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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO – CENTRAL DIVISION

CITIZENS FOR A FRIENDLY AIRPORT, Plaintiff and Petitioner, vs. COUNTY OF SAN DIEGO; and DOES 1 through 100, Defendants and Respondents; AMERICAN AIRLINES, INC.; and DOES 101 through 1,000, Defendants and Real Parties in Interest.	CASE NO. 25CU004719C **PLAINTIFF AND PETITIONER'S *CONSOLIDATED* REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION; REPLY DECLARATION OF CORY J. BRIGGS; SUPPORTING EXHIBIT** Action Filed: January 27, 2025 Department: C-71 (Pollack) Hearing Date: April 4, 2025 Hearing Time: 3:00 p.m.

Plaintiff and Petitioner CITIZENS FOR A FRIENDLY AIRPORT ("PLAINTIFF") respectfully submits this consolidated reply brief in support of its motion for a preliminary injunction against Defendant and Respondent COUNTY OF SAN DIEGO ("COUNTY") and Defendant and Real Party in Interest AMERICAN AIRLINES, INC. ("AA").

Date: March 27, 2025.

Respectfully submitted,

BRIGGS LAW CORPORATION

By: Cory J. Briggs
Cory J. Briggs

Attorneys for Plaintiff and Petitioner Citizens for a Friendly Airport

I. INTRODUCTION

What a tangled web we weave when we practice to deceive. That about sums up COUNTY's and AA's opposition to PLAINTIFF's motion for a preliminary injunction.

For example, in a classic example of putting form over substance, COUNTY essentially argues that using the Airport for non-general, commercial service by aircraft beyond the B-II classification does not violate CUP-172 because COUNTY has not sought to formally change the Airport's designation. In other words, COUNTY implies, it matters not one iota that the bottle contains the inebriating equivalent of Jack Daniels because the label on the bottle's label says "O'Doul's."

For its part, AA completely misleads the Court by acknowledging that COUNTY is the Airport's proprietor but then arguing that the CUP-172 is preempted by federal law without ever informing the Court about the limitations and exceptions to preemption that are applicable here. On the one hand, preemption is limited to aircraft and airport safety and operations and does not extend to zoning and other police-power matters beyond aircraft/airport safety and operations. On the other hand, one of the established exceptions to preemption is the proprietor-landlord exception. Thus, it would be one thing if this lawsuit were about an outside agency trying to impose regulations on AA for the safety or operations of aircraft at the airport. But as this Court knows from the first lawsuit, COUNTY undertook certain commitments to the City of Carlsbad in exchange for the annexation that made COUNTY the Airport's proprietor, and those commitments included the airport's effects beyond its physical footprint. What PLAINTIFF is doing in this lawsuit is nothing more than holding COUNTY to the bargain that COUNTY, as the Airport's proprietor and landlord, struck with the City of Carlsbad (and by extension the members of the public the City represents) in order to become the proprietor-landlord.

There are other problems with the opposition, as discussed below. But at the end of the day, however, there is no dispute (*i*) that the Airport holds a B-II classification, (*ii*) that the E175 aircraft now conducting commercial flights to and from the Airport bears a higher classification, or (*iii*) that COUNTY has not sought an amendment of CUP-172.

II. RESPONSE TO OPPOSITION

Before turning to specific points raised in the opposition papers, it is worth keeping in mind that noise isn't the only potential impact of concern. As the opposition papers show, for example, AA's new

flight service brings lots more employees and passengers to the Airport, and all of those persons contribute to traffic. Neider Decl., ¶ 9 (describing new personnel needed in connection with new passenger service); Abbott Decl., ¶ 8 (describing estimated 55,480 enplanements per year with new passenger service). More employees and passengers also means greater need for police, fire, water, and sewer service, and all these new flights and vehicle trips will add to the region's greenhouse-gas ("GHG") emissions. COUNTY and AA cannot plausibly suggest that the City of Carlsbad has no say over increased impacts on traffic, infrastructure, public services, and GHG emissions, for the ability to address such issues – all arising from use of the Airport – is squarely within the City's police powers.[1]

It's also worth keeping in mind that COUNTY's past violations of CUP-172 do not prevent this Court from holding COUNTY to its promises. It has long been held that "the mere fact that, without more, city officials fail to enforce a zoning ordinance against a violator will not stop the city from subsequently enforcing it against him." *Donovan v. City of Santa Monica* (1948) 88 Cal.App.2d 386, 396. "To hold that the City can be estopped would not punish the City but it would assuredly injure the area residents, who in no way can be held responsible for the City's mistake. Thus, permitting the violation to continue gives no consideration to the interest of the public in the area nor to the strong public policy in favor of eliminating nonconforming uses and against expansion of such uses." *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346, 1374.

With these preliminaries out of the way, PLAINTIFF turns to the heart of the opposition.

A. <u>The Opposition Cannot Survive Issue Preclusion (*i.e.* Collateral Estoppel)</u>

COUNTY and AA are trying to re-litigate an issue that was decided in the earlier lawsuit: whether the Airport may operate under CUP-172 for aircraft beyond the B-II designation. However, this Court has already ruled that using the Airport for aircraft beyond the B-II designation was not contemplated by CUP-172. "Finally, the administrative record contained evidence showing that the change from B-II to D-III would allow ***larger aircraft to takeoff with more fuel***. (AR 36:6789; see also AR 20:4602.) This evidences an intent to use the Airport ***in a way that was not previously authorized***." *See* Ex. 1, p. 7 (included with opening papers; emphasis added).

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[1] COUNTY and AA take multiple swipes at PLAINTIFF for not challenging the 2021 Airport Master Plan ("AMP") or the corresponding EIR. However, PLAINTIFF is not challenging those documents. PLAINTIFF's challenge is to COUNTY's actions in violation of CUP-172. (That's why this motion is not being made under the California Environmental Quality Act.)

Such a ruling fully satisfies the five-part test for collateral estoppel or issue preclusion. *See Lucido v. Superior Ct.* (1990) 51 Cal.3d 335, 341 (specifying five-part test). First, the issue is the same: whether CUP-172 allows the Airport to be used for aircraft beyond the B-II designation. Second, the issue was actually litigated. Third, the issue was necessarily – indeed, expressly – decided, as quoted above. Fourth, the decision was not appealed and is now final. And finally, COUNTY is the same party in both lawsuits, and AA is in privity with COUNTY under the new lease.

