

DRAFT

BEFORE THE STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS

In the Matter of the Application of the
Burbank-Glendale-Pasadena Airport
Authority

Request for Variance from Noise Standards
for California Airports

BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY (“Applicant” or “Authority”), owner and operator of the Bob Hope Airport (the “Airport”), submits this request for a variance from the Noise Standards for California Airports, as more particularly described below.

PREFACE

The two most significant developments during the existing variance period were:

- The more than 50% reduction of the Noise Impact Area, as defined by the California Noise Standards, Title 21, California Code of Regulations § 5000 et seq. (“California Noise Standards”), since the last variance became effective on December 20, 2002 (“2002 Variance”). The Noise Impact Area had been 214.42 acres at that time. It is now less than 105.07 acres; and

- The Authority and the City of Burbank (“City”) entering into a development agreement in February 2005. That agreement provides a blueprint for cooperation between the Authority and City over the next decade. It is the hope of the Authority that the agreement will lessen tension around that Airport and usher in an era of cooperation between the community, City and Authority. To that end, the agreement

acknowledges the creation of a joint City-Authority Noise Working Group, consisting of three staff members selected by the City Manager and three staff members selected by the Executive Director of the Airport. The Noise Working Group has been directed to develop objectives, processes and measures to address nighttime noise relief and the Part 161 study. In addition, pursuant to the agreement, the City, in early 2005, amended its municipal code to require sound attenuation measures for all new residences within the 60 db CNEL contour of the Airport, including single family residences.

SUMMARY OF EFFORTS

TO COMPLY WITH EXISTING VARIANCE CONDITIONS

The 2002 Variance requires that the Authority submit, as part of this application, a summary of its efforts during the variance period to comply with conditions 2-8 of the 2002 Variance. See Condition No. 9. This summary sets forth each condition and the Authority's efforts to comply.

- Condition 2

Condition: Requires the Authority to comply with all laws and regulations of the United States, the State of California, and the political subdivision of the State, governing noise abatement and mitigation.

Summary of Effort: The Authority has complied with this condition as it has complied both with the federal law governing noise abatement and mitigation, specifically the Airport Noise and Capacity Act, 49 U.S.C. § 47521 et seq. and the Airport and Airways Improvement Act, 49 U.S.C. § 47107 et seq. and the California Noise Standards, 21 California Code of Regulations, § 5000 et seq.

- Condition 3

Condition: Authority shall implement its Noise Impact Area Reduction Plan ("NIARP").

Summary of Effort: The Authority has complied with this condition. Under the NIARP, established pursuant to Authority Resolution 350, the Authority committed itself

to eliminating the Airport's Noise Impact Area by 2015 through a three-prong effort: (1) vigorous enforcement of its noise abatement rules; (2) implementation of additional noise mitigation efforts as endorsed by the Authority's FAR Part 150 Update study; and (3) implementation, to the extent permitted by federal law, of additional noise abatement measures through a FAR Part 161 study. As detailed herein, the implementation of the NIARP has resulted in more than a 50% reduction in the Airport's Noise Impact Area within the last 3 years and it now appears that the Authority, pursuant to its NIARP, may be able to eliminate the Airport's Noise Impact Area by 2010.

1. Enforcement Of Authority's Rules:

A. Imposition of Fines

In 2003, the Authority assessed four fines on aircraft operators for violation of the Authority rules and collected \$9,600 for violations of its rules. In 2004, the Authority assessed two fines and collected \$6,458. In 2005, the Authority has assessed seven fines totaling \$23,050 and collected, to date, \$3,375. The limited collection in 2005 to date is due to the bankruptcy filing of the aircraft operator, Pacific Jet, based at the Van Nuys Airport. Pacific Jet owed \$19,665 in fines (the Authority has filed proofs of claim with respect to those outstanding fines covered by Pacific Jet's bankruptcy filing). In addition to assessing these fines, in these years the Authority also issued dozens of notices of suspected rule violations, which were researched and closed after it was determined that the operation in question did not violate any Authority rule.

B. Affirmative Action to Bring Operations into Compliance With Authority Rules

In early 2005, the Authority's staff observed an increase in the number of helicopter operations at the Airport. Staff investigation determined the increased traffic was attributed to helicopter instruction flights migrating from their home base at Van Nuys Airport to the Airport to practice hovering and landing techniques. The staff investigation also indicated that these training operators had been directed to the

Airport's Bravo Taxiway by Federal Aviation Administration ("FAA") Air Traffic Control in violation of Airport Rules and Regulations 104.22, 104.41, 104.33 and 104.45. Authority staff and legal counsel contacted both the flight school operators and the FAA to inform them that the reported operations violated Authority rules. The Authority also prepared a Helicopter Flight Instructor Operating Agreement to streamline future enforcement of its rules as they applied to non-tenant helicopter flight schools and to make clear that non-tenants were not discriminated against. One helicopter flight school, Group 3, executed that agreement. The other helicopter flight schools based at Van Nuys refused to execute the agreement and instead ceased their operations at the Airport. In addition, the FAA has agreed to honor the Authority's request that in the future helicopters not be cleared to Bravo Taxiway except in an emergency.

