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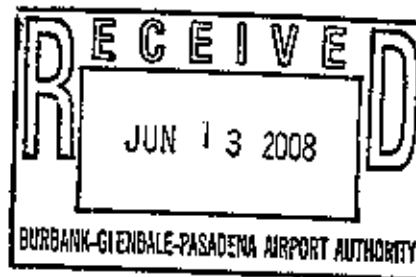
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June 13, 2008

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



Re: Bob Hope Airport Draft Federal Aviation Regulation (FAR) Part 161 Application

To Whom It May Concern:

On behalf of the City of El Segundo, we submit these comments on the Burbank-Glendale-Pasadena Airport Authority's ("Authority") Federal Aviation Regulation Part 161 Application ("Application") for adoption of a full, mandatory, nighttime curfew at Bob Hope Airport in Burbank. The City of El Segundo's primary concern is that the Authority's Application underestimates the proposed curfew's potential noise and other impacts on the residents of El Segundo resulting from flight diversions to Los Angeles International Airport ("LAX"). El Segundo borders on, and suffers noise and other impacts from, LAX, with nighttime noise being particularly problematic. Thus, the City certainly understands the Authority's motivation behind the proposed curfew. However, noise relief for one community should not come at the expense of another, and in this case, it appears that implementation of the proposed curfew at Bob Hope Airport could result in increased noise and other impacts in El Segundo.

The purpose of this letter is to inform the Authority that the City of El Segundo is opposed to the proposed curfew and to the alternatives considered. First, El Segundo is committed to the Southern California Association of Governments' ("SCAG") adopted Regional

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Aviation Plan as an approach to serving the region's aviation demand. The Regional Aviation Plan incorporates a decentralized approach that relies on utilizing existing available capacity to serve the region's forecast aviation demand, with growth occurring primarily at underutilized regional airports. Eliminating nighttime operations at Bob Hope Airport could undermine the feasibility of the Regional Aviation Plan.

Second, the Application's conclusion that the curfew's shift of nighttime flights to LAX "will have negligible effect on noise and would be too small to be noticeable" is not based on substantial evidence and disregards potential cumulative impacts to the communities surrounding LAX. Application at 15. In addition, the Application appears to rely on faulty assumptions and does not provide sufficient information to enable informed decision-making by the Authority and the Federal Aviation Administration ("FAA"), not to mention participation by the public. These deficiencies are discussed below.

I. The Application Fails to Adequately Analyze Potential Noise and Other Impacts to Communities Around LAX

A. The Scope of The Analysis Is Too Narrow

1. The Planning Horizon Is Too Short

The Application relies on methodology that estimates baseline operations to 2015. Application at 4-3. This planning horizon is too short to serve as an accurate indicator of potential implications related to imposing the proposed curfew. According to the Regional Aviation Plan, which uses a planning horizon of 2035, changes to aviation services in the region will be implemented over a longer term. The Authority should also be analyzing the implications of imposing a curfew in the longer term, to more accurately assess impacts to regional airports and to ensure consistency with the Regional Aviation Plan.

2. The Application Appears to Employ Outdated Information

The analysis provided in the Application appears to include inaccuracies and omissions with regard to potential diversion of flights from Bob Hope Airport to other airports. The Application acknowledges that all of the alternatives considered would shift some nighttime flight to LAX and other airports, but generally concludes that the shifts will have a negligible impact on noise because those diversions would be limited, with many diverted flights assumed to go to Ontario International Airport ("ONT") or Van Nuys Airport. Draft FAR Part 161 Application at 13, 10-17, 10-13 and 10-22.

The study's conclusion relies partly on assumptions that nighttime passenger carrier flights would be by JetBlue and Skybus, and would be diverted to ONT. These

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assumptions are based on JetBlue's established presence at ONT and on Skybus' service to Bob Hope Airport. But these assumptions are questionable, given that Skybus has ceased operations and JetBlue has announced plans to begin operations at LAX (which plans may later have been suspended). See Los Angeles Times articles attached as Appendix A. The use of such outdated data calls into question the accuracy of the Application and illustrates that it may underestimate potential effects to regional airports due to diverted flights. In addition, the Authority's analysis does not anticipate displacement of night flights by potential new entrants at Bob Hope Airport. The analysis should be updated to reflect current data and include an analysis of potential new entrants.