There is no dispute that the E175 does not qualify as a B-II aircraft. Consequently, the Court should grant this motion and reject any attempts by COUNTY or AA to re-litigate the usage issue.

B. <u>COUNTY Knew Years Ago that the Lease Would Require a Permit Amendment</u>

After losing the first lawsuit, COUNTY updated the AMP to include language expressing COUNTY's understanding of the judgment. Specifically, COUNTY wrote:

> In *Citizens for a Friendly Airport v. County of San Diego*, Case No. 37-2018-005764-CO-TT-CTL, the Court issued a judgment on January 26, 2021, finding that an amendment to CUP-172 would be required if the status of the Airport were to change from B-II to D-III. This judgment was not appealed by any party to the litigation and has become final. It is unclear whether a change to something less than D-III would trigger a need for an amendment to the "General Aviation Basic Transport" language in CUP-172. In an effort to comply with the Court's order, whether applicable or not, the County will ***seek an amendment to CUP-172 for any change*** in the existing [Airport Reference Code] as shown on an [Airport Layout Plan] ***from B-II to something greater*** (i.e., B-III or higher). * * *

See Briggs Decl., ¶ 4; Ex. 4, p. 182 (AMP) (emphasis added). What COUNTY is doing now is using the Airport for aircraft beyond what is contemplated by the B-II Airport Reference Code ("ARC") designation (not to mention the "General Aviation Basic Transport" rubric). After all, the Federal Aviation Administration's own understanding of "Airport Reference Code" indicates that it "is a coding system used to relate airport design criteria to the operational and physical characteristics of the

airplanes ***intended to operate*** at the airport." *See* Briggs Reply Decl., ¶ 1; Ex. 21, p. 17 (enumerated p 5).

Since COUNTY's lease with AA authorizes the Airport's use by aircraft that are larger than what is intended by the B-II classification (and by the "General Aviation Basic Transport" designation), COUNTY was required to seek an amendment of CUP-172 before entering into a contract that allows a use of the Airport beyond what the CUP contemplated. COUNTY failed to do so, and thus a preliminary injunction should issue.

C. <u>CUP-172 Does Not Allow Commercial Passenger Service</u>

COUNTY contends that CUP-172 expressly allows the AA lease by right, relying on an authorization to "[a]irlines, scheduled and non-scheduled" in Table 1 to CUP-172. However, COUNTY reads that language out of its broader context. Before Table 1, in the body of CUP-172, it states: "The existing designation of the airport as a ***General Aviation Basic Transport*** Airport ***shall not change*** unless an amendment to this CUP is approved by the Planning Commission." *See* Ex. 2, p. 3 (included with opening papers). In other words, the reference in Table 1 to "[a]irlines, scheduled or non-scheduled," is clearly limited to general aviation basic transport airlines. AA is not such an airline.

COUNTY and AA both argue that airport nomenclature has changed since CUP-172 was issued and specifically that the meaning of "General Aviation Basic Transport" is now "defunct." The problem with those arguments is that CUP-172 authorized nothing more than whatever "General Aviation Basic Transport" meant at the time the CUP was issued. In fact, neither COUNTY nor AA disputes the evidence that PLAINTIFF provided as to the meaning of "General Aviation Basic Transport" when CUP-172 was issued.

Furthermore, it is black-letter law that instruments, such as contracts and land-use permits, are to be construed in accordance with the meaning of their terms at the time of their making as the parties intended. *See, e.g., Sounhein v. City of San Dimas* (1996) 47 Cal.App.4th 1181, 1188 ("Conditions of a permit run with the land, once the benefits of the permit have been accepted. * * * Subsequent owners of the land have no greater rights than those of the owner ***at the time the conditional use permit was issued***." (emphasis added)); *Vulcan Lands, Inc. v. Currie* (2023) 98 Cal.App.5th 113, 123 ("Land grants are subject to the usual rules of contract interpretation, unless otherwise specified. * * * The goal is to

determine the ***mutual intent of the parties*** to the original deeds ***at the time of conveyance***. * * * As with any contract, we start with the express language in the deeds. * * * Terms in a contract may be construed in relation to the circumstances under which the contract was made." (emphasis added); *Universal Sales Corp. v. California Press Mfg. Co.* (1942) 20 Cal.2d 751, 760 ("The fundamental canon of construction which is applicable to contracts generally is the ascertainment of the intention of the parties.").

In short, COUNTY and AA want the scope of CUP-172 to be defined based not on its language at the time it was issued – in light of what the City of Carlsbad also intended – but on their self-serving view of what should be allowed today. That's not how land-use entitlements work. Just because they want to expand the Airport's operations today doesn't mean that they can ignore the CUP's meaning when it was approved more than 45 years ago.

D. Federal Preemption Is Not Present

AA's opposition brief is chock full of federal-preemption distortions. As the United States Supreme Court made clear long ago: "In all pre-emption cases, and particularly in those in which Congress has legislated ... in a field which the States have traditionally occupied, . . . we start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress." *Medtronic, Inc. v. Lohr* (1996) 518 U.S. 470, 485 (internal quotations and citations omitted). Thus, the High Court employs a "presumption against the pre-emption of state police power regulations," which it finds to be "consistent with both federalism concerns and the historic primacy of state regulation of matters of health and safety." *Id.* "As a result, any understanding of the scope of a pre-emption statute must rest primarily on a fair understanding of congressional purpose." *Id*.

In this regard, AA misleads the Court grievously. For starters, AA relies heavily on the preemption recognized by *City of Burbank v. Lockheed Air Terminal Inc.* (1973) 411 U.S. 624. However, in that case the High Court expressly made clear that the "authority that a municipality may have as a landlord is not necessarily congruent with its police power. We do not consider here what limits, if any, apply to a municipality as a proprietor." *Id.* at 635 n. 14. Even though AA itself describes COUNTY "as the airport proprietor" (*see* AA Opp. Br., p. 3), AA conveniently forgot to inform this

Court of that significant wrinkle in its reliance on *City of Burbank*. "It is axiomatic that cases are not authority for propositions not considered." *In re Marriage of Cornejo* (1996) 13 Cal.4th 381, 388 (quotations and citations omitted).