2. Implementation of Noise Mitigation Measures

MEASURE	STATUS
1. Continue existing acoustical treatment program for single-family homes	As of June 30, 2005, owners of approximately 1862 residential units within the eligibility area have requested to participate in the acoustical treatment program. Acoustical treatment of 1005 units is complete.
2. Expand residential acoustical treatment program to include all homes within 65 dB CNEL contour based on 2003 NEM	Completed.
3. Acquisition of avigation easements over land within the 65 + CNEL contour	As of June 30, 2005 a total of 1128 avigation easements have been acquired.

MEASURE	STATUS
4. Establish acoustical treatment program for schools and preschools not previously treated within 65 CNEL contour based on 2003 NEM	One preschool was completed during the first quarter, 2004. One preschool declined to participate.
5. Use baseline 2010 noise contours as basis for noise compatibility planning	Ongoing.
6. Establish noise compatibility guidelines for the review of development projects within the 65 CNEL contour	Efforts Ongoing. Requires action by third party. Pursuant to its Development Agreement with the Authority, in the first quarter the City of Burbank amended its municipal code to require sound attenuation measures for all new residences within the 60db CNEL contour, including single family residences.
7. Amend Sun Valley-La Tuna Canyon Community Plan to establish fill-in development standards for noise compatibility	Completed. Reference the Sun Valley- La Tuna Canyon Community Plan.
8. Amend North Hollywood-Valley Community Plan to establish land use policies promoting airport noise compatibility	Efforts Ongoing. Requires action by third party.
9. Establish airport noise overlay zoning to implement fill-in development policies of local general plans	Efforts Ongoing. Requires action by third party. See No. 6 above re: amendment to Burbank Municipal Code.

MEASURE	STATUS
10. Amend building codes to establish sound insulation construction standards to implement requirements of State law and fill-in development policies	Efforts Ongoing. Requires action by third party. See No. 6 above re: amendment to Burbank Municipal Code.
11. Continue noise abatement information program	Ongoing. Airport Monitoring & Flight Tracking System accessible via airport website introduced March 2003. In September 2004 noise abatement information was painted on the Runway 15 blast fence advising pilots of voluntary curfew hours and to "Fly Quietly." Information also posted at fixed based operations facilities. Installed illuminated fly quietly information at each aircraft carrier parking gate.
12. Monitor implementation of updated Noise Compatibility Program	Ongoing.
13. Expand monitoring system	Four noise monitor site evaluations were conducted in the City of Los Angeles. Three of the sites were determined to be unsuitable. The fourth site did not provide any useful information that would result in changes to the CNEL contour.
14. Enhance Airport Authority's geographic information system	Completed by upgrading the ArcView GIS program.

MEASURE	STATUS
15. Monitor log of nighttime runway use and operations by aircraft type	Ongoing.

3. Implementation of Noise Abatement Measures

MEASURE	STATUS
1. Continue requiring all transport category and turbojet aircraft to comply with Federal aircraft noise regulations.	Ongoing.
2. Continue requiring compliance with Airport's Engine Test Run Up Policy.	Ongoing.
3. Continue promoting use of AC 91-53A Noise Abatement Departure Procedure by air carrier jets.	Ongoing.
4. Continue promoting use of NBAA noise abatement procedures, or equivalent manufacture procedure, by general aviation jets.	Ongoing.
5. Continue working with Airport Traffic Control Tower to maintain the typical traffic pattern altitude of 1,800 feet MSL	Ongoing.
6. Designate Runway 26 as nighttime preferential departure runway.	This measure is on hold pending extension of Taxiway Delta (D).
7. Establish noise abatement departure turn for jet takeoffs on Runway 26.	This measure is on hold pending extension of Taxiway Delta (D).

MEASURE	STATUS
8. Build extension of Taxiway D to promote nighttime general aviation departures on Runway 26.	Implementation of measure, for which the Authority has completed CEQA review, awaits relocation of Parking Lot (A).
9. Build engine maintenance run-up enclosure.	Site plan previously submitted to FAA rejected as interfering with safe aircraft operations. Measure is on hold pending identification of suitable alternative site.
10. Phase-out operations by Stage 2 turbojets by the year 2005.	This measure was placed on hold awaiting the resolution of <u>City of Naples Airport Auth. v. FAA</u> , 409 F.3d 431 (D.C. 2005) and determination of how best to proceed with the existing Part 161 Study.
11. Establish curfew banning turbojet operations between 10:00 p.m. and 7:00 a.m.	Currently the subject of Authority staff and Noise Working Group review of Part 161 Study, see infra.
12. Prohibition on operations by turbo aircraft that exceed a specified noise limit based on certified EPNdB noise levels as published in FAA Advisory Circular 36-1-G, or equivalent.	This measure was a consideration under the initial variance application. It was determined that nighttime noise relief was the primary noise issue at the Airport and this measure has been put on hold pending the preparation of the Part 161 Study seeking a mandatory nighttime curfew at the Airport.

