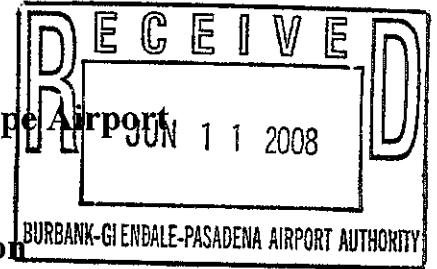


**BEFORE THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
BURBANK, CALIFORNIA**

Proposed Mandatory Nighttime Curfew at Bob Hope Airport

Comments of the Cargo Airline Association



Pursuant to the Notice of Proposed Mandatory Curfew at Bob Hope Airport, the Cargo Airline Association¹ (“the Association” or CAA) hereby submits its comments in opposition to the proposal.² In support of this position, the Association states as follows:

The Cargo Airline Association is the organization representing the interests of the leading U.S all-cargo air carriers before Congress, federal administrative agencies and the various states and localities throughout the United States. All of the Association members operate nationwide systems of air transportation for shippers demanding time-definite delivery of high-value and time-definite freight. In order to provide next-day and express delivery service, a majority of flight operations necessarily occur during nighttime hours.³ Two of our members, Fed Ex Express and UPS, provide service at Bob Hope Airport in order to serve the needs of shippers in the Burbank area and their operations would be unnecessarily adversely impacted by the proposed curfew.⁴

¹ U.S. air carrier members of the Cargo Airline Association are ABX Air, Air Transport International, Atlas Air, Capital Cargo, Fed Ex Express, Kalitta Air and UPS Airlines.

² Individual all-cargo carriers will be submitting Comments to this proposal.

³ For purposes of this proceeding, “nighttime” is defined as 10:00 p.m. to 6:59 a.m.

⁴ A third all-cargo carrier, Ameriflight, also operates at Burbank. Although Ameriflight is not an Association member, we believe that the Comments submitted herein apply equally to the Ameriflight service.

As a practical matter, all-cargo carriers operate at specific airports in order to provide expedited pick up and delivery to customers in the immediate vicinity of that airport. Imposing a total nighttime curfew at airports such as Bob Hope therefore requires reduced service to local businesses and individuals, as well as an increased adverse total environmental impact by forcing fleets of trucks onto the roads to deliver the freight to and from other, more distant, airports. It also simply shifts the noise generated by the banned flights to other communities that may have a more severe noise problem. Put somewhat differently, airports do not exist in isolation; they are part of a nationwide system of air transportation and the impacts (and costs) on the rest of the system must be considered in determining whether a specific curfew is warranted.

Turning to the proposal to ban all flights at Bob Hope Airport between the hours of 10:00 p.m. and 6:59 a.m., the Association submits that the Airport Authority has not provided a compelling case for its curfew. Indeed, the proposal is deficient in several significant ways.

- The Airport Authority has not made a compelling case that Bob Hope Airport has a “noise problem” that warrants the draconian action of imposing a nighttime curfew.
- The proposed curfew unreasonably discriminates against the all-cargo segment of the aviation industry.
- The analysis submitted in support of the curfew underestimates the costs and inflates the benefits of the proposed curfew.

The Bob Hope Airport “Noise Problem” (or lack thereof) – The underlying rationale for the proposed nighttime curfew is that Bob Hope Airport has a serious nighttime noise problem that must be addressed. With all due respect to the Airport Authority, the facts do not support

such a conclusion. Indeed, the companies using large jet aircraft during nighttime hours (Fed Ex and UPS) each operate one flight during these hours four days a week – an average of 0.57 flights per day. The remainder of the Bob Hope nighttime service is operated by Ameriflight which operates a limited number of light turboprop and piston-engine aircraft. In no way can this level of service be construed as creating a “nighttime noise problem.”

In addition, as noted by the Airport Authority, there has been an “. . .historical reduction in the Airport’s 65 CNEL noise contour since 1978. . .” (See, Application for a Proposed Curfew, Executive Summary, p. 6, March 2008). Nevertheless, the Airport Authority argues for a nighttime curfew to offset a projected growth in the noise contour over the next seven years.

The reality, however, is that any growth in the noise contours is probably overstated and, in any event, can in no way attributed to the all-cargo industry or any other nighttime operations. In fact, a review of the data presented indicates that the purported expansion of the noise contour is attributable to projected increased **daytime** operations and in no way can be used to argue that Bob Hope Airport has, or will have, a **nighttime** noise problem.