A few years after *City of Burbank* was decided, the Ninth Circuit Court of Appeals noted that the High Court's glaring carve-out and then concluded that "Congress [through the Federal Aviation Act] was not preempting a municipal airport proprietor's right to enact noise ordinances" *Santa Monica Airport Ass'n v. City of Santa Monica* (9th Cir. 1981) 659 F.2d 100, 103. A decade later, the Ninth Circuit acknowledged that there is a role for local airport proprietors to regulate noise. "The federal government regulates aircraft and airspace pervasively, preempting regulation of aircraft noise by state or local governments. * * * However, Congress reserved a limited role for local airport proprietors in regulating noise levels at their airports. * * * ("Congress intended that municipal proprietors enact reasonable regulations to establish acceptable noise levels for airfields and their environs."). . . ." *City and County of San Francisco v. F.A.A.* (9th Cir. 1991) 942 F.2d 1391, 1394 (citations omitted). What matters most is that "the power delegated to airport proprietors to adopt noise control regulations is limited to regulations that are not unjustly discriminatory."[2] *Id.*

Consist with its fast-and-loose advocacy, AA also deceptively cites the preemption provision in the Airline Deregulation Act ("ADA") – 49 U.S.C. § 41713(b)(1)[3] – without mentioning the neighboring proprietor exception two doors down: "This subsection ***does not limit*** a . . . political subdivision of a State . . . that owns or operates an airport served by an air carrier holding a certificate

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[2] Even the California Supreme Court has recognized that "[t]he careful distinction drawn by the [United States] Supreme Court between proprietary duties and police power regulation is supported administratively by the FAA, which both before and after *Burbank* has publicly emphasized the local airport operator's responsibilities for noise control." *Greater Westchester Homeowners Assn. v. City of Los Angeles* (1979) 26 Cal.3d 86, 96. "Our examination of the [Federal Aviation] Act reveals nothing to suggest that FAA possesses any adjudicatory power over noise disputes between airport owners or proprietors, and property owners or occupants." *Id.* at 100. If the FAA has no say over noise disputes between airport proprietor-landlords and the public, then the FAA likewise has no say over any disputes – noise or otherwise – between the COUNTY as the Airport's proprietor-landlord and the public being represented by the City of Carlsbad.

[3] The provision states (with PLAINTIFF's emphasis): "Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a ***price, route, or service*** of an air carrier that may provide air transportation under this subpart." This provision is fundamentally inapplicable because CUP-172 does not regulate a price, route, or service of an airline. It's a land-use regulation of an airport proprietor-landlord.

issued by the Secretary of Transportation from carrying out its ***proprietary powers and rights***." 49 U.S.C. § 41713(b)(3) (emphasis added).

The pattern of deception continues with AA's less-than-complete citation to the Airport Noise and Capacity Act of 1990 ("ANCA"). AA cites a specific preemption provision – 49 U.S.C. § 47524(c) – without telling the Court about the neighboring "[n]onapplication" provisions immediately next door for, among other things, "an intergovernmental agreement including an airport noise ***or access restriction*** in effect on November 5, 1990." 49 U.S.C. § 47524(d)(3) (emphasis added).[4] Since CUP-172 was limited to "General Aviation Basic Transport" when it was issued, since that description did not include commercial passenger service, and since the CUP was issued more than a decade before November 5, 1990, there is no federal preemption of CUP-172.

As noted earlier, noise is not the only impact that the Airport's unauthorized expanded use has caused and will exacerbate. AA focuses on noise as if that's the only problem in order to plant the seed of preemption. Even on the narrow topic of noise, however, preemption is not absolute. COUNTY ***as the Airport's proprietor*** made certain promises to the City of Carlsbad (and the public) about what would and would not transpire at the Airport in exchange for permission to operate the Airport within the City.[5] Having obtained the benefit of its bargain, COUNTY must now perform as promised.

In sum, the only preemption angle AA has relates to noise, but CUP-172 does not impose noise limits on AA and what COUNTY may or must do as the proprietor-landlord is outside the scope of federal preemption as long as there is no unjust discrimination. And there has been no discrimination under the CUP – just or unjust – because COUNTY agreed in exchange for the permit to limit its operations to "General Aviation Basic Transport" as that term was understood at the time. It's only

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[4] The FAA's implementing regulations for ANCA go even further when it comes to leaving local regulations intact. "Except to the extent required by the application of the provisions of the Act, nothing in this part eliminates, invalidates, or supersedes the following: (1) Existing law with respect to airport noise ***or access restrictions by local authorities***; (2) Any proposed airport noise or ***access regulation at a general aviation airport*** where the airport proprietor has formally initiated a regulatory or legislative process on or before October 1, 1990. . . ." 14 C.F.R. § 161.7(d) (emphasis added). CUP-172 in part covers access to the Airport, it is a regulatory process, it came into existence prior to October 1, 1990, and it has always regarded the Airport as a general aviation airport.

[5] A local jurisdiction's refusal to give land-use approval for an aviation activity that is authorized and thoroughly regulated federally is not violative of the Supremacy Clause. *See, e.g., Condor Corp. v. City of St. Paul* (8th Cir. 1990) 912 F.2d 215, 219 ("Here, Condor asserts the City's action in denying its permit conflicts with the FAA's regulation of airspace. We see no conflict between a city's regulatory power over land use, and the federal regulation of airspace, and have found no case recognizing a conflict.").

because COUNTY as proprietor-landlord has exceeded the scope of CUP-172 that the parties find themselves back before the Court.

E. The Loss of Federal Grants Is a Red Herring

COUNTY frets the loss of federal grants if the lease with AA is not allowed to continue. That worry, however, has been feigned solely for litigation effect and actually has no substantial basis.[6]

The FAA's requirements for grant assurances expressly references Part 150 of Title 14 of the Code of Federal Regulations – "Airport Noise Compatibility Planning." *See* Ex. 7, p. 3. According to the FAA, Part 150 "provides technical assistance to airport operators, ***in conjunction with other local***, State, and Federal ***authorities***, to prepare and execute appropriate noise compatibility planning and implementation programs." 14 C.F.R. § 150.1 (emphasis added). In adopting Part 150, the FAA made clear that it was not stepping on the toes of local jurisdictions to approve or disapprove land uses: "No submittal of a map, or approval or disapproval, in whole or part, of any map or program submitted under this part is a determination concerning the acceptability or unacceptability of that land use under Federal, State, or ***local law***." *Id.*, § 150.5(a) (emphasis added). "***Responsibility for interpretation of the effects of noise contours*** upon subjacent land uses, including the relationship between noise contours and specific properties, ***rests with the sponsor or with other state or local government***." *Id.*, § 150.5(d) (emphasis added). The FAA's regulations continue: "Determination of land use must be based on professional planning criteria and procedures utilizing comprehensive, or master, ***land use planning, zoning***, and building and site designing, as appropriate. If more than one current or future land use is permissible, ***determination of compatibility must be based on that use most adversely affected by noise***." *Id.*, § 150.11 (emphasis added).

