

SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY

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May 9, 2011

By Federal Express and U.S Mail

Ms. Elizabeth D. Eskridge  
Airport Environmental Specialist  
Department of Transportation  
Division of Aeronautics – M.S. #40  
1120 N. Street  
P.O. Box 942874  
Sacramento, California 94274-0001

Re: *California Noise Standards Variance Application: San Diego International Airport*

Dear Ms. Eskridge:

The San Diego County Regional Airport Authority (“Authority”), as the state and federally certified operator of San Diego International Airport (“SDIA” or “Airport”), has enclosed and submits for filing to the Division of Aeronautics, California Department of Transportation (“the Department”) its Application for a Variance from certain provisions of the California Noise Standards (21 CAL. CODE REGS. §§5001 *et seq.*) with respect to the continued operation of San Diego International Airport (“SDIA”) (the “Variance” or the “Variance Application”).

The Department last issued a variance for SDIA on June 11, 2008 (effective July 11, 2008) for a period of three (3) years (“the Current Variance”). The Current Variance was the result of numerous discussions, a partial settlement, and an administrative hearing involving the Authority and various “interested parties,” including The Airport Coalition (represented by Kirk Hanson, Esq.) and Richard Phillips (on behalf of the Greater Golden Hill Community Development Corporation). Administrative Law Judge, Stephen E. Hjelt issued his Proposed Decision on the Variance Application on April 18, 2008, resolving the outstanding issues between the parties.

Judge Hjelt’s Proposed Decision, adopted by the Department with minor changes not affecting its factual or legal basis, granted the Authority’s Variance Application subject to eight (8) terms and conditions. As discussed in more detail in “Attachment A” to the enclosed Variance



SAN DIEGO  
INTERNATIONAL  
AIRPORT

Ms. Betsy Eskridge  
State of California, Division of Aeronautics  
May 9, 2011  
Page 2

Application, the Authority has complied with each of these eight terms and conditions. The actions taken by the Authority to reduce the noise impact area surrounding SDIA include enforcement of the Airport Use Regulations (“AURs”) which impose a nighttime “curfew” on aircraft departures from SDIA and provide a system by which to assess administrative penalties against aircraft operators who violate the AURs.

In addition, the Authority uses its acoustical home insulation program, the Quieter Home Program (“QHP”), to reduce the number of incompatible land uses within the 65 dB CNEL impact area. Specifically, during the period from July 1, 2008, through May 11, 2011, the Authority completed sound attenuation of 943 residential units. As of May 1, 2011 there were one hundred and fifty-seven (157) dwelling units in the pre-construction phase and two hundred and twenty (220) dwelling units in the design phase. Another eight hundred (800) units are currently on the waiting list for the Program to begin the design process.

The enclosed Variance Application is being submitted by the Authority without prejudice to its legal position or rights with respect to the Authority’s interests in and ownership of certain aviation easements to certain properties near SDIA, which includes all of the property located within the FAA-accepted Projected 2014 65 decibel (“dB”) Community Noise Equivalent Level (“CNEL”) contour for SDIA. The Authority and Port District (the former proprietor of SDIA) have consistently asserted and continue to assert, in litigation and otherwise, that prescription aviation easements have been acquired and perfected over and in any and all affected property surrounding SDIA with respect to aircraft operations, aircraft noise, and other effects of aircraft operations. (*e.g.*, *Britt, et al. v. San Diego Unified Port District*, San Diego Superior Court, Civil Case Nos. 367963, 379755, and 3400165 (consolidated cases), and *Schultz, et al. v. San Diego Unified Port District*, United States District Court for the Southern District of California Civil Case No. 86-1851 MLH (CN) (and consolidated cases)).

As you know, under the CALIFORNIA NOISE STANDARDS, the existence of these aviation easements means that there is a “zero” Noise Impact Area (as defined in the NOISE STANDARDS) for SDIA, and that technically the Authority does not require the issuance of a variance under the NOISE STANDARDS for the continued operation of SDIA. (21 CAL. CODE REGS. §§5001(k), 5051(a)(1) and 5051). Nevertheless, the Authority recognizes the public interest in the discussion of issues relating to the operation of SDIA.

