



U.S. Department
of Transportation
**Federal Aviation
Administration**

Associate Administrator
for Airports

800 Independence Ave., SW,
Washington, DC 20591

JUN 12 2008

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

The Federal Aviation Administration (FAA) has reviewed the draft benefit cost analysis the Burbank Glendale Pasadena Airport Authority (BGPAA) made available for public comment.

We thank the BGPAA for providing an extension of time for all commenting parties to review the extensive documentation prepared in support of the proposed full curfew and alternative restrictions. Under 14 Code of Federal Regulations (C.F.R.) Part 161, section 161.307, we are requesting a full set of docket comments once the docket has closed.

The Part 161 process includes consultation with many parties, including the FAA. We want to clarify that these comments are *not* the FAA's final decision under 14 C.F.R. Part 161, section 161.311. The FAA's participation during the Part 161 notice and comment period is to provide guidance to airport sponsors so they are not proposing a noise or access restriction that could violate Federal law. Because this is a Stage 3 restriction proposal, we also are providing our comments on whether the draft benefit cost analysis supports the six statutory conditions for approval.

When Congress passed the Airport Noise and Capacity Act of 1990 (ANCA), Congress found that aviation noise management is crucial to the continued increase in airport capacity. Further, Congress indicated ANCA was intended to address uncoordinated and inconsistent restrictions on aviation which could impede the national air transportation system. ANCA sets a very high bar. A curfew at an airport, when there are other mitigation options available, is the type of access restriction Congress intended ANCA to address.

Based on our review of the proposed restrictions and the Benefit Cost Analysis (BCA), the BGPAA has followed 14 C.F.R. sections 161.301 and 161.303. However, the proposal as structured does not meet the six statutory conditions for approval, set forth in section 161.305, based on everything we have reviewed and considered to date. This is explained in detail in our enclosed comments.

In light of the FAA's assessment at this stage, an environmental assessment should be prepared if BGPAA decides to continue through the Part 161 process prescribed for a proposed mandatory restriction on Stage 3 aircraft. The proposed restriction would generate noise and air quality impacts at other nearby airports, and is likely to be controversial on environmental grounds. Some of the airports to which the operations are proposed to shift already operate under a state noise variance, and the

vicinity already is in nonattainment for certain air quality standards. Because of these potential impacts, we believe an environmental assessment should be prepared to address the requirements of the National Environmental Policy Act.

We recognize the BGPAA has been working actively to improve the noise environment at BUR for many years. We have had many opportunities over the years to discuss mitigation strategies with you. We have funded and approved noise compatibility planning studies, and provided grants totaling \$75.5 million for sound attenuation. We remain committed to working with BGPAA to address these important local environmental issues. In reviewing the documentation thus far, we were pleased to see the draft benefit cost analysis demonstrates BGPAA can fully achieve compatibility around the airport without a restriction, through completion of its long-standing sound attenuation program, and possible new Area Navigation (RNAV) procedures.

We would be more than happy to meet with BGPAA representatives to discuss accelerating BUR's sound attenuation program and examining the feasibility of an RNAV for noise abatement.

Sincerely,



D. Kirk Shaffer
Associate Administrator
for Airports, ARP-1

Enclosure

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

The proposed curfew does not meet several of the six statutory conditions for approval at 161.305.

Condition 1 – The restriction is reasonable, nonarbitrary, and nondiscriminatory.

- **Insufficient evidence of projected noise problem or reasonableness of a noise restriction**

Burbank essentially makes the argument that it has established a goal to eliminate nighttime aircraft noise, that projected aviation growth will cause more commercial aircraft operators to ignore the airport's existing voluntary nighttime curfew and increase nighttime noise, and that restricting aircraft operators to day and evening service only at BUR and diverting nighttime flights to other airports is cost-beneficial compared to sound insulating homes around BUR. The FAA does not find this argument to provide reasonable justification for a local noise restriction.

