



## VICE CHAIR KATRINA FOLEY

ORANGE COUNTY BOARD OF SUPERVISORS  
FIFTH DISTRICT

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March 27, 2026

The Honorable Sean P. Duffy  
Secretary, U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Bryan Bedford  
Administrator, Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

### **Re: Safety Concerns Following March 24 Near Miss Near John Wayne Airport**

Dear Secretary Duffy and Administrator Bedford:

I write to express serious concern about the March 24, 2026 near miss involving United Flight 589 on approach to John Wayne Airport and a California Army National Guard Black Hawk helicopter operating nearby. The FAA has stated that the Black Hawk crossed the aircraft's path, and public reporting indicates the two aircraft came within 525 feet of each other before the commercial flight landed safely. Public reporting also states that the United flight received both an air traffic control warning and an onboard resolution advisory.

This incident warrants immediate scrutiny. It also raises broader concerns because it follows the January 2025 midair collision near Reagan National Airport involving a Black Hawk helicopter and a commercial regional jet. In January 2026, the National Transportation Safety Board concluded that deep systemic failures contributed to that crash, including overreliance on visual separation in congested airspace.

On March 18, 2026, the FAA announced new interim helicopter separation procedures. The agency suspended visual separation in Class B and Class C airspace, as well as Terminal Radar Service Areas, where helicopters cross airport arrival or departure paths. The FAA directed controllers to use radar-based separation in those circumstances.

Against that backdrop, this near miss raises straightforward questions. Why did a military helicopter come within 525 feet of a commercial passenger flight on final approach to John Wayne Airport? Did existing routing, coordination, and separation procedures permit that movement? If they did, the FAA should explain why those procedures remain adequate. If they did not, the FAA should identify the failure and correct it promptly.

John Wayne Airport is owned and operated by the County of Orange, and the Orange County Board of Supervisors sets policy for the Airport's management. At the same time, the federal government bears primary responsibility for the safety of the surrounding airspace. Passengers, flight crews, and the public should be able to trust that military and civilian operations will not create preventable risks near a County-owned commercial airport.

*Proudly serving the cities of Aliso Viejo, Costa Mesa, Dana Point, Irvine, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Newport Beach, San Clemente, San Juan Capistrano and the unincorporated areas of Coto de Caza, Emerald Bay, Ladera Ranch, Las Flores, Rancho Mission Viejo, Stonecliffe, and Wagon Wheel*

I respectfully request a written response addressing the following:

1. Whether the Black Hawk's route, altitude, and authorization were appropriate in light of an active commercial arrival into John Wayne Airport.
2. Whether the FAA's March 18, 2026, interim separation procedures applied in this airspace and, if so, whether controllers and operators followed them.
3. Whether the FAA will modify, reroute, altitude-restrict, or otherwise limit military helicopter operations near John Wayne Airport when commercial aircraft are arriving or departing.
4. Whether the FAA will strengthen coordination among the FAA, the Department of Defense, the California National Guard, and local air traffic control to prevent another close call.
5. Whether the FAA will conduct a broader review of mixed military and civilian operations near John Wayne Airport and other similarly constrained airports.

This near miss has understandably shaken public confidence. The Department of Transportation and the FAA should move quickly, share preliminary findings as soon as possible, and take any corrective action necessary to protect the traveling public.

Thank you for your prompt attention to this matter. I would appreciate a written response and a briefing on any preliminary findings or immediate safety measures under consideration.

Sincerely,



Katrina Foley  
Vice Chair  
Orange County Board of Supervisors

cc: Senator Adam Schiff  
Senator Alex Padilla  
Representative Young Kim  
Representative Derek Tran  
Representative Lou Correa  
Representative Dave Min  
Representative Mike Levin  
Representative Linda Sánchez