3. The Application Provides Insufficient Information

The Application concludes that all carriers have a reasonable chance to continue serving Bob Hope Airport under any of the three curfews considered, because few passenger flights would be directly effected. Application at 6-2. While the curfew may not directly prevent a carrier from continuing service to Bob Hope Airport, it may reduce an existing carrier's profitability such that it would become attractive for that carrier to shift operations to another airport, such as LAX. Imposition of a curfew that effectively eliminates a portion of the business day may also discourage potential new entrants that would otherwise wish to conduct business at Bob Hope Airport. The analysis should be updated to reflect economic data relating to existing carriers' ability to continue service under the curfew and to analyze the effects of the curfew on potential new entrants.

Furthermore, because the aviation industry is so fluid and rapidly-changing, it is exceptionally difficult to accurately evaluate the potential impacts of implementing a mandatory nighttime curfew at Bob Hope Airport. Given the difficulties of accurately evaluating potential flight shifts, to be useful, the analysis should consider a worst-case scenario in which all nighttime operations by large passenger carriers, large cargo carriers, and business jets would shift to LAX.

4. Fails to Consider Additive Effects

The Application's analysis of the proposed curfew's impacts on LAX is overly narrow in that it focuses solely on shifted flights. Instead, the Application should have included a cumulative impacts analysis of the diverted flights caused by the curfew along with other reasonably foreseeable growth at LAX. Without such an analysis, the Application cannot reasonably conclude that effects on noise at LAX would be negligible.

The Application estimates that the Full and Noise-based Alternatives would result in diversion to LAX of an average of 3.14 flight operations per day based on 2008 Baseline Operations and 6.24 flight operations per day based on 2015 Baseline Operations. Application

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at 7-17. These flights would include a mix of flights, including charter flights, passenger carrier flights, large cargo carriers (i.e., Federal Express and United Parcel Post) and business jets. The Application then concludes that the shift of flights from Bob Hope Airport to LAX under any of the curfew alternatives would have a negligible effect on noise (i.e., incremental increase in noise at LAX would be small compared to the noise generated by existing traffic). Application at 15. However, these numbers don't tell the whole story.

Communities surrounding LAX, such as El Segundo, are particularly susceptible to noise and other airport impacts. While some communities near airports have the benefit of buffers that can help shield residents from the impacts of increased aviation operations, in the case of El Segundo, as in Burbank, many residents live immediately adjacent to the airport, with no meaningful buffer to protect them. Thus, given that residents in the vicinity of LAX already contend with substantial noise and other impacts from existing flight operations, and are likely to experience increased impacts in the future, *any* additional flights at LAX may result in substantial adverse impacts. Furthermore, given that the Authority considers noise from nighttime operations at Bob Hope Airport significant enough to warrant a proposed curfew, the shifts of those flights to LAX should also be considered significant.

II. A Categorical Exclusion Is Not the Appropriate Environmental Document For the Proposed Curfew.

The Authority proposes to rely on a Categorical Exclusion ("CE") in accordance with FAA Orders 1050.1E and 5050.4B. Application at 23. However, in this case, a CE does not appear to be the appropriate environmental document. While FAA Order 5050.4B includes restrictions on aircraft operations in the list of actions that may be categorically excluded, it also specifies that "an action on the categorically excluded list is not automatically exempted from environmental review under NEPA" and "the action cannot cause a significant noise impact at the airport seeking the restriction *nor at other airports serving the restricted aircraft.*" Orders 1050.1E, Chapter 3, §303(c) and 5050.4B at 6-13 respectively; emphasis added. Here, given its potential impacts on the communities surrounding LAX, the proposed curfew appears to fall under the category of "extraordinary circumstances" that require additional environmental analysis to determine the appropriate NEPA documentation. Order 1050.1E, Chapter 3, §304.

According to FAA Order 1050.1E, an extraordinary circumstance may exist if one or more of the following circumstances, among others, exists: (1) an impact on noise levels of noise-sensitive areas; (2) effects on the quality of the human environment that are likely to be highly controversial on environmental grounds; (3) likelihood to be inconsistent with any Federal, State, Tribal, or local law relating to the environmental aspects of the proposed action; and (4) likely to directly, indirectly, or cumulatively create a significant impact on the human environment. For the reasons stated above, the proposed curfew involves "extraordinary

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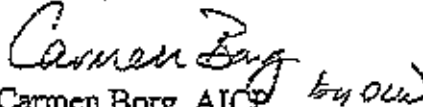
circumstances." Thus, the Authority should prepare an analysis that more thoroughly assesses the proposed curfew's potential impacts, including noise and other impacts at LAX.

