



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

Jan 25, 1993

Ms. Sheryl L. Bratton  
Deputy County Counsel  
County of Sonoma  
County Administration Center  
576 Administration Drive, Room 116A  
Santa Rosa, California 95403-2881

Mr. David E. Andrews  
Director of Aviation  
Sonoma County Airport  
2200 Airport Boulevard  
Santa Rosa, California 95403-1091

Dear Ms. Bratton and Mr. Andrews:

The Federal Aviation Administration (FAA) has reviewed your January 8 request for consideration of the administrative record concerning the adoption of the Sonoma County's Air Transportation Element, to determine if the County is in "substantial compliance" with the Airport Noise and Capacity Act of 1990 (ANCA). As we have stated previously, the FAA will review any and all information regarding the outstanding Part 161 issue and its impact on the airport's pending PFC application.

The FAA's previous letters to the County have indicated that the County does not appear to be in compliance with ANCA and Part 161. FAA staff recently reexamined all analyses previously submitted by the County and found significant gaps in terms of satisfying the requirements of Part 161. Until we review any new information that the County may make available, we cannot answer your second and third questions regarding whether anything would need to be updated or whether additional analysis would be required in order to comply with the six statutory conditions for approval under Subpart D of Part 161. We would expect any additional analysis or updating, if necessary, to be relatively minor in order to qualify for a substantial compliance determination.

We have made and are continuing to make every effort to resolve this matter through informal resolution. We have no current plans to stop payments under previously executed grant agreements. However, we have an obligation to be extremely cautious about issuing

new AIP grants which would be in jeopardy of imminent termination if informal resolution is unsuccessful.

We have previously advised you that the County's temporary suspension of the 1991 Noise Ordinance, as suggested in question five of your letter, is unacceptable pursuant to 161.501(b). Unacceptable for the same reason is the one-year suspension proposed by Ms. Bratton over the telephone.

In response to question six, an acceptable alternative would be a letter authorized by the Sonoma County Board of Supervisors to the FAA committing not to enforce the ordinance as provided in 161.501(b), until advised by the FAA that the County would be in compliance with ANCA and Part 161. This alternative would allow the FAA to proceed with PFC approval and would immediately remove any cloud of doubt over AIP funding. It would be a step short of repealing the ordinance and appears to be not that different from your view of a temporary suspension. We recommend coordination with the FAA on the draft language of any proposed letter of commitment not to enforce the ordinance prior to your Board's finalizing such a letter.

After issuing a letter of non-enforcement, Sonoma County would have the leeway to decide whether to prepare a Part 161 analysis and begin that process (with the option of doing the Part 161 analysis within the context of a Part 150 study funded by the FAA), to work towards an FAA determination of substantial compliance with ANCA, to continue efforts to make a case that the ordinance is exempted under ANCA, or to recast the ordinance into a voluntary program of noise abatement. Any of these options may potentially bring the County into compliance with ANCA and Part 161, although some options appear to us to offer greater prospect for success than others. We have been told that the success of Sonoma County Airport's noise goals in the past has not depended upon enforcement, and no evidence of any formal enforcement action against an aircraft operator has been made known to the FAA. Under these circumstances, an agreement not to enforce the ordinance would appear not to harm the County. At the same time, it may be desirable to consider whether a voluntary program would prove just as successful for the County and forever put this matter to rest.

The latest extension the County requested on its PFC application expires February 12. An immediate letter of commitment not to enforce the ordinance will enable the FAA to approve the PFC by this date. As noted above, the County still has the option after issuing such a letter of pursuing a substantial compliance determination or other option. If, however, the County decides to pursue a substantial compliance determination prior to making a non-enforcement commitment, the FAA will need another extension of the PFC deadline. We suggest that you relate a further extension to resolution, one way or the other, of the substantial compliance question, rather than select a specific date.

If we are still at an impasse after a substantial compliance review, and absent a letter of non-enforcement, the next step under Part 161 following informal resolution is a notice of apparent violation (161.503). Hopefully, we will satisfactorily resolve this matter informally

in the near future with Sonoma County and will not have to proceed further. Please do not hesitate to call FAA staff if you have additional questions.

Sincerely,

Quentin Taylor  
Acting Assistant Administrator for Airports

cc:

Mr. Jim Harberson  
Chairman, Board of supervisors County of Sonoma  
County Administration Center  
576 Administration Drive, Room 116A Santa Rosa, California 95403-2881