance appear to attempt to regulate aircraft operations, preferential runway usage, and the maintenance of flight proficiency in a manner that is preempted by the Federal Government. In addition, there is a lack of submitted information concerning the contribution of touch and go operations to the noise problem and the benefits of this measure in terms of noise reduction/compatibile land use. The FAA is willing to work closely with the airport proprietor to determine whether the objectives of this measure can be obtained consistent with these concerns.

(11) Restrict Operating Hours (page III-10)
Approved as a voluntary measure only. Airport operating hours are currently scheduled so that there are no scheduled air carrier operations between 10 p.m. and 7 a.m. This is a voluntary agreement between the Airport District and the airport users. This measure recommends the continuation of this voluntary agreement. Any recommendation by the airport authority to make this provision mandatory would have to be resubmitted under FAR Part 150 with appropriate accompanying analysis in order to be approved as part of the airport proprietor's Part 150 program.

(12) Military Operating Procedures (pages III-10 to 11)
No action required at this time. This measure relates to flight procedures under the provision of Section 104(b) of the Act. If additional or changed noise abatement procedures for the military are to be implemented, the Air Traffic Control Tower needs to make preparations with the U. S. Army, Air Force and the Airport District (reference AWP-500 memo of March 11, 1986.)

(13) Growth Limits and Lease Restrictions (page III-11)
Disapproved. These measures are disapproved pending submission to the FAA under Far Part 150 and the Act of data and information sufficient to permit and thoroughly informed analysis. With respect to the portion of this recommendation relating to limiting the development of new general aviation and business aircraft hangars and apron areas to that shown in the existing Airport Master Plan, the document does not contain sufficient information to indicate that this measure would contribute to reducing non-compatible land uses or to preventing additional noncompatible land uses.

MPAD's Airport Noise Compatibility Plan Recognizes Operating Hour Restrictions are Preempted by Federal Law

Several alternatives were rejected because they conflicted with Federal policy including:

1. The establishment of an airport curfew ordinance or placing an arbitrary cap or ceiling on air traffic which would impede the fair conduct of interstate commerce or place an unfair burden on Airport users.

2. Denying new airline entrants into the Monterey market. This action would unfairly benefit incumbent airlines and would be discriminatory toward air carriers not currently serving the Airport. It would also deny the opportunity to introduce quieter, more fuel-efficient aircraft into the fleet mix serving Monterey.

3. Reducing the service role of the Airport to exclude commercial turbojet air service. This class of alternatives conflicted with Federal preemption in the regulation of interstate commerce.

4. Denial of the use of the Airport to aircraft types or classes which do not meet federal noise standards was rejected on the basis of federal preemption (i.e., air carrier turbojet aircraft currently using the Airport are FAR Part 36 compliant, and military aircraft are exempt).

As a concluding note, the Airport may consider other alternatives, not previously included, as part of the ongoing process of noise abatement planning and implementation which will follow conclusion of this airport noise compatibility planning study effort.

II-29

FAA Letter of Nov. 24, 1986 (cont.)

- Item 13 listed a measure to enact "Growth Limitations and Lease Restrictions"

Specifically, the FAA disapproved this measure

- The FAA stated, "Disapproved. ...the document does not contain sufficient information to indicate that this measure would contribute to reducing non-compatible land uses or to preventing additional non-compatible land uses. Neither does the document contain sufficient information to indicate that this measure as formulated would avoid the problem of unjust discrimination against a class of aeronautical users."

FAA Letter of Nov. 24, 1986 (cont.)

- Item 17 listed a measure to "Accelerate FAR 36 Compliance [related to noise of aircraft]" and to require only Stage 3 planes to land at MRY

Specifically, the FAA disapproved this measure as mandatory

- The FAA stated, "Approved as a voluntary measure only. The airport proprietor confirmed by letter...that this shall be a voluntary program on the part of participating aircraft operators. This measure is being approved by the FAA on that basis." (emphasis added)
- This measure is directly implicated with Ordinance 308

Summary

- Each of the three Ordinances are invalid, unconstitutional, and/or are ineffective.
- Leaving an invalid, ineffective or unconstitutional ordinance in place is not a policy of good governance.
- We have seen in other jurisdictions, groups that have initiated litigation against airports for not enforcing ordinances.
- It is the strong recommendation of staff that the three Ordinances be repealed for those reasons.
- Furthermore, the analyses we have provided demonstrate the concerns received are erroneous, misinterpreted, or are otherwise without merit.