BUR plays an important role in the system of commercial service airports in southern California. BUR manages its impact on community noise with a combination of measures, including a sound insulation program and a voluntary nighttime curfew on commercial airlines which is honored with few exceptions. BUR has not made a convincing argument of unacceptable growth of a nighttime noise problem that cannot and should not be cost-effectively managed with a continuation of existing measures. BUR's assumption that aviation growth will cause sizeable increases in aircraft noise during nighttime hours due to more air carriers' scheduling arrivals and departures within that time frame is not supported by information within the Part 161 study, which notes that all new flights to date, with one exception, have been scheduled to conform to the existing voluntary curfew since it is a well established practice at the airport for airlines to try to do so.

Alternatively, if one accepts BUR's forecasts of increased nighttime demand that increasingly undermines the current voluntary curfew, then BUR's analysis of ramifications on neighboring southern California airports and the national system is insufficient and underestimated. BUR would close its own nighttime airport capacity and export its projected nighttime activity and noise to other airports. The adverse effects of this strategy would continue to worsen in each successive year beyond BUR's outlook to 2015, since they are linked with aviation growth.

BUR, without sufficient rationale, has arbitrarily established a goal to eliminate nighttime aircraft noise. Such a goal could be adopted at any time by any commercial service airport in the national airport system. It is self-fulfilling; that is, when the problem is pre-defined as the need to eliminate nighttime noise, the solution will be pre-determined to be an airport restriction. BUR's proposal is the type of restriction on the national air transportation system that Congress intended to remedy with the noise and access restriction requirements in the Airport Noise and Capacity Act of 1990.

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

- **There is inadequate consideration given to non-restrictive alternatives**

The BGPAA's pre-defined goal to eliminate all nighttime noise assures that inadequate consideration and weight are given to significantly reducing nighttime noise by a non-restrictive means, e.g., continuation of the sound insulation program. If immediate noise reduction is the BGPAA's justification for the curfew, any measure short of that becomes de facto ineffective. The BCA downplays the effectiveness of the acoustic program, yet discusses the costs associated with continuing the acoustic plan through 2015.

Since 1985, the number of noise impacted dwellings in the CNEL 65 dB noise contour at BUR has been reduced from a high of 4,700 to 440. The BGPAA states that forecast increases in operations could raise the number to 1,260 by 2015 (from Chapter 5, or 2,069 as stated in Chapter 4); hence the justification to immediately and completely restrict nighttime operations. However, the BGPAA states in Chapter 4 the sound attenuation program could treat 259 dwellings per year. This would more than compensate for a 117 dwellings-per-year rate of increase in noise impacted homes (Chapter 5) because of forecast growth in operations by 2015. Regardless of which figures are used, continuation of the sound attenuation program would eliminate incompatible dwellings by 2015.

The study does not explain why the variance for BUR requires a progress report on the Part 161 study. The study implies California law mandates that the Airport Authority undertake this Part 161 Study. However, it is our understanding that other types of mitigation may be used at BUR to meet the state's variance criteria. Since sound attenuated houses are compatible, this would be one "acceptable degree" of mitigation under California law.

Noise improvements using enhanced operational measures are not considered. According to the noise dispersion graphics, there is a narrow corridor of dispersion along the ILS Runway 8 final approach course and conversely, a wider swath of dispersion south of Runway 15. Runway 15 is the primary jet departure Runway. Jets depart Runway 15 on a conventional departure procedure, which accounts for the wide noise dispersion. If an RNAV Standard Instrument Departure (SID) could be implemented for Runway 15 departures, the result would yield a very narrow corridor of sound dispersion, resulting in a narrower noise footprint. This would reduce the noise impact and affect the BCA for the full curfew (and alternatives) proposal.

Chapter 5 states taxiway improvements would provide some noise relief, although the expected noise relief is not discussed, including whether it would affect the BCA.

- **The restrictions appear to be unjustly discriminatory**

Because some aircraft are significantly quieter than others, nighttime operation is not sufficient justification to ban all operations. There are concerns of unjust discrimination with respect to banning operators that produce minimal nighttime noise. The FAA has

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

already provided this guidance, in our 2004 letter to BGPAA (included as Appendix H of the draft BCA).

