



March 2, 2023

CALL AND NOTICE OF A SPECIAL MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OF THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

NOTICE is hereby given that a special meeting of the Legal, Government and Environmental Affairs Committee will be held Monday, March 6, 2023, at 9:30 a.m., or immediately following the Commission meeting, in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

In addition to attending the meeting in public, members of the public may observe the meeting telephonically and may offer comment in real time through the following number:

(701) 802-5334

Access Code: 2451017#

Terri Williams, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

SPECIAL MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Monday, March 6, 2023
9:30 a.m., or Immediately Following
the Conclusion of the
Commission Meeting

As a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.



The public comment period is the opportunity for members of the public to address the Committee on agenda items and on airport-related non-agenda matters that are within the Committee's subject matter jurisdiction. At the discretion of the presiding officer, public comment on an agenda item may be presented when that item is reached.

Members of the public are requested to observe the following decorum when attending or participating in meetings of the Committee:

- *Turn off cellular telephones and pagers.*
- *Refrain from disorderly or boisterous conduct, including loud, threatening, profane, or abusive language, clapping, whistling, stamping, or other acts that disrupt or otherwise render unfeasible the orderly conduct of the meeting.*
- *If you desire to address the Committee during the public comment period, fill out a speaker request card and present it to the Board Secretary.*
- *Confine remarks to agenda items or to airport-related non-agenda matters that are within the Committee's subject matter jurisdiction.*
- *Limit comments to three minutes or to such other period of time as may be specified by the presiding officer.*



The following activities are prohibited:

- *Allocation of speaker time to another person.*
- *Video presentations requiring use of Authority equipment.*



Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Committee less than 72 hours prior to that meeting are available for public inspection at Hollywood Burbank Airport (2627 N. Hollywood Way, Burbank) in the administrative office during normal business hours.



In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Board Secretary at (818) 840-8840 at least 48 hours prior to the meeting.

A G E N D A

Monday, March 6, 2023

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes
 - a. February 6, 2023 **[See page 1]**
6. Items for Approval
 - a. Annual Review and Adjustment of Noise Violation Fines **[See page 3]**

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission to authorize an increase to the noise fines associated with certain restricted operations as detailed in Airport Noise Rules 8 and 9, in accordance with the annual adjustment of noise violation fines required by Resolution No. 382.
7. Items for Discussion
 - a. Legislative Update **[See page 5]**

This report provides an update on proposed federal and state legislation of interest to the Authority. The Authority participates in the public policy arena on aviation-related issues that may impact airport operators in general or Hollywood Burbank Airport in particular. Staff works with Arnold & Associates (the Authority's contract lobbyist) and trade associations including Airports Council International-North America, California Airports Council, and Valley Industry and Commerce Association to monitor and provide comment on proposed legislation that may be of concern.
8. Items for Information
 - a. Committee Pending Items **[See page 9]**
9. Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY**

MONDAY, FEBRUARY 6, 2023

A regular meeting of the Legal, Government and Environmental Affairs Committee was called to order on this date in the Burbank Room, 2627 N. Hollywood Way, Burbank, California, at 11:36 a.m., by Commissioner Williams.

1. ROLL CALL

Present:	Commissioners Williams and Dyson
Absent:	Commissioner Najarian
Also Present:	Staff: Frank Miller, Executive Director; Patrick Lammerding, Deputy Executive Director, Planning and Development
	Authority Counsel: Terence R. Boga of Richards, Watson & Gershon

2. Staff Announcement: AB 23

The Assistant Board Secretary announced that, as a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

3. Approval of Agenda

Commissioner Dyson moved approval of the agenda, seconded by Commissioner Williams. The motion was approved (2-0, 1 absent).

4. Public Comment

There were no public comments.

5. Approval of Minutes

a. December 19, 2022

A draft copy of the December 19, 2022 Committee minutes was included in the agenda packet for review and approval.