Against this backdrop, it's easy to see that COUNTY's fears about running afoul of the FAA's grant assurances are nothing more than a litigation stratagem rather than a *bona fide* concern. For example, assurance no. 6, "Consistency with ***Local*** Plans," is that "[t]he project [for which the grant was given] is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport." *See* Ex. 7, p. 6 (emphasis added). Assurance no. 7, "Consideration of ***Local*** Interest," is that COUNTY "has given fair consideration to the interest of

[6] Not surprisingly, COUNTY never specifies which grants it's worried about.

communities in or near where the project may be located." *See id.*, p. 7 (emphasis added). Assurance no. 19(a), for "Operation and Maintenance," provides that "[t]he airport and all facilities which are necessary to serve the aeronautical users of the airport . . . shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards ***as may be required or prescribed by applicable*** Federal, state, and ***local agencies for*** maintenance and ***operation***." *See id.*, p. 9 (emphasis added).

In other words, the FAA completely understands and expects that airport proprietor-landlords receiving federal grants will have to comply with local regulations, including noise.

F. There Is No Evidence that an Undertaking Should Be Above Nominal

Neither COUNTY nor AA offered evidence of the amount of money that they will lose if a preliminary injunction is issued; indeed, AA never even addresses the undertaking issue. They have therefore waived the right to request an undertaking for anything more than a nominal amount. *Smith v. Adventist Health System/West* (2010) 182 Cal.App.4th 729 (concluding that bond requirement may be waived when not adequately addressed by party to be restrained).

III. CONCLUSION

For all these reasons, and those set forth in the opening papers, the Court should grant the preliminary relief requested by PLAINTIFF.

PLAINTIFF AND PETITIONER'S *CONSOLIDATED* REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Declaration of Cory J. Briggs

REPLY DECLARATION OF CORY J. BRIGGS

I, Cory J. Briggs, am over the age of 18 years and, if called as a witness in this case, will testify as follows:

0. I am an attorney licensed to practice law in all courts of the State of California. I am the attorney of record in this lawsuit for Plaintiff and Petitioner CITIZENS FOR A FRIENDLY AIRPORT ("PLAINTIFF").

1. Attached hereto as **Exhibit 21** is a true and correct copy of the Federal Aviation Administration's Airport Design Advisory Circular 150/5300-13 through chapter 1 (because the rest is irrelevant to this motion). I obtained the document from the FAA in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 27, 2025.

Cory J. Briggs

PLAINTIFF AND PETITIONER'S *CONSOLIDATED* REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Exhibit 21

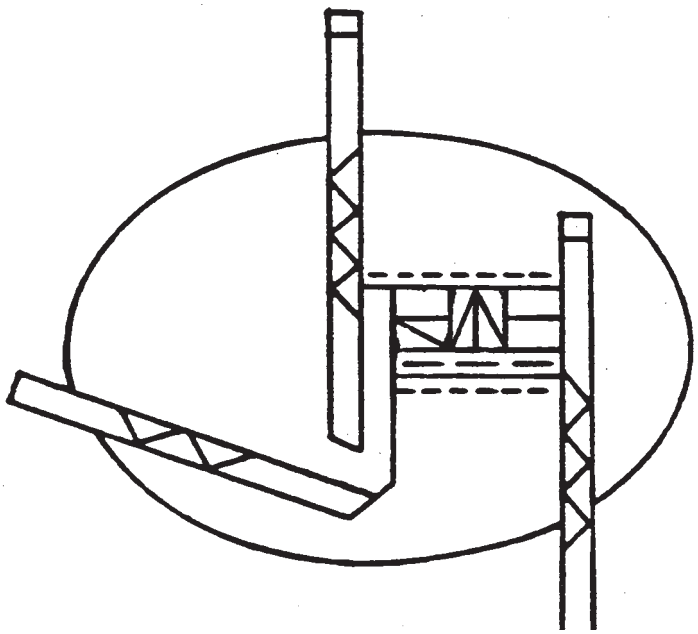
U.S. Department
of Transportation
Federal Aviation Administration

AIRPORT DESIGN

/ INCORPORATES CHANGES 1 THRU 18 /

AC: 150/5300-13
Date: 9/29/89

Advisory Circular



U.S. Department
of Transportation

**Federal Aviation
Administration**

Advisory Circular

Subject: AIRPORT DESIGN

Date: 9/29/89
Initiated by: AAS-110

AC No: AC 150/5300-13
Change:

1. PURPOSE. This advisory circular (AC) contains the Federal Aviation Administration's (FAA) standards and recommendations for airport design.

2. CANCELLATION. This (AC) cancels the following publications:

a. AC 150/5300-2D, Airport Design Standards--Site Requirements for Terminal Navigational Facilities, dated March 10, 1980.

b. AC 150/5300-4B, Utility Airports--Air Access to National Transportation, dated June 24, 1975.

c. AC 150/5300-12, Airport Design Standards--Transport Airports, dated February 28, 1983.

d. AC 150/5325-5C, Aircraft Data, dated June 29, 1987.

e. AC 150/5335-2, Airport Aprons, dated January 27, 1965.

3. APPLICATION. The Federal Aviation Administration (FAA) recommends the guidelines and standards in this Advisory Circular for use in the design of civil airports. In general, use of this AC is not mandatory. However, use of this AC is mandatory for all projects funded with federal grant monies through the Airport Improvement Program (AIP) and with revenue from the Passenger Facility Charges (PFC) Program. See Grant Assurance No. 34, "Policies, Standards, and Specifications," and PFC Assurance No. 9, "Standard and Specifications."

Leonard E. Mudd

Leonard E. Mudd, Director
Office of Airport Safety and Standards

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Chapter 1. REGULATORY REQUIREMENTS AND DEFINITION OF TERMS

1. GENERAL. Section 103 of the Federal Aviation Act of 1958 states in part, "In the exercise and performance of his power and duties under this Act, the Secretary of Transportation shall consider the following, among other things, as being in the public interest: (a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of defense; (b) The promotion, encouragement, and development of civil aeronautics . . . ."

This public charge, in effect, requires the development and maintenance of a national system of safe, delay-free, and cost-effective airports. The use of the standards and recommendations contained in this publication in the design of airports supports this public charge. These standards and recommendations, however, do not limit or regulate the operations of aircraft.