In FAA's 2004 comments, we advised evidence was required of the quieter aircrafts' contribution to the noise problem BGPAA was trying to eliminate. Based on the information provided in the BCA, restricting the quietest aircraft is not justified.

Additional FAA comments with respect to unjust discrimination under grant agreement conditions are provided later under Condition 4.

Condition 3 – The proposed restriction maintains safe and efficient use of the navigable airspace

- **Impacts on the Air Traffic System**

Again, assuming the BUR analysis is on target with respect to increasing nighttime activity (10 pm to 7 am) that would need to divert to other airports, potential cumulative impacts on the local and national system have not been sufficiently addressed. Cumulative impacts would be further exacerbated if other local airports impose restrictions, as some are proposing to do.

Implementation of the BUR proposal would have additional impacts not mentioned in the Part 161 study. Southern California airspace is highly congested and complex. The terrain constraints limit the number of arrival and departure routes that can be utilized by multiple high volume airports. Additionally, many of the airports in Southern California already have restrictions in place which create additional congestion, particularly in the morning beginning at 7:00 am.

As an example, John Wayne/Orange County Airport (SNA) has approximately 15 or more air carrier jets scheduled for 7:00 am departure. Under ideal conditions, SNA can depart an air carrier jet about every minute and a half. Therefore, the last aircraft slated for a 7:00 am departure becomes airborne at or after 7:28 am. If weather becomes a factor, the actual departure exercise may be extended an additional 15 – 20 minutes.

Because the SNA curfew compacts departures into the 7:00 am time slot, parking at air carrier gates is a problem in the morning. At the start of each morning, all of SNA's gates are occupied and full, while another 15 jets are already staged on the airport awaiting openings at the filled gates. When an air carrier taxis out for departure, one of the 15 staged jets will fill the empty gate. Given the projected aviation growth in Southern California, a similarly congested scenario would likely be in BUR's future as a result of a curfew.

Ontario International Airport (ONT) would face the same situation if relocated BUR aircraft were pushed into the 7:00 am departure time slots. ONT already has numerous air carrier, props and turboprops vying for 7:00 am departures.

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

ONT has a noise abatement policy which includes contra-flow from 10:00 pm to 7:00 am. In contra-flow, ONT arrivals land on Runway 26, while departures takeoff from Runway 8. Since the arrivals are placed head-on to departures, the airport's throughput is drastically reduced to ensure proper separation between arrivals and departures. Putting more BUR traffic into this mix, or adding any BUR aircraft to the ONT 7:00 am departure push, would further exacerbate throughput and will likely cause delays.

When other operators/air carriers have to divert flights to other local/regional airports, they also add to the departure rush because they need to restage the diverted aircraft back to the original destination airport.

If the air carrier's response to a BUR curfew is to depart during the densely populated 7:00 am departure queue, it increases the demand on the airspace at this busy time. The southern California airports roll their 7:00 am departures to several exit fix VOR, such as:

- Gorman (GMN) for destinations like Seattle (SEA), San Francisco (SFO), and Honolulu (HNL).
- Palmdale (PMD) for destinations like Las Vegas (LAS), Salt Lake City (SLC), and Chicago O'Hare (ORD)
- Thermal (TRM) for destinations like Phoenix (PHX), Denver (DEN), Dallas (DFW), and Atlanta (ATL)

In general, BUR tends to lead the exodus for GMN & PMD as they are the northernmost airport. BUR departures are quickly followed by Los Angeles International Airport (LAX) and Santa Monica (SMO) departures; then Long Beach (LGB), SNA and ONT departures, and eventually San Diego Lindberg (SAN) departures. As the various departures climb out of Southern California TRACON (SCT) airspace, they enter Los Angeles Air Route Traffic Control Center (ZLA) airspace.