- Condition 4

Condition: Authority shall file a schedule for completion of the Part 161 Study.

Summary of Effort: The Authority timely filed this schedule on February 18, 2003. See Exhibit 1.

- Condition 5

Condition: Authority shall file quarterly reports regarding the status of the Part 161 Study and any deviations from schedule.

Summary of Effort: The Authority has filed such reports during the various terms. See Exhibit 2. The current status of the Part 161 Study is detailed below.

Status

The Part 161 Study

The Authority continues to seek a full, mandatory nighttime curfew to reduce night noise exposure and impacts on the community surrounding the Airport. As part of that effort, the Authority, pursuant to F.A.R. Part 161 currently codified at 14 C.F.R. § 161 et seq., undertook the preparation of a study seeking Federal Aviation Administration (“FAA”) approval of the proposed curfew. F.A.R. Part 161 requires FAA approval of any restriction, adopted by an airport proprietor after 1990, which limits the operation of Stage 3 aircraft. The full curfew sought by the Authority, an airport proprietor, would limit all aircraft, including Stage 3 aircraft.

In 2000 the Authority initiated the Part 161 process. The Authority, through its consultant Landrum & Brown, first held public outreach meetings, prepared baseline noise exposure contours, prepared an analysis of the noise exposure and community impacts and prepared baseline forecasts of aviation activity for years 2002, 2008 and 2015. Next the Authority prepared forecasts of restricted operations. The Authority commenced evaluation of the conditions for Part 161 approval. See 14 C.F.R. § 161.305(e)(2). One of those conditions requires a benefit/cost analysis which must show that the estimated benefits of the restriction have a reasonable chance to exceed the estimated potential cost of the restriction on interstate and foreign commerce. See 14 C.F.R. § 161.305 (e)(2)(ii). As part of its evaluation, the Authority prepared a draft

benefit/cost analysis. The draft analysis showed that the benefit/cost ratio for the proposed curfew could range from a low of 1.11 to 1.0 through a high of 1.22 to 1.0. In short, the draft analysis showed a positive benefit/cost ratio. The draft benefit/cost analysis imputed a monetary benefit to potential sleep awakenings both within and outside the 65 CNEL contours which would be avoided if the curfew was implemented. The draft analysis also included an estimated increase in property value for property outside the Airport's 65 CNEL contour, based on the proposed curfew.

Given the Authority's investment of over \$3 million in the Part 161 process, the fact that the Authority's Part 161 Study, if approved by the FAA and implemented, would be the first Part 161 Study successfully limiting Stage 3 operations, and the fact that the Authority's methodology for calculating the benefit/cost ratio was one of first impression for the FAA, the Authority next undertook consultations with the FAA. Specifically, the Authority, again through Landrum & Brown, sought FAA guidance as to: (1) whether the methodology for the benefit/cost analysis appears to be sound; (2) whether the benefit/cost analysis appears to support a conclusion that there is a reasonable chance that benefits will equal or exceed costs; and (3) whether a full curfew would likely pass the FAA's effectiveness test (i.e., whether the restriction unfairly impacts operations which do not contribute to the size of the noise contours or that do not cause internal noise levels sufficient to create potential sleep awakenings).

The FAA Guidance

The FAA, in May 2004, responded to the Authority's request for guidance. The FAA indicated that the draft benefit/cost analysis would not support implementing the proposed curfew since the Authority's analysis relied both on benefits outside the 65 CNEL contour and improperly assigned a monetary value to each potential sleep awakening. Moreover, the FAA announced its concern that the proposed curfew would impact aircraft which did not appear to contribute measurably to the Airport's noise contours. A copy of the FAA's guidance is attached hereto as Exhibit 3.

The Authority's Consultant's Analysis Of The FAA's Guidance

The Authority's consultant, Landrum & Brown, undertook a re-examination of the benefit/cost ratios for implementation of a full nighttime curfew based on the FAA guidance. The consultant opined that based on the FAA comments which limit the scope of the area that may be considered to benefit from the proposed action to within the Airport's 65 CNEL noise contour and reject the Authority's approach of assigning a monetized value to sleep awakenings, the consultant did not believe a benefit/cost ratio of better than .36 to 1 could be achieved for a full curfew. That is a negative benefit to cost ratio. The consultant further opined that given such a negative benefit to cost ratio, the FAA would not approve the proposed full curfew. A copy of the consultant's analysis is attached hereto as Exhibit 4.

