

## **AIRCRAFT NOISE ABATEMENT OPERATING PROCEDURES AND RESTRICTIONS**

This section sets forth LAWA's formal noise abatement ground operations restrictions and other airport noise abatement procedures, restrictions and regulations involving aircraft operations.

All aircraft operators shall comply with FAA regulations and procedures for noise abatement and noise emission standards and with all rules, policies, procedures, resolutions and ordinances established by the City of Los Angeles, LAWA Board of Airport Commissioners relative to noise abatement.

It is not intended that any of the traffic or flight procedures contained herein shall, in any manner, abrogate the authority and responsibility of the pilot in command to assure the safe operation of the aircraft.

### **1. Definitions**

Except where the context otherwise requires, the following terms, when used in this regulation, shall have the following definitions:

- a. Advisory Circular 36-3A – Estimated maximum A – Weighted Sound Levels for Airplanes at Part-36 Appendix “C: Locations – Takeoff – as set forth in United States Department of Transportation, Federal Aviation Administration, Advisory Circular 36-3A, dated June 11, 1980, attached as Exhibit “A” to this regulation and made a part hereof as though set forth in full, and as said Advisory Circular may be amended from time to time.
- b. Aircraft – All fixed-wing aircraft driven by one or more propeller, turbojet, or turbo fan engines.
- c. Airport – Van Nuys Airport.
- d. Airport Manager – Van Nuys Airport Manager.
- e. Board – Board of Airport Commissioners of the City of Los Angeles as described in Article XXIV, Section 238, et seq. of the Charter of the City of Los Angeles.
- f. dBA – A – weighted sound pressure level.
- g. Depart – The movement of an aircraft from the time it commences its departure until it is airborne.
- h. General Manager – General Manager of the Department of Airports, as described and defined in Article VI, Section 70 et seq. and Article XXIV, Section 238, et seq. of the Charter of the City of Los Angeles.

- i. Person – An individual, partnership, business, corporation, joint venture, or any entity responsible for an aircraft operation.
- j. Repetitive Operation – A practice operation, including, but not limited to, “touch and go” or “stop and go” operations, which utilizes an Airport runway to land where the aircraft after touching down or landing takes off again within five minutes. However, this definition does not include such operations as are necessary because of safety considerations or weather phenomena.
- k. Run-up – The ground testing or revving of an aircraft engine not immediately connected to contemporaneous air operation.
- l. “Stop and Go” Operation – The action by an aircraft consisting of a landing, followed by a complete stop on the runway, and then a takeoff from that point.
- m. “Touch and Go” Operation – The action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.
- n. For the purposes of this regulation, all times are local Pacific Standard Time, unless Daylight Savings Time is in force and, in such event, it shall be used.
- o. Exempt Based Aircraft – All aircraft which were parked, tied down or hangared at Airport for ninety (90) days or more during the twelve (12) months immediately preceding December 31, 1999.

## 2. **Curfew**

No aircraft may depart from Van Nuys Airport between the hours of 11:00 p.m. and 7:00 a.m. of the following day, except those aircraft listed below:

- a. Military aircraft and any government owned or operated aircraft involved in law enforcement, emergency, fire or rescue operations.
- b. Aircraft whose estimated takeoff noise levels, as set forth in Federal Aviation Administration Advisory Circular 36-3A (or in any revision, supplement or replacement thereof listing the noise levels) are equal to or less than 74 dBA.
- c. Aircraft of a type or class not included in Advisory Circular 36-3A, for which evidence has been furnished to the Board that the departure noise of said aircraft will not exceed the established noise value limitation of 74.0 dBA set forth in Advisory Circular 36-3A. When furnishing evidence that an aircraft has the ability to depart and not exceed the dBA level of 74.0, the person producing such evidence shall be required to provide appropriate information to validate conclusions and ability to comply with this regulation. The Board reserves the

right to validate the aircraft's compliance ability through utilization of actual flight noise measurements.

- d. Aircraft which have been identified by the Federal Aviation Administration in writing as having a 74.0 dBA or lower takeoff noise level although such figure is not published in Advisory Circular 36-3A.
- e. Aircraft engaged in a bona fide medical or life-saving emergency for which acceptable evidence has been submitted in writing to the General Manager within seventy-two (72) hours prior to or subsequent to said departure.