Therefore, consistent with this position, the Authority has decided to submit the enclosed Variance Application with the understanding that: (1) neither the State of California, nor its political subdivisions, with responsibilities under the NOISE STANDARDS (collectively, “the State”), will assert that the Authority’s submission of the enclosed Variance Application constitutes a waiver in any form, or to any degree, of the Authority’s rights and position with respect to its claims for prescriptive aviation easements; and (2) that it is the voluntary agreement of the State and the Authority that any variance proceeding conducted with respect to the enclosed Variance Application, or the results of any such proceeding, will not in any respect

Ms. Betsy Eskridge  
State of California, Division of Aeronautics  
May 9, 2011  
Page 3

operate as a determination as having any *res judicata* or other preclusion effect on any collateral proceeding to which the Authority might be a party.

In addition, submission of this Variance Application is made without prejudice to any position the Authority may wish to take with respect to the legal authority of the State of California or the Division of Aeronautics (1) to require variances, or (2) to otherwise regulate the operation of SDIA as a public airport in light of the Supremacy Clause of the United States Constitution (Art. VI, cl. 2) and the pervasive federal regulation of aircraft and airport operations. Although the Authority does not believe that it would be constructive, necessary, or in the best interests of interested parties to adjudicate either the preemption or prescriptive rights issues in the context of the enclosed Variance Application, as it may later determine it to be necessary, the Authority reserves its rights to assert its position on the prescriptive easement and preemption issues at any appropriate time before, during or after the variance process.

The Authority will provide a copy of the enclosed Variance Application to the signatories to the Current Variance stipulation. In addition, the Authority will provide information regarding the Variance Application on its website and publish an article regarding the Variance Application in its *Noise Matters* newsletter, which will be mailed to all residences located within the 65 dB CNEL noise contour for SDIA. The Authority would appreciate it if the Department would advise the Authority promptly of any objections to the granting of this Variance Application, or any other communications to the Department from interested parties who might potentially have standing and a legitimate interest in the issuance of a subsequent variance without a hearing.

The Authority appreciates the Department's cooperation and assistance in considering the enclosed Variance Application. The Authority remains ready to assist the Department in its evaluation of the Variance Application. If you have any questions regarding the Variance Application, or if there are any additional materials we can provide to you as part of your review, please feel free to contact us at your convenience. We look forward to hearing from you once you have had an opportunity to review the enclosed materials.

Sincerely,



Thella F. Bowens  
President/CEO  
San Diego County Regional Airport Authority

Ms. Betsy Eskridge  
State of California, Division of Aeronautics  
May 9, 2011  
Page 4

cc: Airport Authority Board  
Breton Lobner, General Counsel  
Brent Buma, Vice President, Marketing and Communications  
Angela Shafer Payne, Vice President, Planning and Operations  
Paul Manasjan, Director, Environmental Affairs  
Dan Frazee, Director, Airport Noise Mitigation

Enclosures

**Request for Variance'  
To Noise Regulations for California Airports**

1. **Airport Name:** San Diego International Airport (“SDIA” or “SAN”)
2. **Person Making Request:** Thella Bowens, President/CEO                      **Date:** May 11, 2011
3. **Specific Variance Requested (California Code of Regulations Section Number and description of request):** The San Diego County Regional Airport Authority (“Authority”), as the state and federally certified operator of SDIA, submits this Application and Request to the Division of Aeronautics, California Department of Transportation (“Department”), for a variance from certain provisions of the California Noise Standards (21 Cal. Code Regs. §§5001 *et seq.*) (“Regulations”) with respect to the continued operation of SDIA. This request for a variance is based upon the information contained in this request and the supplemental information contained in “Attachment A”.
4. **Statement explaining why Airport Proprietor believes a variance is necessary:** A variance is necessary for continued operations at SDIA. Achievement of a “zero noise impact area”, as defined in the Regulations, during the term of the requested variance is technologically and economically impractical and infeasible.
5. **Date airport was officially designated by County Board of Supervisors to have a Noise Problem:** July 25, 1972
6. **Total Annual Flight Operations:** Calendar Year 2010: 189,943
7. **Total Annual Air Carrier Operations:** Calendar Year 2010: 146,378
8. **Noisiest class of aircraft using airport:** Commercial: Stage 3 Aircraft (hush-kitted B727); General Aviation: Stage 2 Aircraft
9. **Size of Noise Impact Area as defined by the Noise Standards for California Airports (measured in square statute miles):** As of December 31, 2010, the area within the 65 dB community noise equivalent level (“CNEL”) contour was approximately 0.79 square miles. Note: 0.79 square miles is a parcel count of incompatible land uses, not an area count.
10. **Statement describing how the Noise Impact Boundary was located:** The noise impact boundary was located using output from approved noise monitoring equipment and master contours developed by the Airport Noise Mitigation Office of the Authority, from January 1, 2010, through December 31, 2010.