The Noise Working Group

The Authority has shared the above information with the City of Burbank ("City"). Specifically, on October 3, 2005, the Authority shared its staff's concern with the City that, in light of the FAA's guidance and the negative benefit to cost ratios resulting from the FAA guidance, it does not appear currently possible that the Authority could obtain FAA approval of a nighttime curfew covering Stage 3 aircraft absent a change in the permissible criteria for calculating the benefit to cost ratio. A copy of that report is attached hereto as Exhibit 5. The Authority does not believe it is in either the Authority's or City's interest to submit a Part 161 Study to the FAA which will on its face fail to meet the baseline approval criteria of the FAA and, therefore, fail to obtain FAA approval. Airport staff members of the Noise Working Group, therefore, have recommended that the Authority seek legislative changes to the Part 161 process that allow for inclusion of benefits not currently recognized by the FAA's administrative procedures, and that would enhance the ability to achieve a positive benefit to cost ratio. Such legislation would grant greater flexibility to an airport proprietor to calculate the benefit to cost analysis for purposes of F.A.R. Part 161 approval by the FAA.

Specifically, the Authority has recommended to the Noise Working Group that the Authority prepare draft federal legislation which would enable an airport proprietor to: (1) include benefits outside an Airport's 65 CNEL contour in the benefit to cost ratio; and (2) assign a standardized monetary value to potential late night/early morning sleep awakenings, and that the Authority and City act to obtain sponsors for this draft legislation. The intent of this approach is not to abandon Part 161 as a tool for achieving nighttime noise relief. Rather it is to recognize that interim measures would significantly enhance the benefit to cost analysis which is a material element of Part 161 FAA decision-making.

- Condition 6

Condition: Authority shall serve on the Intervenors copies of documents filed pursuant to Conditions 4 and 5.

Summary of Effort: The Authority has served the schedule for completion and quarterly reports on the Intervenors. See Exhibit 6.

- Condition 7

Condition: The Authority shall report on the progress of its acoustical insulation program including the number of structures completed, the number structures in the various stages of the program and the approved funding for future structures.

Summary of Effort: The Authority has included such information in its quarterly reports. See Exhibit 2. The Authority continues to obtain avigation easements from homeowners as part of the acoustical insulation program and Authority staff have observed no change in participants' response to the easement to warrant reevaluating the language of the existing easement.

- Condition 8

Condition: Upon request, the Authority shall make the reports described in Condition 7 available to the public at a charge no great than the cost of reproduction.

Summary of Effort: The Authority has complied. See Exhibit 7.

BACKGROUND INFORMATION

Unless otherwise indicated, all data is for the calendar year ending December 31, 2004.

1. Airport Name: Bob Hope Airport.
2. Person Making Request: Burbank-Glendale-Pasadena Airport Authority, by its Deputy Executive Director.
3. Specific Variance Requested: Applicant seeks a variance from the provisions of Section 5012 of the Noise Standards for California Airports (Title 21, California Code of Regulations section 5000 et seq.) for a period of three years, from and after the effective date of such variance.
4. Statement Explaining Why the Airport Proprietor Believes a Variance is Necessary: Applicant became owner and operator of the Airport on June 29, 1978. Prior to that date, the Airport was owned by Lockheed Air Terminal Inc., and was operated pursuant to variances granted by the Department of Transportation on July 6, 1976 and June 17, 1977, as extended by letter of the Department of Transportation dated December 29, 1977. Applicant has received additional variances by Orders of the Department of Transportation dated March 28, 1979, June 8, 1982, June 26, 1984, November 22, 1988, December 22, 1993 and July 29, 1998, and November 20, 2002 (effective December 20, 2002).

Applicant refers to the aforesaid orders for background information regarding the Airport and Applicant's operation thereof. As has been previously demonstrated by Applicant, it is neither technologically nor economically feasible for the Airport to comply with provisions of section 5012 at this time. Because Applicant is taking meaningful steps to bring the Airport into compliance with section 5012, a variance from the provisions thereof is appropriate and necessary to preserve and maintain operation of the Airport.

5. Date Airport Was Officially Designated by County Board of Supervisors To Have a Noise Problem: March 29, 1973.

6. Total Annual Flight Operations: 154,890¹

7. Total Air Carrier Operations: 53,948

8. Noisiest Class of Aircraft Using Airport: Air carrier: MD 80; general aviation: Gulfstream II

9. Statement Describing How the Noise Impact Boundary was Located: In compliance with the Noise Standards and the above-mentioned orders of the Department of Transportation, the Bob Hope Airport conducts continuous noise monitoring at seventeen locations around the Bob Hope Airport. This noise monitoring system was installed by Bolt, Beranek and Newman, Inc. Quarterly noise contours are developed by Acoustical Analysis Associates, Inc. utilizing the Integrated Noise Model (currently Version 6.1), a computer modeling program. CNEL 70 and 65 dB contours and supporting data are included in quarterly monitoring reports which are submitted by Applicant to the Department of Transportation and the County of Los Angeles.