## **2.1 Curfew (extension)**

Except for aircraft exempted by subdivisions (a) through (e) of Section 2, no aircraft may depart from Van Nuys Airport between the hours of 10:00 p.m. and 11:00 p.m. The provisions of this section shall not be applicable to any aircraft certificated as Stage 3 pursuant to 14 Code of Federal Regulations Part 36.

## **3. Repetitive Aircraft Operations**

- a. No person shall engage in repetitive operations in any propeller powered aircraft between the hours of 10:00 p.m. and 7:00 a.m. of the following day from June 21 through September 15, and between the hours of 9:00 p.m. and 7:00 a.m. of the following day from September 16 through June 20.
- b. No person shall engage in repetitive operations in any turbo-jet or fan jet powered aircraft, at any time, at Airport.

## **4. Run-ups**

No person shall test or run-up an aircraft engine for maintenance purposes between the hours of 7:00 p.m. and 7:00 a.m. of the following day. Engine run-ups shall be conducted only in areas designated in writing by the General Manager. The purpose of the designated run-up area is to mitigate both the safety and noise issues that are inherent with this type of activity.

Effective Monday, May 14, 2001, all persons who need to perform certain types of maintenance activity (i.e. leak checks, etc.) will be permitted to do so on their leasehold, and not be in violation of the Ordinance, provided the following provisions are adhered to:

- a. Contact Airport Operations at (818) 442-6506 prior to commencing the operation.
- b. All engine checks must be accomplished at idle power at all times and for a duration not to exceed three (3) minutes.

- c. A minimum of one wing walker must be present outside the aircraft, in clear view of the individual manipulating the controls of the aircraft, at all times the engine(s) are running to ensure the overall safety of the operation.
- d. The “jet blast/prop wash” resulting from the activity must be directed away from the service road at all times and in no way jeopardize the safety of any persons or property.

Any maintenance run-up activity not in compliance with the aforementioned provisions, as well as the time stipulations contained within the Ordinance, will be in violation of said Ordinance and handled accordingly.

**5. Non-addition**

No person or tenant may tie-down, park or hangar any aircraft at Van Nuys Airport, whose Advisory Circular 36-3G takeoff noise level equals or exceeds 77 dBA, for more than thirty (30) days in any calendar year, unless said aircraft is an exempt based aircraft.

EXEMPTION A – STAGE 3: The provisions of this section shall not be applicable to any aircraft certificated as Stage 3 pursuant to 14 Code of Federal Regulations Part 36.

EXEMPTION B – REPAIR AND MAINTENANCE: Notwithstanding the restrictions of Section 5, a Stage 2 aircraft with a takeoff noise level in excess of 77 dBA may be parked, tied down or hangared at Airport in excess of the 30 day limit (and such additional time as is necessary) to perform major repairs or refurbishment, required maintenance inspections or systems installations and warranty work (hereinafter “work”) provided all of the following conditions are fully satisfied:

- a. Prior to the day of arrival of the aircraft at Airport, the Airport Manager receives a written “work notice” containing the anticipated date of arrival, the name of the aircraft owner and operator, the aircraft type and registration “N” number, the name of the company or entity contracted to perform the work, a complete description of the work to be performed, and an estimate of the duration of the stay (additional documentation may be required by the Airport Manager); and
- b. The aircraft is not being charged a tie-down fee or other use fee by an Airport tenant; and
- c. The aircraft owner or operator obtains a written permit from the Airport Manager authorizing an exemption under this subsection prior to or within 24 hours of arrival of the aircraft at Airport; and
- d. The aircraft owner or operator complies with all conditions and terms stated in the written permit granted by the Airport Manager, including, but not limited to, mandatory daytime hours for flight arrivals and departures; and

- e. The aircraft owner or operator provides written notice of departure to the Airport Manager within 24 hours of departure from the Airport.