Motion

Commissioner Dyson moved approval of the minutes of the December 19, 2022 meeting, seconded by Commissioner Williams.

Motion Approved

There being no objection, the motion was approved (2-0, 1 absent).

6. Items for Information

a. Electric Vertical Take-Off and Landing Aircraft

Staff provided information regarding progress in a new category of aircraft and potential disruption of the current air and ground transportation model that has generated significant interest from the private industry and launched a form of air transportation commonly termed Urban Air Mobility (“UAM”). The various types of aircraft involved are often referred to as Electric Vertical Take-Off and Landing (“eVTOL”). These new designs have the potential to enhance mobility throughout metropolitan areas but may result in unanticipated demand effects for airports and communities.

The potential for eVTOLs to become a viable transportation mode in metropolitan areas exists but is contingent on the development of the technology, new regulatory guidance from the FAA, and community acceptance. Recent progress has been made in all three of these areas, but it is not possible at this time to provide a forecast of the timeframe for this service to begin, the level of demand for the service, or the long-range impacts on airports.

b. Committee Pending Items

Staff updated the Committee on future pending items.

7. Adjournment

There being no further business, the meeting adjourned at 12:01 p.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 6, 2023**

**ANNUAL REVIEW AND ADJUSTMENT OF
NOISE VIOLATION FINES**

Presented by Kyle Porter
Manager, Noise & Environmental Affairs

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission to authorize an increase to the noise fines associated with certain restricted operations as detailed in Airport Noise Rules 8 and 9 as described below, in accordance with the annual adjustment of noise violation fines required by Resolution No. 382.

BACKGROUND

Resolution No. 382 was adopted by the Commission on March 20, 2003. It requires noise violation fines contained in Airport Noise Rules 8 and 9 to be adjusted annually for inflation based on percentage changes in the Consumer Price Index (“CPI”). The January index is used to calculate the annual adjustment and the new rates become effective each April 1st.

Rule 8 prohibits the following activities between 10 p.m. and 7 a.m.

- Intersection takeoffs
- “Touch and go” landings
- Maintenance run-ups
- Flight training operations
- Practice approaches

The current first-time fine is \$1,738 and the fine for subsequent violations is \$2,524.

Rule 9 prohibits the operation of certain “noisy” aircraft (determined pursuant to FAA classifications) between 10 p.m. and 7 a.m. The current fine for each violation is \$5,055.

The 2012 FAA Modernization and Reform Act required owners/operators of aircraft that weigh less than 75,000 pounds that do not meet FAA Stage 3 noise levels to modify or retire their aircraft by December 31, 2015. This statute has been fully implemented; however, existing Airport Noise Rules include weight limits provided by Gulfstream that are necessary, in addition to Stage 3 hush kits, for their Models G-IIIB and G-III aircraft to be in compliance. Currently there are no Gulfstream III aircraft based out Hollywood Burbank Airport. However, Rule 9 also applies to all itinerant aircraft operations with this model aircraft.

In 2022, Staff investigated 1 nighttime operation from a general aviation operator for suspected violation. After further investigation, it was determined to be in compliance with the Airport Noise Rules as it did not exceed the gross weight limit of 55,500 for a G-III aircraft operating during the nighttime hours.

JANUARY CPI INDEX LEVEL

The January 2023 CPI for All Urban Consumers in the Los Angeles, Long Beach and Anaheim area is 318.59 according to the U.S. Bureau of Labor Standards. This level represents an approximate increase of 5.8% when compared to the January 2022 index reading of 301.21. Applying this CPI value to the current fines results in the following revised fines levels for Rule 8 and Rule 9 violations:

- Rule 8: \$1,839 (first violation)
- Rule 8: \$2,670 (subsequent violations)
- Rule 9: \$5,348 (each violation)

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission that the monetary fines for violations of Airport Noise Rules 8 and 9 be adjusted as detailed in this staff report.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 6, 2023**

LEGISLATIVE UPDATE

Presented by Pamela Marcello
Senior Director, Government and Public Affairs

SUMMARY

This report provides an update on proposed federal and state legislation of interest to the Authority. The Authority participates in the public policy arena on aviation-related issues that may impact airport operators in general or Hollywood Burbank Airport in particular. Staff works with Arnold & Associates (the Authority's contract lobbyist) and trade associations including Airports Council International-North America, California Airports Council ("CAC"), and Valley Industry and Commerce Association to monitor and provide comment on proposed legislation that may be of concern.