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<sup>1</sup> The San Diego County Regional Airport Authority has reformatted the Department of Transportation, Division of Aeronautics’ Form DOA 618 (11-21-89) and submitted this Request for Variance in this format.

11. **Approximate number of homes (single-family dwelling units) enclosed by the 70 dB CNEL contour line:** There are approximately four hundred and forty four (444) single-family residential dwelling units located within the 70 dB CNEL contour line, as defined in the Authority's 2003 annual noise contours.
12. **Actions taken by the Airport Proprietor to reduce the Noise Impact Area:** Actions taken by the Authority to reduce the noise impact area surrounding SDIA include the continued enforcement of the Airport Use Regulations ("AURs") which restrict all departures between 2330 and 0630 daily and restrict above-idle engine run-ups between 2330 and 0630.

In addition to the AURs, the Authority has continued to aggressively implement the enhanced Residential Sound Attenuation Program (referred to as the "Quieter Home Program," "Program" or "QHP") consistent with the requirements of the variance issued on July 1, 2008, for a period of three (3) years ("Current Variance") to reduce the number of incompatible land uses within the 65 dB CNEL impact area. From July 1, 2008, through May 1, 2011, nine hundred and forty-three (943) dwelling units were completed in the Program. As of May 1, 2011 there were one hundred and fifty-seven (157) dwelling units in the pre-construction phase and two hundred and twenty (220) in the design phase. Another eight hundred (800) are currently on the waiting list for the Program to begin the design process.

The Authority has also implemented a Noise Information Enhancement Program ("NIEP") consistent with the requirements of the current variance. See "Attachment A" for more information regarding the NIEP.

In July 2006, the Airport Authority amended the Airport Use Regulations to double the administrative penalty for operators who failed to comply with the time-of-day departure noise curfew.

Each of the applicable terms and conditions of the current variance and a discussion of the manner in which the Authority has complied with them is provided in "Attachment A" to this Variance Request.

13. **Incremental schedule of noise impact area reductions for the time period prior to compliance:** As discussed in the response to Question 12, a variety of methods have been used to reduce the number of incompatible land uses in the 65 dB CNEL impact area. Between July 1, 2008 through May 11, 2011, nine hundred forty three (943) residences were made compatible through the Authority's Quieter Home Program.

Implementation of the QHP is dependent upon continued availability of federal grant funding, which cannot be guaranteed for a period of time sufficient to complete the QHP. Assuming continued available federal grant and local matching funding availability in constant dollars, at its current pace and including all eligible units in SDIA's current noise impact area, the QHP would be expected to be completed in approximately 2037. However, this plan does not address future requirements to insulate churches and

hospitals within the Noise Impact Area. For these reasons and because of these uncertainties, a realistic incremental schedule towards achievement of a zero Noise Impact Area cannot presently be identified or stated. For its 2012 fiscal year, the Authority has budgeted sufficient matching funds to provide the Program with an annual operating budget of fifteen million dollars (\$15,000,000).