If more aircraft are crammed into the 7:00 am timeframe, it has significant impact for ZLA, particularly the sectors that work GMN, PMD, and TRM departure flows. ZLA would have to impose further Miles-in-Trail (MIT) restrictions and speed restrictions to properly sequence the stream of departures over the exit fixes. Such actions would directly cause flights at other southern California airports to be delayed as they await release into the active stream of departures. This would prolong the entire exodus process putting more resource intensive demands on FAA facilities. In order to staff sectors for longer periods of higher level activity and increased coordination, more equipment and personnel would become necessary. This situation can only deteriorate if other nearby airports were also to impose more restrictions.

Chapter 10 discusses impacts on Very Light Jets (VLJ's). With the limited visibility that the San Fernando Valley experiences, it may not be an accurate assumption that VLJ's are going to operate into Whiteman Airport. Whiteman does not have an ILS.

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

Condition 4 - The proposed restriction does not conflict with any existing Federal statute or regulation

FAA has a responsibility to represent the Federal interest in maintaining the efficiency and capacity of the national air transportation system. In particular, FAA ensures that Federally-funded airports maintain reasonable public access in compliance with 49 U.S.C. § 47107 (a) (1): “the airport will be available for public use on reasonable conditions and without unjust discrimination.”

The proposed BUR curfew does not reflect a balanced approach that fairly considers both the local interest in noise mitigation and the Federal interest in maintaining access to this Federally-funded airport¹. It is unreasonable to impose a total ban on all aircraft operations for 9 hours each night or alternative severe mandatory restrictions without first pursuing available non-restrictive measures such as continuing your successful voluntary curfew and the sound insulation program. These two programs address the nighttime noise problem and can achieve compliance with California’s noise variance law.

Moreover, the proposed curfew may be unjustly discriminatory by restricting access of aircraft whose noise signatures do not appreciably affect the 65dB CNEL contour. The curfew could represent a violation of Grant Assurance 22, Economic Nondiscrimination, codified at 49 U.S.C. § 47107 (a). Grant Assurance 22 states in part that the airport sponsor “will make the airport available as an airport for public use on reasonable terms without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.” In this case, BUR already has an effective voluntary curfew and sound insulation program to mitigate the impacts of nighttime aircraft noise. BUR chooses instead to abandon these non-restrictive measures and proposes an access restriction that would likely unjustly discriminate against those aircraft types whose noise signatures have minimal impact on nighttime noise.

The BCA states that Orange County, Long Beach and San Diego airports have restrictions that “were not judged to be unjust or discriminatory.” However, Congress specified restrictions pre-dating ANCA were not subject to ANCA, and those restrictions met this legal requirement. As a result, the BCA language is misleading because it implies FAA opined regarding unjust discrimination at these other airports. In fact, in letters we have written in response to airport sponsor queries, we indicated the FAA specifically did *not* review the restriction or an amendment *for issues not related to ANCA* (whether it is unjustly discriminatory, for example²). Airports with restrictions

¹ FAA interprets 49 U.S.C. § 47107 (a) (1) as requiring an airport’s proposed access restriction for noise purposes to: (1) be justified by a demonstrated noncompatible land use problem; (2) be effective in addressing the identified problem; and (3) reflect a balanced approach to addressing the identified problem that fairly considers both the local and Federal interests.

² A sampling of letters from the [FAA’s website](#): In a 1994 letter to SNA, the FAA reviewed only the proposed amendment, not any pre-existing restriction. In a 2001 letter to SAN, the FAA specified the opinion in its letter was limited to the applicability of ANCA to a proposed amendment and did not address pre-existing restrictions in effect at the airport. In a 1992 letter to TVL, the FAA stated restrictions in a proposed settlement agreement were not subject to ANCA and that the FAA was not rendering an opinion

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

prior to ANCA still must comply with other applicable law, including Federal grant assurances.

It is incorrect to state that since some unchallenged pre-existing restrictions “have been allowed to stand, there is no reason to believe the proposed curfew violates any grant assurances or other provisions of Federal law”. Thus, the study cannot conclude, as it does, that the restrictions have all been adjudged by a court to be compliant with Federal law.