10. Approximate Number of Homes (Single-Family Dwelling Units) Enclosed By the 65 dB CNEL Contour Line: There are approximately 500 single family units within the 65 CNEL contour which are not acoustically treated and for which the Authority has not recorded avigation easements. There are approximately 825 units within the 65 CNEL contour which the Authority has acoustically treated and for which it has a recorded avigation easement. In total, there are approximately 1,325 single family units within the 65 CNEL contour.

11. Actions Taken by the Airport Proprietor to Reduce the Noise Impact Area:

Since the granting of the 2002 Variance, the Authority has taken the following steps to reduce its Noise Impact Area.

¹ July 2004 – June 2005

Fourth Quarter 2002

- On Monday, November 18, 2002, the Airport Authority approved the Residential Acoustical Treatment Program Module 6.8 for 30 homes.
- On Monday, December 16, 2002, the Airport Authority approved the Residential Acoustical Treatment Program Module 6.9 for 30 homes.
- Real Estate Disclosure Forms which include a map of the previous quarter's noise impact area and caution that the area around the Airport is a noise affected area were distributed to area real estate brokers, made available at the Authority's offices, and sent to prospective property owners upon request. Throughout the quarter, staff responded to inquiries from real estate brokers/salespersons and prospective real property purchasers/renters concerning aircraft noise possibilities at specific locations in the area.
- Staff made available to air carriers and other operators their noise performance. This was accomplished by forwarding printouts of noise event information to carriers, operators' station management personnel, or pilots.
- The Burbank-Glendale-Pasadena Airport Environmental staff responded to 83 complaints about aircraft noise and operations from residents living in areas surrounding the Burbank-Glendale-Pasadena Airport.

First Quarter 2003

- On Monday, February 3, 2003, the Airport Authority approved construction of the Residential Acoustical Treatment Program Module 6.10 for 30 homes.
- On Monday, February 3, 2003, the Airport Authority approved construction of the Residential Acoustical Treatment Program Module 7.1 for 30 homes.
- On Monday, February 3, 2003, the Airport Authority approved construction of the Residential Acoustical Treatment Program Module 7.2 for 30 homes.
- The Authority recorded avigation easements for 209 residential units within the first quarter 2003 Noise Impact Area.

- Between Friday, February 14 and Wednesday, February 19, 2003, 507 certified letters were mailed to owners of 527 units that had not responded to past certified mailings offering the opportunity to participate in the Residential Acoustical Treatment Program. The mailings included all single-family and all small multi-family units within the 4th Quarter 2002, 65 CNEL Contour. 142 property owners indicated that they wanted to participate, 32 owners indicated that they did not want to participate at this time but may desire to at a later date, 12 owners stated that they did not want to participate, 304 owners did not respond to the certified letters, and 39 certified letters were unclaimed.

- On Friday, March 14, 2003, the Authority approved Resolution No. 382 that amended and restated Noise Abatement Rules 8 and 9 to increase the financial penalties for violation of those rules by aircraft operators. Resolution No. 382 also authorized annual review and adjustment of fines by Authority staff based on the Consumer Price Index. The amended and restated Noise Abatement Rules became effective April 1, 2003.

- On Thursday, March 20, 2003, the Authority introduced a public Airport Monitoring and Flight Tracking System, accessible via the Airport's website, that allows the public to monitor aircraft departures, arrivals and overflights within an 80 mile radius of the Airport.

- Real Estate Disclosure Forms which include a map of the previous quarter's noise impact area and caution that the area around the Airport is a noise affected area were distributed to area real estate brokers, made available at the Authority's offices, and sent to prospective property owners upon request. Throughout the quarter, staff responded to inquiries from real estate brokers/salespersons and prospective real property purchasers/renters concerning aircraft noise possibilities at specific locations in the area.

- Staff sent inquiries to all suspected Noise Abatement Rule violators regarding potential noise rule violations. Specifically, staff sent printouts of noise event

information to operators, owners and/or pilots asking for verification that those flights complied with the Authority's Noise Abatement Rules.

- The Authority's environmental staff responded to 146 complaints about aircraft noise and operations from residents living in areas surrounding the Burbank-Glendale-Pasadena Airport.
- In March 2003, airport consultants conducted a 3-day test to determine if the Noise Monitoring System could be enhanced with additional Noise Monitoring Stations. Consultants recommended in June that further testing be done for a period of 90 days.