IV. Request for Noticing

We request that this firm be added to the notice list to receive written – and, if available, e-mail – notification of any meetings, workshops, and/or hearings before the Authority and/or the Federal Aviation Administration on the Bob Hope Airport FAR Part 161 Application. (Email address: borg@smwlaw.com.) Please also send this firm copies of all notices and agendas for these meetings/workshops/hearings. We also request that you provide us with a copy of any revised Draft FAR Part 161 Application, any environmental documentation, and any Draft Decision Document for this curfew once they are released for public review.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP


Carmen Borg, AICP *by owl*
Urban Planner

Attachments: Los Angeles Times articles

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Another carrier halts service

By Peter Pae
 April 05, 2008

The third small airline in a week shut down Friday as Skybus Airlines, a carrier that offered \$10 fares from Burbank to Columbus, Ohio, called it quits.

All three carriers — Skybus, ATA Airlines Inc. and Aloha Airgroup Inc., parent of Aloha Airlines — blamed high fuel costs and the slowing economy for their demise.

Friday's announcement culminated one of the more tumultuous weeks for the airline industry in recent times. Skybus said it was cancelling all scheduled flights after the arrival of the last plane into its home airport in Columbus shortly after midnight Saturday morning.

The airline operated two flights a day from Burbank, nonstop service to Columbus and to Greensboro, N.C. Those flights were completed Friday, an airline spokesman said. Skybus began operating in May 2007, and as of Friday it was operating 11 aircraft making 80 daily flights to and from 15 cities around the U.S.

Passengers holding reservations for future flights were told that they should contact their credit card companies to arrange for a refund. The company said more information for customers would be made available on its website at www.skybus.com.

The airline created a major buzz last year for offering \$10 fares for the first 10 passengers who bought tickets on a flight. Dubbed an "ultra low-cost" airline, Skybus had hoped to appeal to travelers who were willing to pay extra for meals, pillows and other amenities in exchange for lower fares.

Taking low cost to the extremes, the airline also charged for checking baggage, for drinks and for priority seating.

The company said it was sorry. "We deeply regret this decision, and the impact this will have on our employees and their families, our customers, our vendors and other partners, and the communities in which we have been operating," the airline's chief executive, Michael Hodges, said in a statement.

"Skybus struggled to overcome the combination of rising jet fuel costs and a slowing economic environment," he said. "These two issues proved to be insurmountable for a new carrier."

The grounding of Skybus came as Hawaii-bound travelers were still reeling from the collapse of ATA and Aloha, which stranded thousands of passengers at Los Angeles International Airport and across the country.

In Honolulu, the Hawaii Tourism Authority said it was going to pay for charter flights to help an estimated 9,000 mainland-bound tourists stranded on the islands.

Still, analysts contend that the string of airline failures in the last week is probably not a harbinger of a general industry

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collapse and that major carriers are expected to survive the financial storm.

Fuel costs and concerns that the slowing economy could damp air travel have led major carriers to cut back on flights and retire older, less fuel efficient planes.

US Airways Group Inc. said Friday it would cut capacity as much as 4%, joining three other major U.S. carriers making similar moves in response to high fuel prices.

"While demand has remained strong, given high fuel prices we are taking proactive steps," US Airways President Scott Kirby told Bloomberg News.

Aviation industry analyst James M. Higgins said, "They all need to pull down capacity to lower costs, and many of them have been very prudent in doing so."

Higgins, an analyst at Soleil Securities Corp. in Solebury, Pa., said higher ticket prices might loom. "They may be able to raise ticket prices later in the year," he said, because there will be fewer seats available.

Skybus has about 450 employees -- 350 based in Columbus and the remainder in North Carolina. Employees were asked to report to work Monday to retrieve their belongings.

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From the Los Angeles Times

JetBlue's expansion has rivals scrambling

The low-fare carrier faces strong competition as it adds West Coast routes from Long Beach to San Jose, Seattle and Austin.

By Peter Pae

Los Angeles Times Staff Writer

April 16, 2008

Even as rising fuel costs are grounding weaker airlines -- including three this month -- airline competition is heating up for travelers flying the Pacific coast.

On the runway is JetBlue Airways Corp. with new 100-seat jets that will begin flying next month from Long Beach up and down the coast in a move that financial analysts say may be bold but risky.

Next month, the low-fare carrier, popular with Southern California leisure travelers, is adding six flights from Long Beach to San Jose, Seattle and Austin, connecting some of the nation's top tech-heavy cities. Long Beach passengers can fly one-way to San Jose for \$39.

JetBlue rivals aren't standing around fretting. They are fighting back, increasing flights and cutting fares all along the coast.

"You've got a lot of competition out there unlike the East Coast where subpar service allowed JetBlue to make inroads by treating customers well," said Michael Boyd, an aviation consultant in Evergreen, Colo. "Alaska and Southwest are also known for treating customers well."