Condition 6 - The proposed restriction would create an undue burden on the national aviation system

Restrictions must reflect a balanced approach under which the potential benefits reasonably exceed the potential burden on commerce and that fairly consider both local and Federal interests. The statute reflects the national interest in maintaining the efficiency and capacity of the national air transportation system and ensuring that federally funded airports maintain reasonable public access.

- **If the demand for increased nighttime activity increases as BUR forecasts it will, potential impacts to other airports in the region are inadequately acknowledged or analyzed**

The study indicates that shifts in operations to other airports will have a negligible effect on noise and would be too small to be noticeable (Executive Summary page 15). However, there were no noise analyses done (for example an Area Equivalent Method (AEM) analysis) to substantiate this claim. According to the study, nighttime operations at Van Nuys and Ontario could increase by approximately 15%, which could potentially be significant. Potential noise impacts to other airport communities should be considered when preparing the environmental assessment for the proposed restriction (161.305) as required by the National Environmental Policy Act (NEPA).

Since other airports in the vicinity have nighttime operations and are undertaking Part 161 studies as well, the potential domino effect on airports in California that are currently operating under a variance would need to be evaluated with more than a superficial treatment. A study should show how shifting traffic to these airports would affect their status under California variance law. Shifting of the traffic would affect LAX, ONT, LGB and VNY; that is, 44% of the airports operating under a variance. The ten airports operating under a variance are:

- John Wayne Airport-Orange County
- Long Beach-Daugherty Field-Airport
- Los Angeles International Airport
- Metropolitan Oakland International Airport

on the NEPA, grant compliance, safety, or economic regulation. In a 2000 letter to VNY, the FAA indicated that its restriction proposed before ANCA would be grandfathered, but the FAA had concerns that it would not meet Federal grant requirements.

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

- Norman Y. Mineta-San Jose International Airport
- Ontario International Airport
- San Diego International Airport
- San Francisco International Airport
- Van Nuys Airport

Potential restrictions being studied at VNY include: 1) Incentives/Disincentives in Rental Rates based on noise; 2) Incentives/Disincentives in Landing Fees based on noise; 3) Quiet Jet Departure would be mandatory rather than voluntary with an escalating series of fines; 4) Establish maximum daytime noise limits; 5) establish limit on Stage 3 jets based at VNY; 6) Expansion of curfew to include all non-emergency jets and non-emergency helicopters; 7) Cap or phase-out of helicopters; 8) Phase out of Stage 2 aircraft; 9) Extend curfew to 9:00 am on weekends and holidays. The restriction proposals can be found at <http://www.vnypart161.com/ProjectBackground.cfm>

Additionally, the following information should be examined to determine how the analysis of the BUR proposal may be affected by restrictions and other limitations at airports expected to receive BUR flights.

Santa Monica Airport (SMO) is trying to restrict access by Category C and D jet aircraft operations. SMO's current restrictions and Municipal Code can be found at:

http://www.smgov.net/airport/n_municipal_c.aspx

Los Angeles International Airport (LAX) has a number of informal noise abatement procedures, including Over the Ocean Operations between midnight and 6:30 AM. (All arrivals land from the west, and all departures take off to the west, opposite direction flow.)

Ontario International Airport has several informal noise abatement procedures, including Contra-flow (opposite direction operations: arrivals from the east, and departures to the east) between 10 PM and 7 AM.

John Wayne/Orange Country Airport has restrictions on noise, operating hours, and number of operations, details can be found at:

<http://www.ocair.com/aboutJWA/accessandnoise.htm>

Long Beach Airport also has extensive restrictions, see details at:

<http://www.ci.long-beach.ca.us/civica/filebank/blobdload.asp?BlobID=13100>

Camarillo Airport noise abatement procedures:

http://portal.countyofventura.org/portal/page?_pageid=827,1101761&_dad=portal&_schema=PORTAL

The BCA does not describe consultation conducted with airports to which the operations are presumed to be shifted.