FEDERAL LEGISLATION

S. 4419 – Good Jobs for Good Airports Act

Introduced by Senator Edward Markey (D-MA) in the 117th Congress (2021 - 2022) and reintroduced in the 118th Congress (2023 -2024). This bill has garnered 15 co-sponsors including Senator Alex Padilla.

Summary: This bill addresses pay, benefits, and labor standards for certain airport service workers including security officers, food service workers, cleaning staff, ticketing agents, and retail service workers. Specifically, the bill establishes a minimum wage and benefit standard for covered workers at large, medium, and small hub airports. It also prohibits small, medium, and large hub airports from accessing federal funds for airport development projects without a certification that covered workers are paid no less than the higher of \$15 per hour, the applicable state or local minimum wage and fringe benefits, or the prevailing wage and fringe benefits required under the Service Contract Act as established by the U.S. Department of Labor.

State and Local Minimum Wage Requirements

- The minimum wage set by the State of California is currently \$15.00/hour for employers with 26 or more employees and \$14.00/hour for employers with 25 or less employees.
- The minimum wage set by the County of Los Angeles is \$15.94.
- The minimum wage set by the City of Los Angeles is \$16.04.
- The City of Burbank currently does not have a living wage ordinance.

Minimum Wages at Hollywood Burbank Airport

MCS Burbank Food Services has reported that, due to the higher minimum wage rates in the surrounding cities, it has had to offer the following wage and benefits in order to retain staff:

- Dishwashers and Utility Workers - \$18 - \$21 per hour with health insurance
- Cooks - \$18 - \$25 per hour with health insurance
- Wait Staff - \$15 per hour with health insurance. Wait staff can make \$600 to \$1,200 per week in tips to bring a yearly gross salary to \$90K to \$100k.

Here's a sample of the contracted services at the Airport and the hourly rate with health insurance:

- Allied Security Services - \$18 per hour with health insurance
- DFS Janitorial Services - \$17 per hour with health insurance
- SP+ Parking and MV Transportation – Both companies are unionized, and their employees belong to Local 911. Collectively, the employees are paid well above minimum wage. All employees receive full health benefits for themselves and their family.

COMMENT

The Good Jobs for Good Airports legislation would force airport operators across the country to regulate wages and benefits provided by most tenants, contractors, and subcontractors. This would be a significant policy change.

FAA REAUTHORIZATION BILL

The Federal Aviation Administration ("FAA") reauthorization bill provides funding levels and operating authority for the FAA and typically serves as a vehicle to address a range of aviation issues. The last such bill was approved in 2018 and authorizes the FAA through the end of Fiscal Year 2023 (September 30).

Beyond reauthorizing the FAA for five years, the bill will touch on myriad issues of importance to all aviation. While the legislative package is still taking shape in the House and Senate, here are issues that potentially will be addressed in the next reauthorization bill.

- Airport Improvement Program ("AIP")
- Passenger Facility Charge ("PFC") Program
- Environmental Issues
- Regulatory Reforms
- Progressing Advanced Air Mobility
- Addressing Workforce Challenges

Below are the requests that Arnold & Associates submitted to the offices of Senators Feinstein and Padilla on behalf of the Authority:

Airport Improvement Program

- Extend AIP eligibility to all activities allowed under the PFC Program, as in the bipartisan infrastructure law, and require that FAA adjust its programmatic funding priorities to take the new eligibility into account.
- Rebalance funding allocations by reducing the percentage of AIP entitlements to large and medium hub airports with \$4.50 PFC return to the program and replenish the Small Airports Fund with a commensurate amount of funding. The proposed formula change is contingent upon AIP funding of at least \$4 billion annually.