Second Quarter 2003

- Effective April 1, 2003, the Authority increased fines for violations of Noise Rule 8 to \$1,100 for initial violations (from \$1,000), and to \$1,600 for subsequent violations (from \$1,500). Fines for violations of Rule 9 were increased to \$3,200 for each unauthorized landing and each unauthorized takeoff (from \$3,000). The Authority also authorized staff to annually review in February all fines associated with Noise Rules 8 and 9, and recommend adjustments, based on the Consumer Price Index.
- On June 2, 2003 the Authority approved a contract with Sam Boo Construction for Module 7.3 of the Residential Acoustical Treatment Program to treat 17 residences in Burbank, 11 in Sun Valley and 2 in North Hollywood.
- Staff responded to inquiries from real estate brokers/salespersons and prospective real property purchasers/renters concerning aircraft noise possibilities at specific locations in the airport vicinity. Staff typically provided flight tracks for the specific location, and a Real Estate Disclosure form that depicts airport noise contours and describes airport operations.
- Staff sent 9 inquiries to suspected Noise Rule violators. Specifically, staff sent printouts of noise event information to operators, owners and/or

pilots asking for verification that those flights complied with the Authority's Noise Abatement Rules.

- The Authority's noise staff responded to 147 complaints about aircraft noise and operations from residents living in areas surrounding the airport. The operations that concerned the Airport totaled 125, and 22 related to operations at other airports. Staff also visited five homeowners as part of the Home Outreach program to further discuss noise issues and provide additional information to homeowners.

- Staff attended the State Airport Noise Managers meeting at John Wayne Airport on May 8, 2003.

Third Quarter 2003

- On September 2, 2003 the Authority awarded a contract of \$902,740 to Westcoast Nielsen as the low bidder for Module 7.4 of the Residential Acoustic Treatment Program to treat 18 residential units in Burbank, 10 residential units in Sun Valley and 2 residential units in North Hollywood. Also, a contract of \$920,720 was awarded to Lexus Construction as the low bidder for Module 7.5 to treat 22 residential units in Burbank, 5 residential units in Sun Valley and 3 residential units in North Hollywood. Funding for both Modules comes from a September, 2002 FAA grant of \$3,818,700.

- Staff has pursued regular written and verbal contact with airlines to accommodate requests for schedule changes, primarily for early morning departures to comply with the Airport's voluntary overnight curfew. Seven letters were used for direct appeals, and they were complemented by e-mail and telephone communication. In one case, an airline's schedule change yielded a projected reduction in the noise impact area of 1.9 acres.

- Staff prepared and presented community outreach material for a meeting August 21, 2003 with the Chandler Avenue Homeowners' Association of North Hollywood. Information was presented to address various questions about aircraft noise

and airport operations. Staff also met September 10, 2003 with an aviation management class from Emery Riddle University to discuss responses to noise issues.

- The Authority issued 14 notices of noise violations to operators, an increase of 10 notices from the second quarter. Twelve were closed without fines after the operator provided additional information demonstrating that the flights satisfied aircraft and operation-specific provisions of the noise rules. Three fines were collected from one operator September 8, 2003 for a total of \$9,600.

- Staff attended the quarterly meeting of airport Noise Managers organized by the State Aeronautics Division and hosted by Truckee Airport August 22, 2003.

Fourth Quarter 2003

- Staff participated in a dedication ceremony October 22, 2003 for the Burbank Adult School following its involvement in the Residential Acoustic Treatment Program. Completed earlier, the treatment was recognized formally by school leaders for its positive impact on the student environment and community.

- Authority staff continued their direct appeals to airlines via letters, email and telephone seeking their cooperation with the voluntary curfew. Local news coverage during the quarter brought this ongoing activity by staff to the public's attention. In addition, on November 11, 2003, letters were sent to two airlines asking that they consider changing the aircraft models operating at the Airport and review other operational details to reduce noise.

- During the fourth quarter, 2003 the Authority issued 20 notices of Noise Rule violations to operators, an increase of 6 notices from the third quarter. Two fines were assessed. With respect to the remaining notices, the operator provided proof of compliance with the Noise Rules and the file was closed.

- Staff members attended a vendor's training session for the noise monitoring system during the week of October 20, 2003. Staff were trained on updated operating techniques for use in responding to noise complaints.
- On November 20, 2003, staff attended the quarterly Noise Managers meeting, arranged by the State Aeronautics Division, at Long Beach Airport. It was agreed that Bob Hope Airport will host the quarterly meeting scheduled for May 2004.
- The Authority organized and held a public hearing on December 11, 2003 to explain the Authority's updates to its Part 150 study and receive public comments. No objections to the updates were recorded from public comments.
- Staff met with realtor boards in Burbank, Glendale and Sherman Oaks (San Fernando Valley) to arrange for distribution of the Authority's "Real Estate Information Form" beginning in January 2004.
- Staff continued outreach efforts (initiated in the previous quarter) to meet with civic groups for a presentation on airport noise issues. No invitations were received in response to solicitations sent electronically by staff to eight Los Angeles Neighborhood Councils on September 3 and November 6, 2003. One of the solicitations was posted on the Airport's web site. During the quarter one civic group -- a Burbank Kiwanis Club chapter -- invited staff to speak in January 2004 in response to telephone solicitations to 10 similar groups made on December 2 and 18, 2003.