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

Additional Comments on the Content of the BCA:

• **There is Insufficient Information to Adequately Evaluate the Noise Analysis**

The study must describe with greater clarity how the passenger night operations (10 pm to 7 am) were developed for the noise analysis in Appendix B. The assumption in Technical Report 1 conflicts with actual information reported in Appendix BB of Technical Report 1 as follows: Page 66 of Technical Report 1 states that "carriers are likely to gradually add departures between 6:00 am and 7:00 am and arrivals between 10:00 pm and midnight to respond to demand from business travelers." This is contrary to Appendix BB page BB-3, which states "With one exception, all new flights were scheduled to conform to the existing voluntary curfew (from 10:00 pm to 7:00 am) since it is a well established practice at the Airport for airlines to try to do so." The forecast airline flight schedules in Appendix BB do not include any new departures scheduled between 6:00 am and 7:00 am or any new arrivals between 10:00 pm and midnight, yet nighttime departures and arrivals in the curfew hours increase in 2008 and 2015 in the noise analysis.

Page 66 of Technical Report 1 goes on to state that "it is expected that carriers will increase the number of arrivals scheduled between 9:00 pm and 10:00 pm. Many of these flights will be delayed from time to time by bad weather or traffic-related delays." It is unclear whether or not the current and projected nighttime passenger flights in the noise analysis are due to delayed arrivals of flights scheduled between 9:30 and 10:00 pm or early departures of flights scheduled at 7:00 am. There are no explicit assumptions made as to the percentage of flights that are expected to be delayed into the curfew hours or how the nighttime operation inputs were derived for the noise analysis.

The INM fleet (including substitutions) used to represent the Burbank fleet mix was not provided and could not be reviewed. Also, the terrain input, stage length analysis, and flight track analysis are all referenced to a "Phase 2 of the Part 161 Study". The Phase 2 study was not provided; therefore, the INM inputs for terrain, stage length, and flight tracks could not be reviewed.

There are also some inconsistencies between the forecast and the noise analysis inputs. The operations by user class in Tables B-3 to B-11 do not appear to be consistent with the forecasts in Chapter 1, Table 1-1 and the Technical Report Table 12. Also, the forecast operations in Table 29 of the Technical Report are not consistent with the operations in Appendix B Table B-2.

• **Noise-Induced Awakenings**

FAA notes that research of noise-induced awakenings has produced several different relationships between the percent of people awakened and indoor sound exposure level. However, there is currently no standard established for the estimation of the number of nighttime awakenings occurring from aircraft operations. There is considerable disagreement in the scientific community as to the appropriate method for calculating awakenings, as well as whether number of awakenings is an appropriate measure. In

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

addition, the impacts of aircraft noise-induced awakenings on health or productivity are not known.

The use of supplemental metrics, in addition to DNL or CNEL, is allowed under Part 161. However, given the current state of scientific understanding of noise-induced awakenings, the FAA cannot validate the method used to calculate the number of nighttime awakenings from aircraft operations at Burbank and will review the results with caution. This analysis provides some comparative data with respect to the alternatives under review, but is not sufficiently reliable as an impact indicator to guide determinations relevant to Part 161 conditions for approval.

- **Methodology Used to Establish the Proposed Noise-Based Curfew is Flawed**

Technical differences in the certification processes for jet-powered, transport-category airplanes versus propeller-driven small airplanes and commuter-category airplanes make it difficult to establish for all types of airplanes a single noise threshold that is based solely on certificated noise levels, as proposed by BGPAA.

FAA publishes and maintains in Advisory Circular (AC) 36-3H estimated airplane noise levels in consistent units (A-weighted sound level in decibels, dB(A)) for jet-powered and transport-category airplanes, as well as for propeller-driven small airplanes and commuter-category airplanes. AC36-3H lists estimated takeoff and approach dB(A) noise levels of aircraft in descending order.

FAA recommends the use of takeoff and approach dB(A) noise limits if airports seek to establish a noise-based curfew, rather than the BGPAA's currently proposed 253EPNdB cumulative limit.