14. **Future date by which the Airport Proprietor expects to achieve compliance with the regulations:** See the information provided in response to Item 13. As of December 31, 2010, there are approximately eight thousand five hundred and seventy (8,570) dwelling units remaining in the impact area, not including the dwelling units completed by the Program. Under the current Program, the Authority is providing sound attenuation to approximately three hundred and seventy-five (375) dwelling units per year. If this pace is continued, and if all other conditions are met, including but not limited to, continued funding from FAA, using SDIA's current noise impact area, it will take the Authority an additional twenty-three (23) years to complete the Program. Therefore, the future date by which the Authority could achieve compliance with the Regulation would be approximately 2034. This forecast of 2034, as to the future compliance date, has accelerated greatly since the Authority's last variance request at which time the projected date was 2061.
15. **Statement regarding economic and technologic feasibility of complying with the regulations:** See the responses to Items 13, 14 and 17. As the Department has previously found, it is presently economically and technologically infeasible for the Authority to achieve compliance with the regulations for SDIA at any specific, defined time in the foreseeable future. Sound attenuation is the only feasible strategy for achieving a zero noise impact area around SDIA. Currently, the average cost per eligible unit (single and multi-family units) for sound attenuation is approximately forty thousand dollars (\$40,000). At the current pace of 375 dwellings per year, assuming continuation by FAA and the Authority of the current program funding rate of approximately fifteen million dollars (\$15,000,000) per year, using SDIA's current noise impact area, and assuming the current participation rate of ninety percent (90%), the sound attenuation program will not be completed for at least twenty-three (23) years.
16. **Noise impact should variance be granted:** The noise impact at SDIA is described in the Quarterly Noise Reports filed with the State of California, Division of Aeronautics, pursuant to the Noise Standards. This noise impact will not be affected by the granting of a variance. The noise impact area will continue to be incrementally reduced through the Authority's Quieter Home Program, as described in the responses to Items 13 and 14.
17. **Value to the Public of the services for which the variance is sought:** As the Department has consistently found in prior variance determinations, continued operation of SDIA as the region's only significant commercial service airport during the period of the requested variance is essential to the interests of, among others, commercial aviation operators, general aviation operators, the San Diego County business community, shippers and other local users of commercial air cargo services, local public entities, the air traveling public, other users of the airport, and the residents of San Diego County and

neighboring counties. No other existing airport in the County is available to provide the services currently provided at SDIA. SDIA is a significant contributor to the region's economic base, providing thousands of jobs and approximately nine billion dollars (\$9,000,000,000) in total economic benefit (4% of the region's total economic output).

## ATTACHMENT A

For the convenience of the Department, and as additional information in support of its request for a variance, the Authority has listed below each of the applicable terms and conditions of the Current Variance, followed by a discussion of the manner in which the Authority has complied with each term and condition.

**Condition Number One:** *The variance granted shall be for a period of three (3) years, of the effective date of this order.*

**Compliance with Condition Number One:** The Authority is submitting its request for a renewal of the variance in a time and manner required by, and consistent with, the current variance.

**Condition Number Two:** *The Airport Authority shall continue to file the required Quarterly Reports, and shall include in those reports the additional information contemplated by the Authority's 2001 NIEP.*

**Compliance with Condition Number Two<sup>2</sup>:** Consistent with this Department's Order, the Authority has provided Quarterly Noise Reports to the Department, the San Diego County Noise Control Hearing Board and the Airport Noise Advisory Committee. The Authority has included in its quarterly reports:

- (i) Aircraft noise measurement criteria;
- (ii) Quarterly and annual CNEL data for each of the twenty-four (24) Remote Monitoring Sites ("RMS") as currently reported by the Authority;
- (iii) Overall SDIA aircraft operations as reported by the Federal Aviation Administration ("FAA") Air Traffic Control Tower at SDIA;
- (iv) A separate quarterly operations summary for aircraft arrivals and departures which identifies the loudest twenty-five percent (25%) of the operations by aircraft type, operator, decibel, point of origination, flight number and time of day during a three (3) day survey period each quarter;
- (v) The operations activity by airline for each quarter and each cumulative six (6) month period ending June 30 and December 31 of each year, which, at a minimum, reports the operations by airline and aircraft type;

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<sup>2</sup> The NIEP requires the Authority to provide the following additional information in its Quarterly Noise Reports: (a) the noisiest twenty-five percent (25%) of the noise events captured by the monitoring system during a three (3) day survey period each quarter; (b) the name of the operator, the flight number, and the operation time of day for each of the listed operations; and (c) the current status of the RSAP.

