



VIA E-MAIL

June 12, 2008

Part 161 Study Comment Docket  
Burbank-Glendale-Pasadena Airport Authority  
Bob Hope Airport  
2627 Hollywood Way  
Burbank, CA 91505

**Re: Comments of FedEx Express to Proposed Mandatory Night Curfew**

To Whom It May Concern:

In accordance with the Notice of Proposed Mandatory Curfew at Bob Hope Airport, FedEx Express (FedEx), respectfully submits its comments in opposition to the proposed curfew. FedEx is appreciative of the opportunity to offer its comments to the Burbank-Glendale-Pasadena Airport Authority.

FedEx is an all-cargo air carrier operating under an Air Carrier Certificate issued by the Federal Aviation Administration. FedEx is the leading carrier of express shipments in the United States, and operates in almost every country in the world. Southern California is one of the largest and most important markets to FedEx, and it operates transport category freighter aircraft at most of the larger airports in the region, including Los Angeles (LAX), San Diego, Orange County, Long Beach, Ontario, and Burbank. Tens of thousands of high value, time definite express shipments are picked up and delivered in Southern California to businesses and residences on a daily basis, and our customers need and expect that their shipments will be delivered in accordance with the deadlines contained in the contract of carriage. Failure to deliver as promised usually means that our customers will be adversely affected (along with the local economy), and that FedEx may be required to return shipping costs to its customers.

FedEx is a member of both the Air Transport Association of America (ATA) and the Cargo Airline Association (CAA). Both of those organizations have filed extensive comments to the proposed curfew. FedEx fully concurs with arguments made in those filings, and adopts those arguments as its own. We do not intend to rehash all of the points made by ATA and CAA, but would like to emphasize the following:

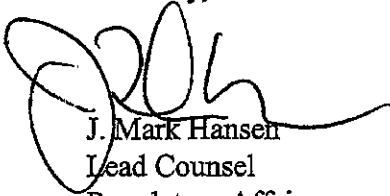
- The Airport has stated its view that the curfew proposal is nondiscriminatory. Although it may be argued that the proposal is *facially* nondiscriminatory, it cannot be argued that the *impact* of the mandatory curfew is limited to two all-cargo carriers – FedEx and UPS – despite the fact that these carriers operate only a miniscule number of flights at Burbank. Therefore, FedEx submits that the curfew proposal is discriminatory and contrary to the requirements of Part 161.

- The consultant to the Airport has rather naively suggested that FedEx can easily shift its Burbank flight operations to LAX. This assertion is not true, and reflects a lack of understanding about FedEx and its operations. First, there is an overall lack of aircraft parking positions at the FedEx LAX ramp, and at certain times there may not be a gate available to accommodate the Burbank flight. Second, the freight would have to be trucked from LAX to Burbank, making it difficult, if not impossible, to meet our delivery commitments to our customers. Third, FedEx does not have the operational flexibility to allow an aircraft to arrive at LAX at earlier times sufficient to compensate for the additional times the trucks will be on the road.

There are many other valid arguments against the curfew proposal made by ATA and CAA that do not need to be repeated here. Suffice it to say, however, that FedEx believes that Burbank has successfully managed its noise issues over the years without a mandatory curfew, and has seen the noise impact of flight operations decline significantly because of the voluntary curfew, the operation of quieter aircraft by the airlines, and other mitigating measures. FedEx submits the imposition of a mandatory curfew is not needed, cannot be justified under the criteria set forth in Part 161, and imposes huge burdens on a single sector of commercial operations that plays a minimal part in the overall noise generated by flight operations at Burbank.

Again, thank you for the opportunity to comment.

Sincerely,



J. Mark Hansen  
Lead Counsel  
Regulatory Affairs

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