2. DEFINITIONS. As used in this publication, the following terms mean:

Aircraft Approach Category. A grouping of aircraft based on 1.3 times their stall speed in their landing configuration at the certificated maximum flap setting and maximum landing weight at standard atmospheric conditions. The categories are as follows:

Category A: Speed less than 91 knots.

Category B: Speed 91 knots or more but less than 121 knots.

Category C: Speed 121 knots or more but less than 141 knots.

Category D: Speed 141 knots or more but less than 166 knots.

Category E: Speed 166 knots or more.

Airplane Design Group (ADG). A grouping of airplanes based on wingspan or tail height. Where an airplane is in two categories, the most demanding category should be used. The groups are as follows:

Group I: Up to but not including 49 feet (15 m) wingspan or tail height up to but not including 20 feet.

Group II: 49 feet (15 m) up to but not including 79 feet (24 m) wingspan or tail height from 20 up to but not including 30 feet.

Group III: 79 feet (24 m) up to but not including 118 feet (36 m) wingspan or tail height from 30 up to but not including 45 feet.

Group IV: 118 feet (36 m) up to but not including 171 feet (52 m) wingspan or tail height from 45 up to but not including 60 feet.

Group V: 171 feet (52 m) up to but not including 214 feet (65 m) wingspan or tail height from 60 up to but not including 66 feet.

Group VI: 214 feet (65 m) up to but not including 262 feet (80 m) wingspan or tail height from 66 up to but not including 80 feet.

Table 1-1. Airplane Design Groups (ADG)

Group #	Tail Height (ft)	Wingspan (ft)
I	<20	<49
II	20 - <30	49 - <79
III	30 - <45	79 - <118
IV	45 - <60	118 - <171
V	60 - <66	171 - <214
VI	66 - <80	214 - <262

Airport Elevation. The highest point on an airport's usable runway expressed in feet above mean sea level (MSL).

Airport Layout Plan (ALP). The plan of an airport showing the layout of existing and proposed airport facilities.

Airport Reference Point (ARP). The latitude and longitude of the approximate center of the airport.

Blast Fence. A barrier used to divert or dissipate jet blast or propeller wash.

Building Restriction Line (BRL). A line which identifies suitable building area locations on airports.

Clear Zone. See Runway Protection Zone.

Clearway (CWY). A defined rectangular area beyond the end of a runway cleared or suitable for use in lieu of runway to satisfy takeoff distance requirements.

Compass Calibration Pad. An airport facility used for calibrating an aircraft compass.

Declared Distances. The distances the airport owner declares available for the airplane's takeoff run, takeoff distance, accelerate-stop distance, and landing distance requirements. The distances are:

Takeoff run available (TORA). The runway length declared available and suitable for the ground run of an airplane taking off;

Takeoff distance available (TODA). The TORA plus the length of any remaining runway or clearway (CWY) beyond the far end of the TORA;

NOTE: The full length of TODA may not be usable for all takeoffs because of obstacles in the departure area. The usable TODA length is aircraft performance dependent and, as such, must be determined by the aircraft operator before each takeoff and requires knowledge of the location of each controlling obstacle in the departure area.

Accelerate-stop distance available (ASDA). The runway plus stopway (SWY) length declared available and suitable for the acceleration and deceleration of an airplane aborting a takeoff; and

Landing distance available (LDA). The runway length declared available and suitable for a landing airplane.

Fixed By Function NAVAID. An air navigation aid (NAVAID) that must be positioned in a particular location in order to provide an essential benefit for civil aviation is fixed by function. Exceptions are:

a. Equipment shelters, junction boxes, transformers, and other appurtenances that support a fixed by function NAVAID *are not* fixed by function unless operational requirements require them to be located in close proximity to the NAVAID.

b. Some NAVAIDs, such as localizers, can provide beneficial performance even when they are not located at their optimal location. These NAVAIDS are not fixed by function.

Frangible NAVAID. A navigational aid (NAVAID) which retains its structural integrity and stiffness up to a designated maximum load, but on impact from a greater load, breaks, distorts, or yields in such a manner as to present the minimum hazard to aircraft. The term NAVAID includes electrical and visual air navigational aids, lights, signs, and associated supporting equipment.

Hazard to Air Navigation. An object which, as a result of an aeronautical study, the FAA determines will have a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.

Large Airplane. An airplane of more than 12,500 pounds (5 700 kg) maximum certificated takeoff weight.

Low Impact Resistant Supports (LIRS). Supports designed to resist operational and environmental static loads and fail when subjected to a shock load such as that from a colliding aircraft.

Object. Includes, but is not limited to above ground structures, NAVAIDs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

Object Free Area (OFA). An area on the ground centered on a runway, taxiway, or taxilane centerline provided to enhance the safety of aircraft operations by having the area free of objects, except for objects that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes.

Obstacle Clearance Surface (OCS). An inclined obstacle evaluation surface associated with a glidepath. The separation between this surface and the glidepath angle at any given distance from GPI defines the MINIMUM required obstruction clearance at that point.

Obstacle Free Zone (OFZ). The OFZ is the airspace below 150 feet (45 m) above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for frangible visual NAVAIDs that need to be located in the OFZ because of their function, in order to provide clearance protection for aircraft landing or taking off from the runway, and for missed approaches. The OFZ is sub-divided as follows:

Runway OFZ. The airspace above a surface centered on the runway centerline.

Inner-approach OFZ. The airspace above a surface centered on the extended runway centerline. It applies to runways with an approach lighting system.

Inner-transitional OFZ. The airspace above the surfaces located on the outer edges of the runway OFZ and the inner-approach OFZ. It applies to runways with approach visibility minimums lower than 3/4-statute mile (1 200 m).

Obstruction to Air Navigation. An object of greater height than any of the heights or surfaces presented in Subpart C of Code of Federal Regulation (14 CFR), Part 77. (Obstructions to air navigation are presumed to be hazards to air navigation until an FAA study has determined otherwise.)

Precision Approach Category I (CAT I) Runway. A runway with an instrument approach procedure which provides for approaches to a decision height (DH) of not less than 200 feet (60 m) and visibility of not less than 1/2 mile (800 m) or Runway Visual Range (RVR) 2400 (RVR 1800 with operative touchdown zone and runway centerline lights).