- (vi) A separate quarterly and year-to-date synopsis of community noise and overflight complaint statistics;
- (vii) A description of enforcement activity undertaken by the Authority for violations of the Airport Use Regulations (“AURs”), including identification of specific offenders and administrative penalty assessed; and
- (vii) The current status of the RSAP [*i.e.*, QHP], including the steps the Authority has taken in order to implement the RSAP for eligible residences within the FAA accepted projected 2014 65 dB CNEL noise contour, including the number of homes that have been sound attenuated pursuant to the RSAP.

Additionally, quarterly reports contain a roster of current members of the Airport Noise Advisory Committee (“ANAC”) and minutes from quarterly meetings held during that period.

**Condition Number Three:** *The Airport Authority’s annual report (for each calendar year) shall plot the annual CNEL contours for the 60, 65, 70, 75 and 90 [sic] dB CNEL noise contour levels (as currently developed and reported by the Authority) and shall quantify the area of incompatible land use.*

**Compliance with Condition Number Three:** Consistent with this Department’s Order, the Authority has provided annual contour maps to the Department, the San Diego County Noise Control Hearing Board and to the Airport Noise Advisory Committee. The annual contour maps plot the annual CNEL contours for the 60, 65, 70, 75, and 80 dB CNEL noise contour levels and quantify the area of incompatible land use. Additionally, the most current annual noise contour map is posted in electronic format on the Airport Noise Mitigation Office internet site so that it can be conveniently accessed and downloaded by the general public without having to initiate a public records request.

**Condition Number Four:** *The Airport Authority shall continue to maintain an Airport Noise Management Office at SDIA, which shall, among other things, receive and respond to aircraft noise complaints and gather information on aircraft operations and noise levels at SDIA by use of the aircraft noise monitoring system. The Authority shall include a status report on this matter with its quarterly reports to the Department. Originals or copies of all public records generated in connection with the operation of the Airport Noise Management Office shall, at a minimum, (i) be maintained at the Airport Noise Management Office for not less than two (2) years; and (ii) be available for public inspection and designation for copying during normal business hours.*

**Compliance with Condition Number Four:** Consistent with the Department's Order, the Authority continues to maintain a noise mitigation department at SDIA, which, among other things, receives and responds to aircraft noise complaints and gathers information on aircraft operations and noise levels at SDIA by use of the aircraft noise monitoring system. The Airport Noise Mitigation Department is currently staffed by four (4) persons who are responsible, among other things, for ensuring compliance with the AURs and the current Noise Variance. The Airport Noise Mitigation Department also administers the Noise Compatibility Program, conducts continuous noise data management using a state-of-the-art computerized flight tracking and noise monitoring system and ensures continuing implementation of the NIEP.

Community noise and overflight complaints are facilitated by a twenty-four (24) hour "hotline" available in English and Spanish. Input from the phone line is monitored and transcribed on a daily basis during the workweek for information and further investigation, as necessary. A technical specialist promptly investigates complaints and responds personally to community members who request feedback. Referrals are made to outside organizations as required. Community members may provide input through a dedicated e-mail link publicized in the Authority's newsletter and highlighted on the Noise Mitigation page of the SDIA website ([www.san.org/noise](http://www.san.org/noise)). A monthly report is forwarded to affected and interested parties for their information. Additionally, noise complaint data is published in the quarterly noise reports submitted to San Diego County and the Department.

Consistent with the Department's Order, originals or copies of all public records generated in connection with the operation of the Airport Noise Mitigation Office are maintained at the Airport Noise Mitigation Office for two (2) years and are available for public inspection and designation for copying during normal business hours when requested through the Authority's public records request procedure. An electronic version of the request form is available on the Publications page of the SDIA Noise website.

**Condition Number Five:** *During the period of this variance, the Airport Authority shall continue implementation of the Residential Sound Attenuation Program (Quieter Home Program), as agreed to in the 1997 and 2001 stipulations of the parties, including its efforts to obtain full federal discretionary AIP funding to match the annual Authority contribution. The Authority has no obligation under the RSAP, or under this variance, to commit or support the use of any federal AIP funds allocated to the Authority in its capacity as the proprietor of SDIA as "entitlement" funds under the AIP program in any year during which the Quieter Home Program is in effect. In addition, the Authority shall continue to retain its legislative discretion to review and revise elements (other than the funding level commitments, obligations of its stipulations, and the conditions of this variance decision) of the RSAP including, but not limited to, revisions to the eligibility and funding priority provisions of the QHP; and that after the term of this variance, retains the right and legislative discretion to terminate the QHP. However, any such decision to terminate the QHP must be demonstrably reasonable and shall not be arbitrary and capricious*