**EXEMPTION C- REPLACEMENT:** Until December 31, 2005, notwithstanding the provisions of Section 5, an exempt based Stage 2 aircraft, as defined, may be replaced with another Stage 2 aircraft exceeding 77 dBA (“replacement Stage 2 aircraft”), provided the documentation required by the Airport Manager can be provided and all of the following apply:

- a. The Stage 2 aircraft being replaced will no longer be based at Airport; and
- b. Calculated on the date of replacement, the replacement Stage 2 aircraft has an Advisory Circular 36-3G takeoff noise level not exceeding 85 dBA; and
- c. The replacement Stage 2 aircraft, after January 1, 2011, shall not be tied down, parked or hangared at Van Nuys Airport for more than thirty (30) days in any calendar year.

A replacement Stage 2 aircraft exceeding 77 dBA shall not be considered an “exempt based aircraft”, nor shall its continued presence at Van Nuys Airport under Exemption C ever entitle it to “exempt based aircraft” status.

## **6. Presumption**

For the purpose of this regulation, the beneficial owner of an aircraft shall be rebuttably presumed to be the pilot of the aircraft with authority to control the aircraft’s operations, except that where the aircraft is leased, the lessee shall be presumed to be the pilot.

In the case of any pilot training operation in which both an instructor and student pilot are in the aircraft operated in violation of any provision of this regulation, the instructor shall be rebuttably presumed to have caused such violation.

## **7. Enforcement and Penalties**

- a. **Civil Penalties.** In addition to any other remedy provided for by this regulation or elsewhere, any person who violates any provision of this regulation shall be liable for a civil penalty not to exceed seven hundred and fifty (\$750) dollars.

Any person who violates any provision of this regulation for a second time within one year of a prior violation shall be liable for a civil penalty not to exceed one thousand five hundred (\$1500) dollars upon such second violation.

Any person who violates any provision of this regulation for a third or any subsequent time within a three (3) year period shall be liable for a civil penalty not to exceed three thousand five hundred (\$3500) dollars.

Civil penalties shall be assessed and recovered in a civil action brought in the name of the City of Los Angeles by the City Attorney of Los Angeles in any court of competent jurisdiction in Los Angeles County. Funds recovered thereby shall be placed in the Airport Revenue Fund.

- b. Denial of Use of Airport. In the event any person has violated any provision of this regulation three (3) or more times within a three-year period of the first violation, then for a period of three years thereafter, such person shall be deemed a persistent violator and be denied permission to depart from Airport in an aircraft owned, borrowed, rented or leased by such person and denied the right to lease, rent or use space for any aircraft (including tie-down) at Airport.
- c. Exclusion of Aircraft for Violations. In the event an aircraft has been operated in violation of any provisions of this regulation on three or more occasions within a three-year period of the first violation, whether piloted by the same or different individuals, then it shall be presumed that future operations of said aircraft will result in continued violations. The Airport Manager shall thereafter deny said aircraft permission for a period of three years to tie-down, be based at, or take off from Airport provided, however, that a new owner, who has not operated the aircraft or caused it to be operated in violation of this regulation, shall be entitled to appeal such decision to the Airport Manager upon furnishing satisfactory evidence of a change in both the operating personnel and ownership of such aircraft. Upon receiving such evidence, the Airport Manager shall restore all rights to said aircraft.
- d. Other Enforcement. The provisions of this regulation may be judicially enforced by injunction or other relief deemed appropriate by any court of competent jurisdiction.

Any person, except employees of the Federal Aviation Administration acting in the course and scope of their employment, who counsels, aids, assists, or abets any other person in the operation of any aircraft in violation of this regulation is subject to the same penalty provisions as are specified in this section.

The remedies described herein shall be deemed to be cumulative, and, the election to seek any remedy shall not be deemed to be a waiver of other remedies nor a bar to seek more than one remedy for the same violation of this regulation.

## **8. Savings Clause**

If any section, subsection, sentence, clause or phrase of this regulation is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation. The City Council hereby declares that it would have passed this regulation and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact

that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**9. Designated Officers and Employees**

The General Manager, and such other City employees as are designated by the General Manager, shall have the duty and authority to enforce the provisions of this regulation.

All aforementioned rules, regulations, provisions and amendments were taken from City of Los Angeles Ordinance Nos. 155,727, 171889 and 173215.