In addition, the projected growth in the noise contours is overstated, at least in part because it uses a 2005 baseline and fails to take into account the recent dramatic rise in fuel prices that has reduced flying nationwide and promises to depress operations for years to come. Rather than the anticipated increase in operations, it is likely that, at best, operations will remain flat and will probably decline because of the fuel price crisis. At the very least, Burbank should be required to take these recent developments into consideration in the analysis of its proposal.

In short, the proposed nighttime curfew cannot stand since Burbank has not established, and cannot establish, the existence of a nighttime noise problem that must be addressed. Moreover, the Airport Authority cannot base its **nighttime** curfew on expanded noise contours caused by a projected increase in **daytime** service at the airport.

The Proposed Curfew Unreasonably Discriminates Against the All-Cargo Segment of the Aviation Industry – Although Burbank alleges that the proposed nighttime curfew is non-discriminatory since it applies to all operations, as practical matter, the proposed nighttime curfew impacts only one industry segment – the operators of all-cargo aircraft. There are currently no passenger operations in the affected hours. Moreover, in attempting to justify the proposal that would ban existing all-cargo operations at night, Burbank provides data showing expanded noise contours caused, not by increased nighttime operations, but rather by increased daytime operations overwhelmingly operated by passenger carriers and General Aviation interests.⁵ Therefore, the proposed curfew in essence forces the all-cargo carriers to “subsidize” future growth by other segments of the aviation community. As such, the curfew proposal blatantly discriminates against the all-cargo carriers.

The Curfew Proposal Overstates Its Benefits and Underestimates Its Costs – Finally, it is important to note that the analysis of the costs and benefits of the proposed curfew is flawed

⁵ The Burbank proposal indicates virtually no future growth by Ameriflight and an expansion by one flight per week by both Fed Ex and UPS by the year 2015. In terms of daily operations, the projected increase in operations for Fed Ex and UPS merely increases the daily flights in the nighttime period from 0.57 to 0.71, clearly not enough to have any appreciable noise impact. In any event, especially in the current environment, the Association takes issue with the underlying assumption that both Fed Ex and UPS will add an additional weekly flight (a 25% increase over current service levels).

and cannot be used as a basis for supporting a nighttime ban. Even if there were a nighttime noise problem, the proposed curfew cannot be justified on the basis of the existing analysis of costs and benefits.

On the cost side, while the costs to aircraft operators and passengers are included in the analysis, the loss of landing fees by the airport is curiously omitted. In addition, Burbank has made no attempt to analyze and monetize the cost of the obvious environmental degradation in the region caused by forcing the affected carriers to truck the freight originally destined for Burbank to other airports in the region. Especially for early morning arrivals, the inability to serve Burbank will require that delivery trucks exacerbate the morning rush hour from the airport used to the Burbank community. These trucks will necessarily have negative environmental effects – in both the noise and emissions area, but these costs are never addressed by the Burbank proposal.

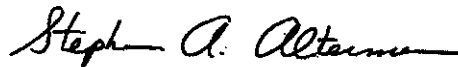
With respect to the benefits side of the equation, the Burbank proposal either overstates the benefits or improperly attributes benefits to a non-nighttime problem. For example, in estimating the reduction in operations as a result of the proposed curfew, Burbank states that the reduction in flights for both Fed Ex and UPS would be 416 annual operations. See, Appendix CC, p. 6. Table CC-2. Yet, since both Fed Ex and UPS operate only one arrival, four days a week, in the curfew hours, the total annual operations for each carrier is 208 (4 operations x 52 weeks). Therefore, at least for Fed Ex and UPS, the stated reduction in operations as a result of the curfew is overstated by a factor of 2.

Another problem with detailing the purported benefits of the Burbank proposal revolves around the allegation that the curfew will result in a saving of over \$59 million in unnecessary

acoustical treatment for homes surrounding Bob Hope Airport. We assume that this figure is based solely on an analysis of the non-soundproofed homes in the projected expanded 65 CNEL contour. However, as noted above, any expansion of the 65 CNEL contour would be attributable solely to increased daytime operations and those operating at night should not be expected to pay for the "sins" of others.

Conclusion – In view of all the considerations detailed above, the Cargo Airline Association urges the Burbank-Glendale-Pasadena Airport Authority to withdraw its proposed nighttime curfew. The Airport Authority has not made a case that it, in reality, has a nighttime noise problem that must be addressed by the extreme measure of imposition of a total nighttime curfew. Moreover, the study of costs and benefits of the proposed curfew is fatally flawed and cannot be used as a justification of the proposed action.⁶

Respectfully submitted,



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⁶ The Association also submits that the proposed curfew will have a destructive effect on the national system of air transportation and contravenes the stated national policy of encouraging the use of secondary airports rather than congested major hubs. These arguments, however, are national, not local, in character and the Association will defer these positions until comments before the FAA are solicited.