***Compliance with Condition Number Five:***

1. Continued Implementation. The July 2008 Variance Decision extended the RSAP (or “QHP”) for a period of three (3) years beginning with the 2008 - 2009 fiscal year (July 1, 2008) (“the second extended term”).<sup>3</sup> The Airport Authority has greatly accelerated its Program since this time. From July 1, 2008 through May 1, 2011, sound attenuation construction on nine hundred forty-three (943) dwelling units was completed. In addition, as of May 1, 2011, one hundred fifty-seven (157) dwelling units were in the pre-construction phase, two hundred eighty-five (285) dwelling units in the bidding phase, and two hundred twenty (220) dwelling units in the design phase. Another eight hundred (800) dwelling units are currently on the waiting list for the Program to begin the design process.

Consistent with the requirements of the NIEP, during the second extended term, the Authority reviewed existing and new customer information materials produced for the RSAP and distributed to potential participants in the Program in order to identify ways in which the terms, requirements and operation of the Program, including the required avigation easement, can best be explained in readily understood, common sense terms.

The Program updated the Programmatic Agreement entered in December 2001 between the Authority, FAA, State Historic Preservation Office, City of San Diego – Historic Resources Board, and the Advisory Council of Historic Preservation. Using this Programmatic Agreement as a guideline, the Program from August 2001 to June 2008, identified and treated four hundred thirty-four (434) historic dwelling units. From July 1, 2008 to May 1, 2011, the Program identified and treated one hundred thirty-five (135) historic dwelling units. As of May 1, 2011 there were eighty-two (82) dwelling units identified as historic in the design process. These homes have primarily been identified as potentially historic in the context of the Program.

The Airport Authority Board also amended the Program guidelines to allow for the attenuation of multi-family structures with more than six dwelling units. Program policy is to prioritize dwelling units for inclusion within a Program phase based on the units’ location within SDIA’s projected 2014 noise impact area and upon length of ownership, with priority given to unit’s within the loudest noise impacted areas and with the longest length of ownership. The Program does not give priority to owner occupied versus non-owner occupied or to single-family versus multi-family land uses.

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<sup>3</sup> The Authority reserved the right to review, revise elements of, or terminate the RSAP at the end of the three (3) year period, including, but not limited to, revisions to the eligibility and funding priority provisions of the RSAP.

2. Enhanced Funding. Under the enhanced funding provisions for the enhanced RSAP the Authority was to provide grant matching funds (19.41%) to support the implementation of the RSAP. In addition, the Authority was to use its best efforts to obtain matching discretionary FAA AIP funding at the maximum AIP contribution percentage (80.59%). Finally, if in any fiscal year during the three-year term, the combined funding allocation was less than \$10 million; the Authority was to contribute up to an additional \$1 million in funding to the Program to bring the total funding to \$10 million. The Authority's funding obligation for the extended term, however, was not to exceed \$3 million in total funding for any fiscal year.

As illustrated in Table 1 below, between FY 2009 (beginning July 1, 2008) and FY 2011 (ending June 30, 2011) the Program will have received approximately \$53 million in FAA AIP funds for the Program. FY 2011 figures are projections of the year end totals.

Table 1  
**FY 2009-2011 Budget**

FY	Federal Share (80.59%)	Authority Share (19.41%)	Total
FY 2009	19,648,924.00	5,062,121.00	24,711,045.00
FY 2010	19,049,874.00	4,046,833.00	23,096,707.00
FY 2011*	14,506,200.00	3,493,800.00	18,000,000.00
<b>Total</b>	<b>53,204,998.00</b>	<b>12,602,754.00</b>	<b>65,807,752.00</b>

\*Projected Year End Totals

From FY 2009 RSAP expenditures including remaining commitments for FY 2011 are approximately sixty-five million eight hundred thousand dollars (\$65,800,000). In addition, for FY 2012 (beginning July 1, 2011), the Authority has budgeted fifteen million dollars (\$15,000,000) for the Program.