First Quarter 2004

- Staff made presentations to local civic groups regarding noise issues, after soliciting civic groups for their interest in such a presentation during the last quarter of 2003. The presentations targeted the Burbank area chapters of such local service clubs as Kiwanis (January 14, 2004), Optimists (January 15, 2004), Rotary (February 3 and 24, 2004) and the North Hollywood chapter of Rotary (March 8, 2004).
- Staff continued other outreach efforts with the Neighborhood Councils of Los Angeles that border the airport area. Generally, these groups have not

responded to solicitations by airport staff that began in the last quarter of 2003, but the Neighborhood Council of Sun Valley invited staff to attend its March 9, 2004 board meeting. Staff attended that meeting and made arrangements to return for the next meeting on April 13, 2004 to explain anticipated noise impacts for two areas being considered by the City of Los Angeles for the construction of new schools.

- Staff delivered a copy of the Airport's Noise Exposure Maps to the Los Angeles Unified School District on March 8, 2004, after attending a District informational meeting on February 19, 2004 about the nearby areas being reviewed for new school construction.

- Staff attended the quarterly Noise Managers meeting, arranged by the State Aeronautics Division, at Sacramento International Airport February 19, 2004. Staff discussed current noise issues as a preview for the meeting to be hosted at Bob Hope Airport May 20, 2004.

- Staff attended the annual UC Berkley noise symposium in Palm Springs from February 29 through March 4, 2004. Numerous presentations were attended to review current research on noise mitigation and related activities.

- Staff delivered 1,000 copies of the Authority's Real Estate Information Form to each realtor board in Burbank and Glendale February 20, 2004 and 2,000 copies to the Southland Regional Association of Realtors (the San Fernando Valley's realtor board) February 26, 2004. Each board agreed in the last quarter of 2003 to assist in the form's distribution to agents and brokers. An additional supply of 2,000 copies remains available at Authority offices to replenish the distribution points or supply direct requests.

- The Authority issued 21 notices of noise violations to operators, the same number of notices as in the last quarter of 2003 and 14 more than were issued in the first quarter of 2003. Three fines were assessed and are being appealed by the operator.

With respect to the remaining notices, the operator provided proof of compliance with the Noise rules and the file was closed.

- The number of noise complaints received by Staff in the first quarter of 2004 (157), showed virtually no growth from the number of complaints recorded in the fourth quarter of 2003 (153).

Second Quarter 2004

- At its June 21, 2004, meeting, the Authority awarded a \$1,171,562 contract to Lexus Construction for Module 7.6 of the Residential Acoustic Treatment Program. This module covers 31 single-family residences in the following locations: 25 residences in Burbank, 5 residences in Sun Valley and 1 residence in North Hollywood.

- Staff hosted the quarterly Noise Managers meeting, arranged by the State Aeronautics Division, on May 20, 2004. Staff delivered presentations illustrating how Bob Hope Airport responds to noise issues, including by: providing noise rule information to flight crews via the internet; direct phone calls and on-airfield radio contact with Airport Operations personnel; responding to noise “hotline” complaints with visits to homeowners; and responding to noise-related inquiries with telephone calls or letters that include “flight tracks” research and maps.

- On May 5, 2004, staff made a presentation about airport activities and noise abatement to Chapter 20 of the California State Retirees (in Pasadena).

- During the quarter, the Authority issued 20 notices of Airport Noise Rule violations to operators.

- Staff upgraded software programs used to track flight information when investigating suspected Noise Rule violators. The enhanced software enables staff to positively identify suspected violators so that they may promptly issue noise rule violation notices or verify operational compliance.

- Staff are discussing with the FAA and its vendors the possibility of reducing the waiting time for receipt of flight data used by the airport's flight tracking programs to investigate noise complaints or noise rule violations from 4 days to 24 hours.

- Staff recorded and responded as requested to 158 noise-related complaints.

Third Quarter 2004

- At its August 25, 2004, meeting, the Authority awarded three contracts to acoustically insulate 94 residential units at a cost of \$3,112,000.

- Staff attended the quarterly Noise Managers meeting, arranged by the State Aeronautics Division, on May 20, 2004 at the Truckee Airport.

- The Authority issued 16 notices of suspected Airport Noise Rule violations.

- Staff recorded and responded as requested to 130 noise-related complaints for the third quarter of 2004, a 21 % reduction over the second quarter, 2004.

Fourth Quarter 2004

- At its December 6, 2004, meeting, the Authority awarded one contract to acoustically insulate 30 residential units at a cost of \$1,343,000.