- **Air Quality Impacts Were Not Considered**

The BCA does not address the increased emissions/air quality impacts of the proposal for operators that are assumed to move operations to other airports. BUR, VNY, and ONT airports are in one of the worse non-attainment areas for air quality. Increased fuel burn and air quality impacts associated with changes in air traffic patterns, delays, or holding aircraft to a hard curfew also should be addressed.

Page 4-17 estimates roundtrip driving time from downtown to Ontario to be one hour. During peak driving periods it takes over an hour one way. This also contributes to the region's air quality impacts, and underestimates costs to displaced passengers.

Potential air quality impacts also should be considered when preparing the required environmental assessment for the proposed restriction (161.305).

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

- **Some Costs are Outdated or were Ignored**

In a June 9, 2006 press release, the Airport Authority indicates that “Total tax valuation at the Airport is \$979.9 million, consisting of \$881.9 million in unsecured and possessory interest values of aircraft based at the airport and \$98 million in secured property valuation.”

Housing cost estimates do not account for changes in market conditions from the estimate dates of January 2006 to January 2007. It would be expected that price decline would be less than 10% since January 2007, but significant.

Increasingly, fuel costs are of paramount importance to aircraft operators. The fuel costs used in the BCA do not reflect either recent substantial increases or recent cost projections (\$150 to \$200 per barrel) for the next 1 to 2 years. These potential costs do not appear to be factored into the BCA. In addition, the Internal Revenue Service standard mileage rate has increased to .505 which would increase vehicle cost estimates.

Impacts to customers by delaying the start or finishing of their work (i.e., movie related industries) were not considered. The “Just In Time” (JIT) service would be impacted by a full curfew. We understand the studios and various movie-related industries could be the largest customers of the JIT related service in and around the Burbank area.

Other comments

Use of revenue collected by any fines imposed as part of a nighttime restriction must be consistent with Federal grant agreements. They may not be used off the airport for non-aviation purposes. Does BGPAA have plans for revenue collected?

In chapter 4, the BCA states “In August 2007, the Airport Authority’s consultant produced a preliminary draft benefit-cost analysis that was reviewed by the Airport Authority and discussed with the FAA.” This gives the impression that the FAA reviewed BUR’s BCA. The FAA had a very brief meeting with a representative from BUR but did not discuss anything in detail at an August 2007 meeting, nor did we have access to the preliminary draft BCA.

The reference to Vision 100 section 189 is no longer applicable and should be removed.

Block rounding shown on Figure 4-1 is more extensive than normally accepted for funding eligibility.

Your statement at the top of page 4 of 24 is unclear: “...no air carrier jet would comply.”

Sound attenuation makes a structure compatible with the airport. Please confirm the benefit of reducing the 24-hour CNEL is to un-attenuated dwellings (Based on the information on 5-1, there has been a reduction of incompatible dwellings from 4,700 to 440 in CNEL 65 as of 2005; and in 2015 there would be a reduction from 1,260 un-

COMMENTS OF THE FEDERAL AVIATION ADMINISTRATION
ON THE PROPOSED CURFEW AT BOB HOPE AIRPORT, BURBANK, CA

attenuated to 300 un-attenuated dwellings). Otherwise, there could be a double counting of benefits to dwelling units as a result of the proposed restriction(s). The reduction in the number of dwellings indicates much of the noise problem has been mitigated. The study should clarify how many have been sound attenuated.

Please confirm Table B-13 information that 12.9 % of the departures in 2005 were Light Corporate Jets. These aircraft were using Runway 8 even with the 12,500 pound restriction. BUR Tower review of this information indicates that 12.9% of light corporate jets departing Runway 8 in 2005 is high. We believe the numbers would be in the 1-2% range.

Technical Report 1, states at pages 51-52, Other Aircraft Operators: “Up until a few years ago, the helicopter operations were significantly greater because the Airport was being used as a practice field by a Van Nuys-based helicopter training school.” There is no starting timeframe provided.

The report also states, without providing a timeframe, “However, some years ago, enforcement of Airport rules and regulations were strengthened, and this reduced the use of the Airport as a practice field.” This should also explain which noise rules are being discussed and whether ANCA applied to the strengthening of the rules.