Passenger Facility Charges

- Eliminate the federal cap on local PFC user fees.
- Extend PFC eligibility to include any lawful capital cost.
- Eliminate PFC exemptions for non-revenue passengers.

PFAS Firefighting Foam

- Provide federal funds for an acquisition program for the new foam, a disposal program for the old foam, and PFAS remediation at airports.

COMMENT

AIP – As the Airport is a medium size hub, the Authority returns 75% of its AIP grant allocation. The request put forth to Congress is to lower the return rate to 50%.

PFC – The current PFC rate is \$4.50 per passenger. This rate has not increased since 2000.

PFAS - On January 12, the Defense Department released the revised military specification that covers the use of fluorine-free (PFAS) firefighting foam on hydrocarbon liquid fuel fires in land-based applications, as mandated by the FY 2020 National Defense Authorization Act. The new specification has been sent to FAA.

PFAS at BUR – The Fire Department has 1,300 gallons in storage, 500 gallons on a trailer, and 200 gallons in each of the ARFF rigs. PFAS was used in an exercise drill six years ago.

STATE LEGISLATION

AB 534 – Airports: Customer Facility Charges

Introduced by Assembly Members Kevin McCarty (AD6 Sacramento) & Mia Bonta (AD16 Oakland)

Summary: Existing law authorizes airport operators to require rental companies to collect a customer facility charge (“CFC”) or an alternative CFC under specified circumstances for purposes that include financing, designing, and constructing or operating airport vehicle rental facilities and common-use transportation systems. Existing law, beginning January 1, 2024, provides that the authorization for an airport operator to impose a CFC becomes inoperative when the bonds used for the financing are paid, except as specified. This bill would delete the provision ending the authorization described above. Existing law requires an airport to initiate the process for obtaining authorization to require or increase an alternative CFC no later than January 1, 2025, as provided. This bill would remove the requirement on an airport operator to initiate the process described above by January 1, 2023. This bill would make other conforming changes.

COMMENT

CAC is assisting Assemblymembers McCarty and Bonta to craft language in this bill allowing airport operators to apply a CFC to electric vehicle charging station infrastructure.

Presently, Oakland International Airport is applying its CFC to shuttle services to and from the rental facility.

In 2040, all outstanding terms of the bond indenture financing the Regional Intermodal Transportation Center will be satisfied and all principal and interest on the bonds will be paid in full.

AB 929 – Alcoholic Beverage Licenses: off-sale privileges: airports

Introduced by Assembly Member Tina McKinnor (AD61 Inglewood)

Summary: This bill would authorize an airport operator to permit or prohibit the sale of alcoholic beverages for off-sale consumption by the holder of an on-sale license located in an airport terminal. If so permitted, the bill would authorize the licensee to sell alcoholic beverages in the airport terminal for off-sale consumption subject to specified requirements, including that the license permits on-sale consumption of the type of alcohol being sold for off-sale consumption. The bill would require the licensee to notify the department before selling any alcoholic beverages in the airport terminal for off-sale consumption. The bill would authorize the department to impose conditions on a licensee selling alcoholic beverages under these provisions and would permit a licensee to petition the department to modify or remove a condition within 10 days following imposition of the condition, as provided.

COMMENT

CAC has collaborated with Assembly Member McKinnor in crafting the bill’s language that allows passengers to consume a limited amount alcoholic beverages at the departure gate.

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 6, 2023**

COMMITTEE PENDING ITEMS

Future

1. Award of Contract - RITC Art in Public Places Artist Selection
2. AQIP MOU Report
3. Airport Rules and Regulations Revisions
4. Landscape Contractor Equipment Update