Precision Approach Category II (CAT II) Runway. A runway with an instrument approach procedure which provides for approaches to a minima less than CAT I to as low as a decision height (DH) of not less than 100 feet (30 m) and RVR of not less than RVR 1200.

Precision Approach Category III (CAT III) Runway. A runway with an instrument approach procedure which provides for approaches to minima less than CAT II.

Runway (RW). A defined rectangular surface on an airport prepared or suitable for the landing or takeoff of airplanes.

Runway Blast Pad. A surface adjacent to the ends of runways provided to reduce the erosive effect of jet blast and propeller wash.

Runway Protection Zone (RPZ). An area off the runway end to enhance the protection of people and property on the ground.

Runway Safety Area (RSA). A defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

Shoulder. An area adjacent to the edge of paved runways, taxiways, or aprons providing a transition between the pavement and the adjacent surface; support for aircraft running off the pavement; enhanced drainage; and blast protection.

Small Airplane. An airplane of 12,500 pounds (5 700 kg) or less maximum certificated takeoff weight.

Stopway (SWY). A defined rectangular surface beyond the end of a runway prepared or suitable for use in lieu of runway to support an airplane, without causing structural damage to the airplane, during an aborted takeoff.

Taxilane (TL). The portion of the aircraft parking area used for access between taxiways and aircraft parking positions.

Taxiway (TW). A defined path established for the taxiing of aircraft from one part of an airport to another.

Taxiway Safety Area (TSA). A defined surface alongside the taxiway prepared or suitable for reducing the risk of damage to an airplane unintentionally departing the taxiway.

Threshold (TH). The beginning of that portion of the runway available for landing. In some instances, the landing threshold may be displaced.

Displaced Threshold. A threshold that is located at a point on the runway other than the designated beginning of the runway.

Visual Runway. A runway without an existing or planned straight-in instrument approach procedure.

3. RELATED/REFERENCED READING MATERIAL. The following is a listing of documents referenced in other parts of this advisory circular. Advisory Circulars 00-2 and 00-44 may be obtained by writing to: The U.S. Department of Transportation; Utilization and Storage Section, M-443.2; Washington, D.C. 20590. The most current versions of the ACs listed below are available online at www.faa.gov.

NOTE: Some of the ACs in this paragraph have been cancelled but are still referenced in the main document. They will continue to be listed here and shown as cancelled until the next complete revision of the document.

a. AC 00-2, Advisory Circular Checklist.

b. AC 00-44, Status of Federal Aviation Regulations.

c. AC 20-35, Tiedown Sense.

d. AC 70/7460-1, Obstruction Marking and Lighting.

e. AC 70/7460-2, Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace. (Cancelled)

f. AC 107-1, Aviation Security-Airports.

g. AC 120-29, Criteria for Approving Category I and Category II Landing Minima for FAR Part 121 Operators.

h. AC 150/5000-3, Address List for Regional Airports Divisions and Airports District/Field Offices. (Cancelled)

i. AC 150/5060-5, Airport Capacity and Delay.

j. AC 150/5070-3, Planning the Airport Industrial Park. (Cancelled)

k. AC 150/5070-6, Airport Master Plans.

l. AC 150/5190-1, Minimum Standards for Commercial Aeronautical Activities on Public Airports. (Cancelled by AC 150/5190-5)

m. AC 150/5190-4, A Model Zoning Ordinance to Limit Height of Objects Around Airports.

n. AC 150/5190-5, Exclusive Rights and Minimum Standards for Commercial Aeronautical Activities. (Cancelled by AC 150/5190-6 and AC 150/5190-7)

o. AC 150/5190-6, Exclusive Rights at Federally-Obligated Airports

p. AC 150/5190-7, Minimum Standards for Commercial Aeronautical Activities

q. AC 150/5200-33, Hazardous Wildlife Attractants On or Near Airports.

r. AC 150/5220-16, Automated Weather Observing Systems (AWOS) for Non-Federal Applications.

s. AC 150/5230-4, Aircraft Fuel Storage, Handling, and Dispensing on Airports.

t. AC 150/5320-5, Airport Drainage.

u. AC 150/5320-6, Airport Pavement Design and Evaluation.

v. AC 150/5320-14, Airport Landscaping for Noise Control Purposes.

w. AC 150/5325-4, Runway Length Requirements for Airport Design.

x. AC 150/5340-1, Standards for Airport Marking.

y. AC 150/5340-5, Segmented Circle Marker Systems.

z. AC 150/5340-14, Economy Approach Lighting Aids. (Cancelled by AC 150/5340-30)

aa. AC 150/5340-18, Standards for Airport Sign Systems.

bb. AC 150/5340-21, Airport Miscellaneous Lighting Visual Aids. (Cancelled by AC 150/5340-30)

cc. AC 150/5340-24, Runway and Taxiway Edge Lighting System. (Cancelled by AC 150/5340-30)

dd. AC 150/5340-28, Precision Approach Path Indicator (PAPI) Systems. (Cancelled by AC 150/5340-30)

ee. AC 150/5340-30, Design and Installation Details for Airport Visual Aids

ff. AC 150/5345-52, Generic Visual Slope Indicators (GVGI).

gg. AC 150/5360-13, Planning and Design Guidelines for Airport Terminal Facilities.

hh. AC 150/5370-10, Standards for Specifying Construction of Airports.

ii. AC 150/5390-2, Heliport Design.

jj. 14 CFR Part 23, Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes.

kk. 14 CFR Part 25, Airworthiness Standards: Transport Category Airplanes.

ll. 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace.

mm. 14 CFR Part 97, Standard Instrument Approach Procedures.

nn. 14 CFR Part 135, Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons On Board Such Aircraft.

oo. 14 CFR Part 139, Certification of Airports.

pp. 14 CFR Part 151, Federal Aid to Airports.

qq. 14 CFR Part 152, Airport Aid Program.

rr. 14 CFR Part 153, Acquisition of U. S. Land for Public Airports. (Removed from Title 14)

ss. 14 CFR Part 154, Acquisition of Land for Public Airports Under the Airport and Airway Development Act of 1970. (Removed from Title 14)

tt. 14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports.

uu. Order 1050.1, Policies and Procedures for Considering Environmental Impacts.

vv. Order 5050.4, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.

ww. Order 5100.38, Airport Improvement Program (AIP) Handbook.

xx. Order 7400.2, Procedures for Handling Airspace Matters.

yy. Order 8200. 1, United States Standard Flight Inspection Manual.

zz. Order 8260.3, United States Standard for Terminal Instrument Procedures (TERPS).