Another West Coast fare war of sorts might be in the works. Last week, Virgin America began service from Los Angeles International Airport to Seattle with \$77 one-way fares while Alaska announced that this month it would offer hourly flights from LAX to Seattle. And Southwest added four flights from LAX to San Francisco and was offering \$79 one-way fares from LAX to Austin.

"We've competed on fares and services with all comers for decades and we've always prevailed," said Steve Jarvis, vice president of marketing for Alaska Airlines. "We're no stranger to competition but we're taking this serious. We're going to fight it toe to toe."

Virgin, created by British billionaire Richard Branson, began flying last summer starting with service between Los Angeles and San Francisco. "American airlines have never really cared about quality in the sky," he said at the time.

JetBlue is also expanding to Los Angeles International where it will offer nonstop flights to New York and Boston with fares as low as \$129 one-way.

Forest Hills, N.Y.-based JetBlue has typically focused on transcontinental routes flying California passengers across the nation to Eastern seaboard cities including Boston and Fort Lauderdale, Fla.

With transcontinental growth slowing and with new flight restrictions at JFK, its crowded home airport in New

York, the airline has been looking for opportunities in the West, particularly the lucrative routes along the coastline from San Diego to Seattle.

Eventually, it wants to offer international flights to Mexico and Canada.

For its part, JetBlue says it is financially healthier than other carriers thanks to a recent \$300-million investment by Lufthansa Airlines, which took a minority stake in the airline. JetBlue said it had also fully recovered from its winter debacle last year that grounded planes and cost the carrier \$40 million in goodwill payments to its passengers.

"It was a gut-wrenching experience, but we're a much better airline as a result of it," said Chief Executive Dave Barger, who replaced the airline's founder, David Neeleman, ousted shortly after the debacle.

With a fare war that is likely to have bargain hunters shuffling from one airline to another, JetBlue is betting that the new planes will give it an edge. It has ordered 100 of the Embraer planes, which are built in Brazil. JetBlue first began flying the planes last year on its routes along the Eastern seaboard but will start using them on the new West Coast flights as they are delivered by the manufacturer.

Barger, lately its ultimate salesman, stood in the aisle of the new passenger jet recently and began rattling off its features.

The Embraer 190 aircraft burns 40% less fuel than older jets, which can guzzle more than 1,000 gallons in an hour, he said. The leather seats with personal video screens are wider and have more legroom than the competition. Better yet, the plane doesn't have the dreaded middle seat, he added.

"So, what do you think?" he asked after taking a breath. "I think it's a huge advantage for us."

But analysts said the airline is taking a risk because the 100-seat jets have about 50 fewer seats than the Airbus A320s that have been the airline's mainstay since it started eight years ago.

By operating two different fleets of planes, JetBlue is also bucking a longtime "mantra" of low-fare carriers like Southwest that has touted the operating savings and efficiencies of flying one type of plane. Southwest, for instance, flies Boeing 737s, so it doesn't have higher costs of maintaining more than one kind of plane as well as hiring and training two sets of pilots. A pilot certified for the 737 would have to undergo extensive training to fly another jet.

The Embraer 190 is a "good plane but you have to be careful" about where you use it because of its size, said Richard Aboulafia, an aerospace analyst with aviation consulting firm Teal Group Corp.

But Barger contends that the added costs of operating two fleets is offset by the fuel savings and the flexibility the smaller jet gives the airline in flying into smaller markets that might not be able to support a larger, 150-seat plane.

"It gives us the ability to open up new markets such as connecting Seattle to Long Beach with less risk," Barger said. "I like to think of this plane as a pathfinder. It's a nice way to move into a new market."

JetBlue acknowledged it also must overcome an image problem with Embraer planes, which prior to the introduction of the larger 190, were mainly known for cramped regional jets with tight seats, narrow aisles and low ceilings. Many airlines fly the smaller Embraers, which typically seat about 50 passengers, on short hops of a couple of hours or less.

The new plane will be in a dogfight with the new Airbus 320s that Branson is introducing with Virgin America. The A320 jets also have personal video screens at each seat as well as mood lights and massage seats in first class.

To tout its new fleet, JetBlue took its Embraer plane on an unusual barnstorming tour last week, starting in Seattle

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with stopovers in San Francisco and San Jose before ending at Long Beach Airport.

The carrier let a Times reporter fly from San Jose to Long Beach on the plane, which appeared much like its A320 aircraft with JetBlue's familiar gray leather seats and personal video screens. But there was no middle seat, making the plane seem more spacious even though it was narrower in size than the A320. Instead of six seats in a row, it had four.

"People say 'I don't want to fly on a regional jet.' Well, this isn't a regional jet," Barger said, as he returned to his salesman mode. "Once people fly it, they'll love it."

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