

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes ___ No ___
 Does this item include the use of federal funds? Yes ___ No X

Budget Account No: Fund 4100 Department 120 Unit _____ RSource _____
 Reporting Category _____

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B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

C. Departmental Fiscal Review: Debbie Duncan

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Robert Lewis 2/3/21 Ar. J. Jant 2/3/21
 OFMB Contract Dev. and Control
 2-3-21 TW

B. Legal Sufficiency:

Jean-Adel Williams
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

CORRECTIVE ACTION PLAN

*Palm Beach County, Florida, as the Sponsor of the
Palm Beach County Park (Lantana) Airport*

Background

On January 13, 2021, the FAA's Associate Administrator for Airports issued a Final Agency Decision ("FAD") in *Forman v. Palm Beach County*, FAA Docket No. 16-17-13, affirming the earlier Director's Determination that the County's jet restriction at Lantana ("LNA") is not grandfathered under the Airport Noise and Capacity Act ("ANCA") and violates the County's federal grant assurance obligations.¹ The FAA ordered the County to submit a Corrective Action Plan ("CAP") within sixty days (Sunday, March 14, 2021) that, subject to FAA approval, would:

1. Immediately permit access to LNA by the Complainant and other aircraft capable of utilizing LNA's existing runways, infrastructure, and facilities; and
2. Within 180 days, provide a long-term, formal and legal commitment by the County to rescind or not enforce the restriction.

The FAA has indicated that it will not approve the County's applications for general aviation airport entitlement grants, or discretionary grants at any of the County's airports, under the Airport Improvement Program ("AIP") until the agency approves the CAP. FAA also indicated it will consider whether to take additional enforcement action with regard to compliance with ANCA, which could include withholding Palm Beach International Airport's grant funds and/or authority to impose a Passenger Facility Charge if the County does not comply with the FAA's request to submit an acceptable CAP and/or commit to rescinding the jet restriction.

The Department of Airports, upon advice of the County Attorney and outside counsel, proposes to submit the following CAP for FAA approval. The implementation of all measures herein will begin immediately upon FAA approval of the measures and the CAP.

The County actions will proceed in the following sequence.

Immediate Corrective Actions

The County will submit the CAP upon its approval by the Board of County Commissioners, which will occur no later than March 14, 2021 (the sixty-day deadline). Within 14 days of FAA approval of the CAP, the County will cause actions listed in items 2-7 below to be completed. Please note that the following timeline assumes timely FAA approval of the CAP as indicated in item 1 below.

¹ The jet restriction prohibits "[p]ure turbo-jet aircraft and aircraft in excess of 12,500 pounds engaging in air cargo operations" from operating at LNA. Palm Beach Cty. Bd. of Cty. Comm'rs, Resolution No. R-98-220 § 12-6 (Feb. 24, 1998).

1. The FAA will approve the CAP within thirty days (i.e., by April 13, 2021). It is assumed for purposes of this CAP that FAA's approval of the CAP will be accompanied by an agency order rescinding the element of the FAD that asserts that "approval of any applications submitted by the County for amounts apportioned under 49 U.S.C. 47114(d) and authorized under 49 U.S.C. 47115." If either of those actions is delayed, subsequent dates herein will be adjusted appropriately.
2. The County will promptly notify the Complainant, Captain Errol Forman, by letter (U.S. Mail and email to his counsel), that he may operate his Cessna 500 Citation at LNA using Runway 10/28² and that the County will not enforce the jet restriction for aircraft landing on Runway 10/28.
3. The County will promptly submit a request through the FAA's Airport Data and Information Portal to remove the text "ARPT CLSD TO JET ACFT & ALL ACFT OVER 12500 MAX GWT" notation from LNA's Master Record and other aeronautical information products, and add remarks that, until further notice, all jet aircraft should use Runway 10/28.
4. The County will submit a request with the Florida Department of Transportation's Aviation and Spaceports Office to remove the notation "Airport CLSD to Jet t/c & acft over 12500 max GWT" notation from LNA's facility information sheet and other aeronautical products and add remarks that, until further notice, jet aircraft should use Runway 10/28.
5. The County will remove language from the Palm Beach County Park Airport web page which states that "jet aircraft are prohibited from operating at Park Airport," and note that jet aircraft may land at LNA using Runway 10/28.
6. The County and Airport staff will not enforce the jet restriction (*e.g.*, will not issue warnings, notices of violations, or citations) against Airport users using Runway 10/28.
7. The County Attorney will inform the City Attorney of the City of Atlantis that it will be unable to continue to enforce the restriction as set forth in the "Interlocal Governmental Agreement for Lantana Airport" (1991) pursuant to FAA order, and will provide the City with a copy of this CAP.