4. AIRPORT REFERENCE CODE (ARC). The ARC is a coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

a. **Coding System**. The airport reference code has two components relating to the airport design aircraft. The first component, depicted by a letter, is the aircraft approach category and relates to aircraft approach speed (operational characteristic). The second component, depicted by a Roman numeral, is the *airplane design group* and relates to airplane wingspan or tailheight (physical characteristics), whichever is the most restrictive. Generally, runways standards are related to aircraft approach speed, airplane wingspan, and designated or planned approach visibility minimums. Taxiway and taxilane standards are related to airplane design group.

b. **Airport Design**. Airport design first requires selecting the ARC(s), then the lowest designated or planned approach visibility minimums for each runway, and then applying the airport design criteria associated with the airport reference code and the designated or planned approach visibility minimums.

(1) An upgrade in the first component of the ARC may result in an increase in airport design standards. Table 1-1 depicts these increases.

(2) An upgrade in the second component of the ARC generally will result in a major increase in airport design standards.

(3) An airport upgrade to provide for lower approach visibility minimums may result in an increase in airport design standards. Table 1-2 depicts these increases.

(4) Operational minimums are based on current criteria, runways, airspace, and instrumentation. Unless this is taken into consideration in the development of the airport, the operational minimums may be other than proposed.

(5) For airports with two or more runways, it may be desirable to design all airport elements to meet the requirements of the most demanding ARC. However, it may be more practical to design some airport elements, e.g., a secondary runway and its associated taxiway, to standards associated with a lesser demanding ARC.

5. **AIRPORT LAYOUT PLAN**. An Airport Layout Plan (ALP) is a scaled drawing of existing and proposed land and facilities necessary for the operation and development of the airport. Any airport will benefit from a carefully developed plan that reflects current FAA design standards and planning criteria. For guidance on developing Airport Master Plans, refer to AC 150/5070-6, *Airport Master Plans*.

a. **FAA-Approved ALP**. All airport development carried out at Federally obligated airports must be done in accordance with an FAA-approved ALP. The FAA-approved ALP, to the extent practicable, should conform to the FAA airport design standards existing at the time of its approval. Due to unique site, environmental, or other constraints, the FAA may approve an ALP not fully complying with design standards. Such approval requires an FAA study and finding that the proposed modification is safe for the specific site and conditions. When the FAA upgrades a standard, airport owners should, to the extent practicable, include the upgrade in the ALP before starting future development.

b. **Guidance**. AC 150/5070-6, Airport Master Plans, contains background information on the development of ALPs, as well as a detailed listing of the various components that constitute a well-appointed ALP.

c. **Electronic Plans**. The FAA recommends the development of electronic ALPs where practical.

6. **MODIFICATION OF AIRPORT DESIGN STANDARDS TO MEET LOCAL CONDITIONS**. "Modification to standards" means any change to FAA design standards other than dimensional standards for runway safety areas. Unique local conditions may require modification to airport design standards for a specific airport. A modification to an airport design standard related to new construction, reconstruction, expansion, or upgrade on an airport which received Federal aid requires FAA approval. The request for modification should show that the modification will provide an acceptable level of safety, economy, durability, and workmanship. Appendixes 8 and 9 discuss the relationship between airplane physical characteristics and the design of airport elements. This rationale may be used to show that the modification will provide an acceptable level of safety for the specified conditions, including the type of aircraft.

7. **NOTICE TO THE FAA OF AIRPORT DEVELOPMENT**. 14 CFR Part 157, Notice of Construction, Activation, and Deactivation of Airports, requires persons proposing to construct, activate, or deactivate an airport to give notice of their intent to the FAA. The notice applies to proposed alterations to the takeoff and landing areas, traffic patterns, and airport use, e.g., a change from private-use to public-use.

a. **Notice Procedure**. 14 CFR Part 157 requires airport proponents to notify the appropriate FAA Airports Regional or District Office at least 30 days before construction, alteration, deactivation, or the date of the proposed change in use. In an emergency involving essential public service, health, or safety, or when delay would result in a hardship, a proponent may notify the FAA by telephone and submit Form 7480-1, Notice of Landing Area Proposal, within 5 days.

b. **The Notice**. The notice consists of a completed FAA Form 7480-1, a layout sketch, and a location map. The layout sketch should show the airport takeoff and landing area configuration in relation to buildings, trees, fences, power lines, and other similar significant features. The preferred type of location map is the 7.5 minute U.S. Geological Survey

Quadrangle Map showing the location of the airport site. Form 7480-1 lists FAA Airports Office addresses.

c. **FAA Action**. The FAA evaluates the airport proposal for its impact upon the: safe and efficient use of navigable airspace; operation of air navigation facilities; existing or potential airport capacity; and safety of persons and property on the ground. The FAA notifies proponents of the results of the FAA evaluation.

d. **Penalty for Failure to Provide Notice**. Persons who fail to give notice are subject to civil penalty.

8. **NOTICE TO THE FAA OF PROPOSED CONSTRUCTION**. 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, requires persons proposing any construction or alteration described in 14 CFR Part 77 to give notice to the FAA of their intent. This includes any construction or alteration of structures more than 200 feet (61 m) in height above the ground level or at a height that penetrates defined imaginary surfaces located in the vicinity of a public-use airport.

a. **Airport Data Requirements**. Future airport development plans and feasibility studies on file with the FAA may influence the determinations resulting from 14 CFR Part 77 studies. To assure full consideration of future airport development in 14 CFR Part 77 studies, airport owners must have their plans on file with the FAA. The necessary plan data includes, as a minimum, planned runway end coordinates, elevation, and type of approach for any new runway or runway extension.

b. **Penalty for Failure to Provide Notice**. Persons who knowingly and willingly fail to give such notice are subject to criminal prosecution.

9. **FAA STUDIES**. The FAA studies existing and proposed objects and activities, on and in the vicinity of public-use airports. These objects and activities are not limited to obstructions to air navigation, as defined in 14 CFR Part 77. These studies focus on the efficient use of the airport and the safety of persons and property on the ground. As the result of these studies, the FAA may resist, oppose, or recommend against the presence of objects or activities in the vicinity of a public-use airport that conflict with an airport planning or design standard/recommendation. This policy is stated as a notice on page 32152 of Volume 54, No. 149, of the Federal Register, dated Friday, August 4, 1989. FAA studies conclude:

a. Whether an obstruction to air navigation is a hazard to air navigation;

b. Whether an object or activity on or in the vicinity of an airport is objectionable;

c. Whether the need to alter, remove, mark, or light an object exists;

d. Whether to approve an Airport Layout Plan;

e. Whether proposed construction, enlargement, or modification to an airport would have an adverse effect on the safe and efficient use of navigable airspace; or

f. Whether a change in an operational procedure is feasible.