3. Easement Requirements. All easements that have been executed by eligible property owners in favor of the Authority under the extended term of the RSAP have been consistent with the requirements of the enhanced RSAP as follows:
- (a) The reference contour for purposes of calculating the easement CNEL value is the SDIA Projected CY2014 Noise Exposure Map ("NEM") accepted by FAA on November 10, 2010; and
  - (b) The easement CNEL value for any eligible property is the highest year Projected 2014 CNEL value (rounded up to the nearest whole decibel) affecting any portion of the property, plus 1.5 dB CNEL.

**Condition Number Six:** *The Airport Authority shall implement its 2001 Noise Information Enhancement Program ("NIEP"), except that the meeting frequency of the Airport Noise Advisory Committee ("ANAC") specified in paragraph 1(c), page two, of "Attachment C" to the 2001 variance stipulation, is revised to require that the ANAC meet not less frequently than quarterly.*

**Compliance with Condition Number Six:**

1. Airport Noise Advisory Committee ("ANAC").

- (a) Membership of the ANAC was increased by adding as an *ex officio* member a representative of a City of San Diego community planning Board located outside of SDIA's Noise Impact Area. The Airport Noise Advisory Committee (ANAC) unanimously voted to allow this departure from precedent to allow for community aircraft noise input (but not voting membership) from this group.
- (b) The ANAC has met on a quarterly basis, at a day and time determined by the ANAC at the first meeting of a new calendar year.
- (c) The ANAC, through the Authority staff, provides a distinctive recognition plaque at the second yearly meeting of the ANAC to any scheduled air carrier that has not violated the noise curfew during the prior year.
- (d) Airport staff has requested, by letter, that the various planning boards that nominate members to the ANAC nominate, when relevant and practicable, representatives who reside inside the current SDIA 65 dB CNEL noise contour.

2. Airport Noise Monitoring System ("ANOMS"). *The noise and flight track monitoring system in use at SDIA was upgraded with state of the art digital microphones and electronics during the last variance period, including replacing the twenty-four (24) remote monitoring sites installed almost thirty (30) years ago following an exhaustive and extensive placement review process by an acoustical consulting firm. Ten of the sites were relocated to better meet the requirements of Title 21. Additionally, those ten sites were changed from conventional electrical power and telephone transmission lines to solar power and wireless data transmission, eliminating a need to tunnel for cable placement in the community.*

3. Web Site. The Airport Authority will continue to use available technology to enhance availability, accessibility and timeliness of the information provided on the Noise Mitigation portion of the Authority's website. Additionally, a web-based flight tracking system accessible to the community was added to provide a portal for independent verification of flight operations from San Diego International Airport.

4. Newsletter. The Airport Authority newsletter, Noise Matters, is published periodically and mailed to 38,000 residents in the noise impact area. The Noise Office undertakes to publish the newsletter as often as noise-related information and legislation, landmark legal cases and other noise-related issues come to our attention. Column space is made available to the Airport Coalition and to issues of interest to the ANAC.
5. Quarterly Noise Report. In addition to data required under Title 21, and unless the Department objects and otherwise instructs the Authority, the Airport Authority provides the following additional information in its Quarterly Noise Reports (“QNR”):
  - (a) QNR Table 2 is supplemented to provide the name of the operator, the flight number and the operation time of day for each of the listed operations,
  - (b) QNR Table 2 reports the noisiest twenty-five percent (25%) of noise events captured by the monitoring system during a three-day survey period each quarter, and
  - (c) The Authority adds a section to the report that discusses the current status of the RSAP.
6. Residential Sound Attenuation Program (“RSAP”). The San Diego International Airport Residential Sound Attenuation Program, referred to by the Authority as the Quieter Home Program, incorporates handouts, fliers, surveys, a dedicated phone line, e-mail address, and a comprehensive internet website to identify terms, requirements and operations of the Program. These materials have been prepared in a manner that the Authority believes can best be explained in readily understood, common sense terms. The Program established and staffed two off-site offices in the clubhouses of two large condominium (200 + unit) complexes of which the Program began attenuating between July 1, 2008 and May 1, 2011. As of May 1, 2011, one of the complexes was nearly fully attenuated, not including the homeowners who declined to participate in the Program, while the other complex was nearing approximately fifty percent (50%) completion. The Program has also entered into the initial design stage for another large, two hundred and seventy (270) unit condominium complex. All three complexes are located on the west side of SDIA.
7. Avigation Easement Review. Each year under the Extended Term, the Authority reviews the language in the avigation easement for ease of understanding for the Program homeowners. A number of changes to the document have taken place as a result of input from participating homeowners.
8. Quieter Home Program - Community Outreach Items. During the Extended Term, the Program has maintained a website ([www.quieterhomeprogram.org](http://www.quieterhomeprogram.org)) for

