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# Los Angeles World Airports

May 29, 2008

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

LAX  
LA/Ontario  
LA/Palmdale  
Van Nuys

Re: Los Angeles World Airports Comments on the Bob Hope Airport Part 161 Study Draft Application

City of Los Angeles

To Whom It May Concern:

Antonio R. Villaraigosa  
Mayor

Board of Airport  
Commissioners

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President

Valeria C. Velasco  
Vice President

Joseph A. Aredas  
Michael A. Lawson  
Sylvia Patsouras  
Fernando M. Torres-Gil  
Walter Zifkin

Gina Marie Lindsey  
Executive Director

Los Angeles World Airports (LAWA) appreciates this opportunity to comment on the Part 161 Study draft application by the Burbank-Glendale-Pasadena Airport Authority (Authority) for a proposed curfew at Bob Hope Airport (BUR). LAWA owns and operates four airports in Southern California, including Los Angeles International Airport (LAX), LA/Ontario International Airport (LA/ONT), LA/Palmdale Regional Airport and Van Nuys Airport (VNY).

LAWA has reviewed the draft application and offers the following comments, which fall into three primary areas:

**1. The benefit-cost ratios calculated for the proposed restriction and alternatives are based on a significant overstatement of benefits, by taking credit for noise reduction around BUR resulting from the diversion of operations to other noise-sensitive airports.**

One of the principal conditions that Part 161 sets for demonstrating the lack of undue burden on commerce is verifying that "the estimated potential benefits of the restriction have a reasonable chance to exceed the estimated potential cost of the adverse effects on interstate and foreign commerce."<sup>1</sup>

The draft Part 161 application estimates the net present value, in 2006 dollars, of the benefits and costs from 2008 to 2015 for each of the three nighttime restrictions under consideration. In response to FAA comments (May 2004) on the Authority's draft "Evaluation" document (October 2003), the draft Part 161 "monetizes" benefits, based on estimates of increased residential property values and reduced acoustical treatment expenses, for comparison to estimated costs to passengers, airlines, and general aviation users. All three alternatives are shown as having benefit-cost ratios greater than one. The proposed full curfew has the lowest benefit-cost ratio (1.21, slightly lower than the 1.22 ratio for the noise-based curfew, but less than half the 2.54 ratio for the departure curfew).

However, all of these benefit-cost ratios are overstated, because all three alternatives would divert operations to VNY and LAX, and two of the three would

<sup>1</sup> 14 C.F.R. Part 161.305(e)(2)(ii)(A)(1)

divert operations to LA/ONT. These three LAWA-operated airports – like BUR – are designated as “noise problem airports” under Section 5012 of Title 21, Subchapter 6 of the California Code of Regulations (Noise Standards). LAWA operates these airports under variances granted by the Caltrans Division of Aeronautics conditioned on LAWA’s commitment to reduce the noise impact area to zero. The Authority operates BUR under a similar variance.

A restriction at BUR that diverts operations to other problem airports represents a *shifting* of the noise impact – not a *reduction* in the noise impact. The BUR Part 161 application should not count benefits from operations shifted to other problem airports.

The draft Part 161 application predicts that the proposed full curfew will divert a total of approximately 62.7 daily operations to other airports in 2015: 33.2 to VNY, 16.3 to LA/ONT, 5.1 to LAX, 6.2 to Whiteman, 1.3 to Long Beach, and 0.6 to Camarillo. A majority of the diverted operations – 87% – are to LAWA-operated noise problem airports; and since Long Beach also is a noise problem airport, approximately 89% of the diverted operations are to noise problem airports overall. Discounting the benefits of the proposed curfew to reflect this shift in impact would be likely to result in a benefit-cost ratio significantly below 1.0 and potentially close to zero.

**2. The draft submission ignores the critical role that BUR fills in the Los Angeles regional air transportation system and BUR’s obligation to accommodate its share of commercial air transportation.**

A review of the Authority’s website home page states that the Authority’s mission is: “To provide state of the art regional airport facilities and related services which are efficient, safe, convenient, and user friendly, while being a good neighbor.”

While LAWA appreciates the Authority’s commitment to using a regional strategy to meet Southern California’s demand for air transportation services, we find it discouraging that BUR’s proposed curfew conflicts both with this regional strategy and with the Authority’s mission statement by shifting commercial air carrier operations from BUR to LAX, LA/ONT, and other commercial airports in the region during the noise sensitive curfew hours.

The Southern California Association of Governments has recently completed the 2008 Regional Transportation Plan (RTP). This plan reinforces the established regional aviation policy supporting a decentralized regional aviation system and the growth of outlying airports in the region. The aviation policy’s guiding principles include recognition of environmental justice and local quality of life considerations affecting surrounding communities. We believe that the Authority has failed adequately to take these factors into account in the draft Part 161 application in proposing to divert air traffic to LAWA’s noise problem airports.