10. **FEDERAL ASSISTANCE**. The FAA administers a grant program (per Order 5100.38, Airport Improvement Program (AIP) Handbook) which provides financial assistance for developing public-use airports. Persons interested in this program can obtain information from FAA Airports Regional or District Offices. Technical assistance in airport development is also available from these offices.

11. **ENVIRONMENTAL ASSESSMENTS**. Federal grant assistance in, or ALP approval of, new airport construction or major expansion normally requires an assessment of potential environmental impacts in accordance with FAA Order 5050.4, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.

12. **STATE ROLE**. Many State aeronautics commissions or similar departments require prior approval and, in some instances, a license for the establishment and operation of an airport. Some States administer a financial assistance program similar to the Federal program and technical advice. Proponents should contact their respective State aeronautics commissions or departments for information on licensing and assistance programs.

13. **LOCAL ROLE**. Most communities have zoning ordinances, building codes, and fire regulations which may affect airport development. Some have or are in the process of developing codes or ordinances regulating environmental issues such as noise and air quality. Others may have specific procedures for establishing an airport.

14. to 199. RESERVED

Table 1-1. Increases in airport design standards associated with an upgrade in the first component (aircraft approach category) of the airport reference code

ARC upgrade	Changes in airport design standards
A-I s/ to B-I s/	No change in airport design standards.
B-I s/ to C-I	Increase in crosswind component. Refer to paragraph 203.b. Increase in runway separation standards. Refer to tables 2-1 and 2-2. Increase in RPZ dimensions. Refer to table 2-4 and appendix 14, paragraph 5.b. Increase in OFZ dimensions. Refer to paragraph 306. Increase in runway design standards. Refer to tables 3-1, 3-2, and 3-3. Increase in surface gradient standards. Refer to paragraph 502. Increase in threshold siting standards. Refer to appendix 2, paragraph 5.
A-I to B-I	No change in airport design standards.
B-I / to C-I	Increase in crosswind component. Refer to paragraph 203.b. Increase in runway separation standards. Refer to tables 2-1 and 2-2. Increase in RPZ dimensions. Refer to table 2-4 and appendix 14, paragraph 5.b. Increase in runway design standards. Refer to tables 3-1, 3-2, and 3-3. Increase in surface gradient standards. Refer to paragraph 502.
A-II to B-II	No change in airport design standards.
B-II to C-II	Increase in crosswind component. Refer to paragraph 203.b. Increase in runway separation standards. Refer to tables 2-1 and 2-2. Increase in RPZ dimensions. Refer to table 2-4 and appendix 14, paragraph 5.b. Increase in runway design standards. Refer to tables 3-1, 3-2, and 3-3. Increase in surface gradient standards. Refer to paragraph 502.
A-III to B-III	No change in airport standards.
B-III to C-III	Increase in runway separation standards. Refer to tables 2-1 and 2-2. Increase in RPZ dimensions. Refer to table 2-4 and appendix 14, paragraph 5.b. Increase in runway design standards. Refer to tables 3-1, 3-2, and 3-3. Increase in surface gradient standards. Refer to paragraph 502.
A-IV to B-IV	No change in airport design standards.
B-IV to C-IV	Increase in RPZ dimensions. Refer to table 2-4 and appendix 14, paragraph 5.b. Increase in surface gradient standards. Refer to paragraph 502.

s/ These airport design standards pertain to facilities for small airplanes exclusively.

Table 1-2. Increases in airport design standards to provide for lower approach visibility minimums

Visibility minimums decrease *	Changes in airport design standards.
Visual to Not lower than 1-Mile (1 600 m)	No change in airport design standards.
Not lower than 1-Mile (1 600 m) to Not lower than 3/4-Mile (1 200 m)	Increase in RPZ dimensions. Refer to table 2-4. Increase in threshold siting standards. Refer to appendix 2, paragraph 5.
Not lower than 3/4-Mile (1 200 m) to Not lower than CAT I	For aircraft approach categories A & B runways: Increase in runway separation standards. Refer to table 2-1. Increase in RPZ dimensions. Refer to table 2-4. Increase in OFZ dimensions. Refer to paragraph 306. Increase in runway design standards. Refer to tables 3-1 and 3-2. Increase in threshold siting standards. Refer to appendix 2, paragraph 5.
	For aircraft approach categories C & D runways: Increase in runway separation standards for ADG I & II runways. Refer to table 2-2. Increase in RPZ dimensions. Refer to table 2-4. Increase in OFZ dimensions. Refer to paragraph 306. Increase in threshold siting standards. Refer to appendix 2, paragraph 5.
Not lower than CAT I to Lower than CAT I	Increase in OFZ dimensions for runways serving large airplanes. Refer to paragraph 306. Increase in threshold siting standards. Refer to appendix 2, paragraph 5.

* In addition to the changes in airport design standards as noted, providing for lower approach visibility minimums may result in an increase in the number of objects identified as obstructions to air navigation in accordance with 14 CFR Part 77. This may require object removal or marking and lighting. Refer to paragraph 211.a.(6).

PROOF OF SERVICE

1. My name is **Ruth Flores**. I am over the age of eighteen. I am employed in the State of California, County of **San Bernardino**.

2. My ✓ business ___ residence address is **Briggs Law Corporation, 99 East "C" Street, Suite 203, Upland, CA 91786**.

3. On **March 27, 2025**, I served ___ an original copy ✓ a true and correct copy of the following documents: **PLAINTIFF AND PETITIONER'S CONSOLIDATED REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

___ ***by personal service.*** I personally delivered the documents to the person(s) at the address(es) indicated on the list.

___ ***by U.S. mail.*** I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

___ deposited the envelope/package with the U.S. Postal Service

___ placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of **Upland**, California.

___ ***by overnight delivery.*** I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

___ ***by facsimile transmission.*** Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

✓ ***by e-mail delivery.*** Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws ___ of the United States ✓ of the State of California that the foregoing is true and correct.

Date: **March 27, 2025** Signature: Ruth Flores

SERVICE LIST

Citizens for a Friendly Airport v. County of San Diego
San Diego County Superior Court Case No. 25CU004719C

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