- Staff attended the quarterly Noise Managers meeting, arranged by the State Aeronautics Division, on November 18, 2004 at the Los Angeles World Airport.

- On November 4, 2004 staff attended a meeting with FAA Airports and Air Traffic personnel to explore ways to mitigate increasing helicopter noise at the airport.

- The Authority issued 18 notices of suspected Airport Noise Rule violations of which 16 notices were determined to be in compliance and two are pending further investigation.

- Staff recorded and responded as requested to 62 noise-related complaints.

First Quarter 2005

- Staff attended the annual University of California, Berkeley Noise Symposium in Palm Springs, California held February 27-March 2, 2005.
- The Authority issued 24 notices of suspected noise violations to operators. All but one of the operators was found to have complied with the operating provisions in the Noise Rules. A fine was issued to one operator for departing before 7 a.m. in a restricted jet aircraft.
- The Authority began to install additional noise abatement signs at air-carrier gates to remind flight crews when noise abatement procedures are in effect. That project, and the installation of signs on the Runway 33 and 26 blast fences telling pilots to fly quietly, are scheduled to be completed in the second quarter.
- Staff recorded and responded as requested to 54 noise-related complaints.

Second Quarter 2005

- On April 18, 2005 the Authority approved an increase in the maximum noise violation fine, from \$3,258 to \$3,375 retroactive to April 1, 2005.
- The Authority received an additional AIP grant in the amount of \$8.0 million for residential noise mitigation (approximately 205 residences).
- Pending noise fines were processed further through the Authority's collections vendor. The cases from 2004 and first quarter 2005 concern restricted aircraft that were operated during the nighttime hours of 10 p.m. to 7 a.m.
- Staff attended the quarterly noise managers meeting May 5, 2005 that is supported by the Aeronautics Division of CalTrans, and was hosted by the San Diego International Airport.
- The Authority issued 25 notices of suspected noise violations to operators, including one fine.

- Staff recorded and responded to 64 noise complaints. In the first six months of 2005 complaints have dropped by more than half (118) compared to the first six months of 2004 (320).

12. Incremental Schedule of Noise Impact Area Reductions for the Time Period Prior To Compliance: See response to Item. No. 13, below.

13. Future Date by Which the Airport Proprietor Expects to Achieve Compliance with the Regulations: By Resolution 350, the Authority adopted the NIARP. Resolution 350 contemplated reduction of the noise impact area to zero as soon as economically and technologically feasible, but not later than the year 2015. At current funding levels and existing cost structures, it appears possible that the Authority may be able to complete acoustic treatment of the remaining single family homes and multi-family homes under the current 65 CNEL contour by the end of the year 2010. There will be remaining at that time, however, in excess of two hundred residences within the 65 CNEL contour that will have either refused to participate in the Authority's acoustical treatment program or, due to existing code violations, were financially unable to bring their residences into code compliance at the time of an acoustical treatment and thus were ineligible to participate in the program. Until the Authority has treated every eligible, participatory residence which qualifies for acoustical treatment, the Authority intends to postpone consideration of how to address the issue of the remaining non-participatory residences.

14. Statement Regarding Economic and Technological Feasibility of Complying with the Regulations: Full compliance with section 5012 is neither economically nor technologically feasible in the near term. The Authority believes it can comply with section 5012 by 2015.

15. Noise Impact Should Variance Be Granted: Except for continuing the ability of Applicant to reduce the noise impact of aircraft operations at the Bob Hope

Airport through the above noted noise abatement measures, the noise impact of operations will not be altered in any respect by the granting of the requested Variance.

16. Value to the Public of the Services for Which the Variance Is Sought: The significant value of continuing commercial aircraft operations at the Burbank Airport has been determined and repeatedly confirmed by the Department of Transportation in findings adopted by the Department with respect to each of the preceding variance hearings. Specifically, such value is expressed in Findings Nos. IV(I) and VIII of the Decision of July 6, 1976; in Finding No. V of the Decision of June 15, 1977; in Finding No. VII of the Decision of March 28, 1979; in Finding No. XI C(3) of the Decision of June 8, 1982; in Finding No. 8 of the Decision of June 26, 1984; in Finding No. 8 of the Decision of November 22, 1988; in Finding Nos. 10, 11 and 12 of the Decision of December 22, 1993; in Finding Nos. 33 and 34 of the Decision of July 29, 1998 and in Finding No. 42 of the Decision of November 22, 2002.

This Application for a Variance from section 5012 of the Noise Standards for California Airports is made without prejudice to any right or claim which is or might be available to Applicant to challenge, before a court of competent jurisdiction or any other tribunal, the Noise Standards for California Airports and any decision, order, rule or regulation made with respect thereto or as a result of this variance application.

Executed this _____ day of November, 2005.

Burbank-Glendale-Pasadena Airport Authority

By: _____
Dan Feger, Deputy Executive Director