



421 Aviation Way
Frederick, Maryland 21701

T. 301-695-2000
F. 301-695-2375

www.aopa.org

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

RE: Notice of Proposed Mandatory Curfew

To Whom It May Concern:

The Aircraft Owners and Pilots Association (AOPA) represents more than 415,000 general aviation pilots and members nationwide, of whom more than 49,600 reside in the state of California. AOPA opposes the Burbank-Glendale-Pasadena Airport Authority's proposal to implement a mandatory nighttime curfew at Bob Hope Airport, Burbank, CA (BUR) since the Authority has not adequately met the requirements of the Federal Aviation Regulations (FAR), Part 161.305, "Required analysis and conditions for approval of proposed restrictions." AOPA also opposes the proposed nighttime curfew of all operations between 10:00 p.m. and 6:59 a.m. based on the associated impacts to other surrounding airports and their communities.

Current Voluntary Curfew Proven Effective

The FAR § 161.305, (e) (i) (1) indicates that the applicant must provide evidence that a current or projected noise or access problem exists. As the Federal Aviation Administration (FAA) has appropriately pointed out during initial analysis of the proposed restrictions, the Airport Authority's current voluntary nighttime curfew appears to have a very successful compliance rating of nearly 97%. To capture the remaining 3% of nighttime operations through such draconian restrictions is unnecessary and discriminatory.

Effects of the Proposed Curfew Appear Discriminatory

In accordance with FAR § 161.305, the applicant must, ".....provide an analysis that supports, by substantial evidence, that the six statutory conditions for approval have been met for each restriction and any alternatives submitted." Specifically, FAR § 161.305, (e) (2) (i), Condition 1 states that the applicant must ensure that (i) Condition 1: The restriction is reasonable, nonarbitrary, and nondiscriminatory.

AOPA contends that the effects and costs associated with the proposed nighttime curfew are discriminatory since they would be borne solely by general aviation users. Currently, commercial scheduled carriers voluntarily comply with the recommended nighttime

curfew and would remain unaffected by the proposed restrictions. The Part 161 study also acknowledges that the costs of the proposed restriction would primarily be a burden on the general aviation community only.

Forecasted Growth as Basis for Existing Noise Problem Flawed

Citing the potential or forecasted growth of the 65 CNEL noise contour as a result of a 0.7% increase in ALL operations annually as the basis for establishing an existing noise problem is flawed at best. In reviewing the projected 2015 65 CNEL noise contours in comparison with the current 2008 noise contour, the difference is barely noticeable and appears extremely unlikely that the difference could be justified as the basis of an existing noise problem. Further, the forecasted growth is arguably going to be distributed throughout the day and not during the nighttime hours that the operating restrictions are being proposed. It is extremely difficult to determine the actual benefit of imposing nighttime restrictions based on forecasted growth for primarily daylight operations.

In addition, Congress intends to take action to implement a phase-out of Stage 2 aircraft over the next five years as is evidenced by both the House and Senate FAA Authorization pending legislation. Any action taken by Congress would clearly need to be factored into the forecasted growth equation and would likely eliminate any justification for implementing a nighttime curfew.

Impacts on Van Nuys Airport and Community Not Addressed

Van Nuys Airport (VNY) is the busiest general aviation airport in the United States. With more than 700-based aircraft and 500,000 operations annually, VNY is an extremely critical part of the California transportation system. In determining the impacts of shifting nighttime noise to the Van Nuys Airport and vicinity, the Airport Authority surveyed Van Nuys residents to ask how much they were willing to pay to avoid additional flights. Since Burbank residents were willing to pay a higher premium for the curfew at Bob Hope, the impacts of the proposed restrictions on Van Nuys Airport and the surrounding community were completely ignored.

To dismiss the impact created from shifting nighttime operations and the subsequent noise to an adjacent airport currently dealing with their own noise concerns should be considered arbitrary and capricious. Offsetting noise at one airport at the expense of another nearby and adjacent airport community is not acceptable and should be the basis for an FAA denial of the proposed restrictions.

In addition, AOPA has significant concerns with forcing the shift of several business operators and additional operations to VNY. Specifically, Los Angeles World Airports (LAWA), owner of VNY, is in the process of embarking on simultaneous Part 161 studies at VNY and Los Angeles international Airport (LAX). Both airports are part of the Southern California airport infrastructure and the result of these studies will likely

lead to proposed restrictions at those airports. Where will the impacted operators move or operate when that occurs? The offset or shifting of operations from one airport and associated community to another sets a dangerous precedent for the eventual elimination of airport businesses and interstate commerce.

Comparison of Nearby Airport Restrictions Flawed

The Airport Authority compares restrictions at nearby John Wayne Orange County, Long Beach, San Diego, Santa Monica and Van Nuys airports. While those restrictions may appear similar, they were implemented prior to the Aviation Noise and Capacity Act of 1990 and are not subject to the same oversight or regulation as the proposed restrictions at Bob Hope. As a result, they should not be used as a comparison for the purposes of this study.

In Conclusion

AOPA recognizes that the Airport Noise and Capacity Act of 1990 (ANCA) does provide a very narrow exception that allows local authorities to deal directly with noise issues. However, the Association contends that the Burbank-Glenda-Pasadena Airport Authority has not adequately met the requirements of ANCA or the FAR Part 161 and has failed to fully address the impacts of the proposed restriction on neighboring airports and communities.

Sincerely,



Heidi J. Williams
Senior Director
Airports