Chapter 10 of the draft Part 161 application addresses the effect of the proposed curfew and alternatives on the national aviation system. Consistent with the theme of regionalization, the analysis focuses entirely on assessment of operations shifted from BUR to other airports in the Los Angeles region. However, the analysis is very limited; in effect, it concludes that there is no effect on the “aviation system” because the operations projected to be shifted to other airports represent a small percentage of forecast activity at those airports. This simplistic approach ignores issues related to BUR’s role in the regional airport system, and the Authority’s commitment to fulfilling that role.

3. **The proposed restriction represents a “discretionary action” that meets the definition of a project under the California Environmental Quality Act (CEQA), for which the Authority is obliged to analyze and disclose potential effects on the environment and to allow public participation in the environmental review process.**

According to the Part 161 Application, the proposed restriction would be adopted as an Airport Noise Rule by resolution of the Authority. Adoption of such resolution is a discretionary action that meets the definition of project under CEQA. Accordingly, the Authority must provide environmental analysis of the proposed restriction, consistent with CEQA, to evaluate the potential noise and air quality impacts that may occur as a result of the project. Even if the Authority is successful in obtaining FAA approval of its application for a full curfew, completion of the Part 161 process does not release the Authority from its obligations under CEQA. The Authority has already recognized that the diverted operations have the potential to result in environmental impacts at other affected airports, including LAWA-owned airports. In an email dated May 10, 2007, one of the lead authors of your Part 161 application (Mr. Mark Johnson of Jacobs Consultancy) contacted LAWA with an extensive request for information on LAWA airports, “to enable us to complete our analysis of the potential effects on other airports, and the costs to BUR airport users, of implementing a curfew (and two less restrictive alternatives) at BUR.” LAWA responded to that request to the maximum feasible extent, including provision of extensive noise-related information for LAX, LA/ONT, and VNY. To the best of our understanding, the Authority was satisfied by our response. Despite LAWA’s cooperation with that request, the Part 161 application does not include noise analysis for any of the affected LAWA-owned airports.

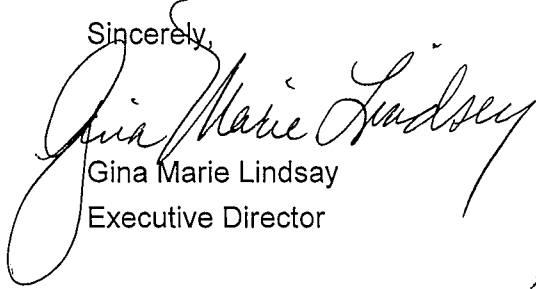
Further, failure to analyze noise impacts at other affected airports results in an incomplete Part 161 application. Required analysis and conditions for approval of proposed restrictions on Stage 3 operations includes “[a]n adequate environmental assessment of the proposed restriction or adequate information supporting a categorical exclusion in accordance with FAA orders and procedures regarding compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321).” (14 C.F.R. 161.305(c).) The Part 161 application does not meet this requirement as it does not provide any environmental assessment of noise or air quality impacts at affected LAWA-owned and other airports. We acknowledge that the application states that the Authority will prepare a categorical exclusion for the proposed restriction. However, approval of a Part 161 restriction may only be excluded under FAA Orders 1050.1E and 5050.4B if it does not cause a significant noise impact at the airport seeking the restriction or at other airports serving the restricted aircraft. (FAA Order 5050.4B, Table 6-1; FAA Order 1050.1E, Part 307u.)

In contrast, LAWA is addressing its obligations under CEQA in connection with the proposed “phaseout of noisier aircraft operations” at VNY. LAWA is in the process of preparing an Environmental Impact Report (EIR) under CEQA for that project. LAWA completed a scoping process for that project on November 30, 2007. As part of the scoping process, a “Notice of Preparation” for the EIR was sent via certified mail to the Authority’s Executive Director.

CEQA requires a thorough and rigorous analysis of the potential noise and air quality impacts of BUR’s proposed restriction. LAWA looks forward to the opportunity to review such an analysis when the Authority makes it available. Please ensure that LAWA receives notice of the Authority’s CEQA-compliant environmental review and a copy of any environmental document prepared as part of this review.

Thank you for this opportunity to provide comments. Please contact Mr. Roger A. Johnson, Deputy Executive Director, at (310) 417-0693 if you require clarification of the issues raised in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Gina Marie Lindsay". The signature is written in black ink and is positioned to the left of the printed name and title.

Gina Marie Lindsay  
Executive Director

GML:RJ:rbh

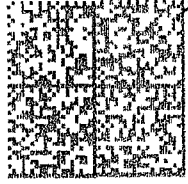
CC: R. Johnson



*Los Angeles World Airports*

**Gina Marie Lindsey**  
Executive Director  
1 World Way, Room 200  
Los Angeles, CA 90045

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1 World Way P.O. Box 92216  
Los Angeles California 90009-2216

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