participating and prospective homeowners and an informational phone line (619-400-2660). On the website, participants and prospective homeowners are able to fill out surveys identifying their personal experience with the Program and are also able to apply for the Program. The Program has also established an e-mail address ([quieterhome@san.org](mailto:quieterhome@san.org)) that is monitored daily. In 2010, the Program relocated its office into the community (Liberty Station), where they built a showroom that is available for public viewing. In addition, the Program has participated in Liberty Station events, where staff is on hand to provide tours of the Program's office and showroom and is available to answer any questions pertaining to the Program.

***Condition Number Seven.*** *During the term of this variance, the Airport Authority shall conduct a study modeling the potential noise effects which would result in areas surrounding SDIA if the commercial airlines using SDIA were to employ "Noise Abatement Departure procedures" as permitted by FAA Advisory Circular 91-53A, during departure from SDIA. The purpose of this study is to determine what net cost benefits, if any, might result from the employment of such procedures. This condition does not imply that the Authority has any direct, lawful, regulatory authority to require commercial airlines to employ any such procedures. But if the study demonstrates significant net noise benefits to the entire affected community, the Authority will pursue efforts to encourage the use of such procedures at SDIA on a voluntary basis, in coordination with the individual airline operators and the FAA. In performing the study, the Authority will provide appropriate opportunities for public input, and the final results will be presented to and considered by the Authority's governing board.*

***Compliance with Condition Number Seven:*** As an element of SDIA's Noise Compatibility Study update (per FAA requirements of 14 CFR Part 150), which is currently under the final 180-day review by the FAA, an acoustical consulting firm (Harris Miller Miller & Hanson Inc.) conducted an extensive study on noise abatement departure procedures ("NADP") for aircraft departing on Runway 27. This study included two objectives:

1. To determine through modeling the potential noise effects resulting in areas surrounding SDIA if commercial aircraft departing on Runway 27 employed an alternative noise abatement departure procedure that included a significant thrust reduction immediately after takeoff as used at only one other airport in the U.S.
2. To demonstrate through binaural recordings the difference in perceived sound levels of aircraft departing using current procedures and the significant thrust cutback procedure.

With the assistance of The Boeing Company (the aircraft manufacturer that assisted in the development of the thrust cutback procedure at the other airport), Harris Miller Miller & Hanson Inc. modeled and evaluated the acoustical levels for the departure profiles and determined that the change provided a slightly measureable decrease in departure noise during Runway 27 departure operations. To further investigate, binaural recordings of aircraft based on the departure profiles were developed and presented to the Part 150

update Noise Technical Advisory Group (“NTAG”) which was composed of members of the community, local government agencies, and airport and airline representatives. The recordings demonstrated that while there was a slight decrease in the measured sound levels, the NTAG members in attendance barely detected any differences through concentrated listening.

The NTAG concluded that the new procedure did not provide perceived noise reduction benefits to the community and that the significant changes in the aircraft procedures could provide adverse impacts on FAA Air Traffic Control’s flow control and reduce safety of flight. There also are no net cost benefits resulting from employment of more restrictive procedures than those outlined in FAA Advisory Circular 91-53A, “Noise Abatement Departure Profiles.”

***Condition Number Eight:*** *The Airport Authority shall submit its request for any further variance to the Department in accordance with the then current regulations of the Department, but, in any case, not later than sixty (60) days prior to the expiration of the variance. A copy of the application shall be provided to each of the parties to the stipulation.*

***Compliance with Condition Number Eight:*** A request for further variance is submitted by the San Diego County Regional Airport Authority to the Department on May 11, 2011, sixty-two (62) days prior to expiration of the current variance. Copies of the application will be provided to each of the parties to the current stipulation.