Formal Rescission

Once these immediate steps have been completed, the County will begin the process of formally rescinding the jet/cargo restriction. Because the jet restriction has been in effect for more than forty-five years, and the communities surrounding LNA have developed substantial reliance interests in the continuation of the jet restriction, the County believes it is essential to rescind the

² The FAA has previously determined that jet aircraft may safely operate to/from Runway 10/28 without an adverse impact on surrounding airspace, but has not yet formally evaluated or determined whether jet operations to/from Runways 4/22 and 16/34 would have an adverse impact. Potential jet operations to/from these runways are addressed below.

jet restriction in a public, fully transparent manner, to ensure the greatest degree of community acceptance. The County is presently engaged in a Part 150 Study for LNA, which provides an ideal vehicle to review and publicly disseminate information regarding the introduction of jet traffic at LNA and associated noise impacts.

Upon FAA approval of the CAP, the County will take the following additional steps:

8. Submit a formal request to FAA's Air Traffic and Flight Standards divisions to conduct a safety and efficiency assessment on the airspace impacts of permitting jet and cargo aircraft to operate on *all* the runways at LNA. The County understands that variants of this assessment have been performed by FAA over the past several years, including those referenced in the FAD. While the FAA has previously determined that jet aircraft may land on Runway 10/28 without an adverse impact on surrounding airspace, the County is not aware of a final conclusion with respect to Runways 4/22 and 16/34. The County believes it is necessary to have to an updated and conclusive safety assessment from FAA on potential airspace impacts before rescinding the jet/cargo restriction as to all runways.
9. Using all available data, update the forecast being prepared in accordance with the County's LNA Part 150 Noise Compatibility Study to reflect the anticipated volume of jet aircraft using LNA and submit the forecast for FAA approval.
10. Upon FAA approval of the forecast, the County will schedule, post notice of, and conduct at least one public meeting announcing and discussing the draft forecast which will include jet operations at LNA. The primary purpose of this meeting will be to explain the plan for reintroduction of jet aircraft to LNA. The County will request FAA participation in this meeting to explain the agency's requirement that the County rescind the restriction and its effect on aircraft operations and the Part 150 process. Since the scheduling of this meeting is dependent upon FAA timing for approval of the forecast, the exact timing of a meeting is not yet known but the County will endeavor to schedule the meeting within 30 days of FAA approval of the forecast.
11. Using the forecast and with assistance from the County's engineering and environmental consultants, the County will develop a Noise Exposure Map (NEM) showing the existing noise contours, existing noise contours with jets, and a projected noise contours with jets.
12. Prior to submission of the NEM for FAA approval, the County will schedule, post notice of, and conduct public meetings for presentation of and comments on the draft NEMs.
13. NEMs will be submitted for FAA approval.
14. County Attorney, outside counsel and staff will draft a formal resolution for repeal of the jet restriction based on the results of the FAA safety assessment, legal requirements, and other relevant information gathered during the public process. The resolution will be provided to the FAA for comment and concurrence for compliance with this CAP.

15. Upon FAA concurrence and in accordance with Florida law (Fl. Stat. 332.08), the County will consider a formal resolution repealing the jet restriction at a public meeting of the BCC, with the opportunity for public comment and input. Based on a projected FAA approval of the CAP by April 13, 2021, the scheduled August 17, 2021, BCC meeting would be the deadline for adoption of a formal resolution that would become effective within the 180-day period prescribed by the FAA in the FAD. The formal resolution could be adopted earlier, depending on the speed of earlier steps in the process outlined above, but would not be delayed beyond this date unless delays are occasioned by action of the FAA (e.g., delays in approving the CAP or the forecast, or in its concurrence on the draft resolution). Introduction of the resolution will not await FAA approval of the NEMs.
16. Following the BCC's adoption of the repeal resolution, the resolution would be publicly posted for a period of four weeks, in accordance with Florida law (Fl. Stat. 332.08(e)(2)). At the end of that waiting period, Department of Airports will prepare and file an affidavit with the County Clerk providing for the repeal of the restriction that would be codified in the County Code of Ordinances.
17. Update the LNA Master Record and website to reflect the rescission of the jet restriction.
18. Complete the Part 150 Noise Compatibility Study and submit to FAA.