



Los Angeles World Airports

Item #12

# BOARD OF AIRPORT COMMISSIONERS REPORT

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| APPROVED BY: _____<br>Division Head             | Meeting Date: 2-18-03                         |
| REVIEWED BY: _____<br>Deputy Executive Director | CAO Report <input type="checkbox"/> Completed |
| REVIEWED BY: _____<br>Chief Operating Officer   | <input type="checkbox"/> Pending              |
| CITY ATTORNEY: _____                            | <input checked="" type="checkbox"/> N/A       |
| EXECUTIVE DIRECTOR: _____                       | Reviewed by:                                  |
|   | Budget <u>11/4/02</u>                         |
|   | Environmental Mgt. <u>11/5/02</u>             |
|   | Procurement <u>11/7/02</u>                    |

**SUBJECT:**

AUTHORIZE THE EXECUTIVE DIRECTOR TO ADVERTISE AND ISSUE A REQUEST FOR PROPOSALS (RFP) TO QUALIFIED FIRMS FOR CONSULTANT SERVICES TO PERFORM TWO SEPARATE AND COMPLETE FEDERAL AVIATION REGULATION (FAR) PART 161 STUDIES FOR FEDERAL AVIATION ADMINISTRATION (FAA) APPROVAL OF THE FOLLOWING NOISE CONTROL MEASURES:

1. TO PROHIBIT THE EAST DEPARTURE OF ALL AIRCRAFT FROM LOS ANGELES INTERNATIONAL AIRPORT (LAX) BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 6:30 A.M. WHEN LAX IS OPERATING IN OVER-OCEAN OPERATIONS, OR WHEN IT REMAINS IN WESTERLY OPERATIONS DURING THESE HOURS; AND
2. TO IMPLEMENT SEVEN NOISE CONTROL MEASURES IDENTIFIED AS REQUIRING A PART 161 STUDY IN THE NOISE COMPATIBILITY PROGRAM OF THE VAN NUYS AIRPORT (VNY) PART 150 STUDY DATED AUGUST 2001.

**RECOMMENDATION:**

Management RECOMMENDS that the Board of Airport Commissioners:

1. ADOPT the staff report.
2. DETERMINE that this action is exempt from the California Environmental Quality Act pursuant to Article II, Section 2d of the Los Angeles City CEQA Guidelines, as amended July 31, 2002.
3. APPROVE the advertisement of the RFP for consultant services to perform two separate and

complete FAR Part 161 Studies for FAA approval.

4. FIND that this work can be performed more economically or feasibly by an independent contractor than by City employees.
5. AUTHORIZE the Executive Director to advertise and issue an RFP to qualified firms for Consultant Services to Perform Two Separate and Complete FAR Part 161 Studies for FAA Approval.

#### **DISCUSSION:**

##### 1. Prior Related Actions

#### LAX

On December 20, 1972, the Board of Airport Commissioners (BOAC) adopted, for noise abatement purposes, Resolution No. 7467. Among other things, this Resolution established a preferential runway use program and instituted an Over-Ocean Operations procedure at LAX between the hours of 11:00 p.m. and 6:00 a.m. The provisions of Resolution No. 7467 became effective on April 29, 1973.

On June 7, 1974, the BOAC adopted Resolution No. 8372, which revised the hours of the LAX Over-Ocean Operations procedure to 12:00 midnight to 6:30 a.m. for safety reasons. This revision was based on comments received from the FAA, the National Transportation Safety Board, and the airlines.

Due to the prevailing wind, aircraft at LAX normally approach and depart to the west, with the aircraft arriving over land and departing over the Pacific Ocean. This is a procedure known as Westerly Operations (West Ops). When weather conditions require, operations are reversed with aircraft arriving from the west and departing to the east. This procedure is known as Easterly Operations (East Ops). LAX has a waiver from the FAA and does not turn the airport around from West Ops and go into East Ops until the winds are at 10 knots or more from easterly directions.

LAX Over-Ocean Operations can be suspended by the FAA for several reasons including wind, weather, runway/taxiway construction or maintenance, FAA equipment problems, and other operational or air traffic considerations. When the FAA suspends Over-Ocean Operations, LAX remains in West Ops.

From time to time during the year, LAX experiences slight offshore prevailing winds between the hours of 12:00 midnight and 6:30 a.m. These light easterly winds, generally under 8 knots, will cause pilots departing to Asia or Australia in heavily loaded Boeing 747-400 aircraft to request an easterly departure on runway 7L. This is done to take advantage of runway 7L/25R's slight (0.278%) west to east downhill slope and to take off into the wind.

Aircraft departing to the east climb to 2,000 feet, and then turn south anywhere from around Hawthorne Airport to just east of the Harbor Freeway. They then turn to the west or to a southwesterly direction and cross over the coastline anywhere from Manhattan Beach to the Palos Verdes Peninsula at an altitude of between 3,800 feet to approximately 5,000+ feet. The aircraft are climbing and at full power during these departures while over land. These departures create a

significant noise disturbance characterized by very high, long duration single event noise intrusions over heavily populated areas during noise sensitive hours, waking up tens of thousands of people.

Data produced by Los Angeles World Airports (LAWA) has determined that during the 22-month time period from June 2000 through March 2002, there were 92 departures to the east when LAX was either in Over-Ocean Operations or remained in West Ops. The predominant aircraft performing these easterly departures is the Boeing 747-400; however, B747-200's, B767's, Airbus A320/319's and other aircraft have also departed to the east during these hours. The data shows that on most mornings when one or more east departures occur, aircraft of similar types depart in conformance with Over-Ocean Operations or West Ops.

LAWA, in conjunction with the LAX Community Noise Roundtable, has determined that a serious noise disturbance problem exists with easterly departures. The Roundtable adopted this issue as a noise problem that needs to be mitigated. In addition, LAWA has agreed to undertake a Part 161 Study in its Memorandum of Understanding with the City of Inglewood approved by the BOAC on February 6, 2001 in Resolution No. 21292 and on April 3, 2001 in Resolution No. 21360.

### VNY

Over the years, the BOAC and the City Council have implemented a series of noise control measures for aircraft operating at VNY to reduce the noise impacts on the surrounding community. These measures include:

- Quiet Departure Program
- Early Turn Restrictions
- Aircraft Curfew
- Helicopter Route Deviation Program
- Non-Addition Rule
- Engine Maintenance Run-up Restrictions
- Part 150 Study

### Federal Action

In November 1990, Congress enacted the Airport Noise and Capacity Act of 1990 (ANCA). Among other things, ANCA directed the FAA to establish a national program to review noise and access restrictions on aircraft operations imposed by airport proprietors, and prohibited airport proprietors from implementing any noise and access restrictions on Stage 3 aircraft without full compliance with ANCA and its federal regulations. Noise and Access Restrictions on Stage 2 aircraft do not require FAA approval, but LAWA must comply with specified procedures including an analysis of the anticipated costs and benefits of the Proposed Restriction(s), and must provide proper public notice of the Proposed Restriction(s). The FAA published its final regulations implementing ANCA in September 1991. The regulations that govern the imposition of a noise and access restriction by an airport proprietor on Stage 2 and Stage 3 aircraft are codified in *Title 14 of the Code of Federal Regulations Part 161 – Notice and Approval of Airport Noise and Access Restrictions*.

## 2. Current Action

The objective of this RFP is to obtain qualified consultant services to prepare two separate and complete FAR Part 161 Studies, one for LAX and one for VNY, for LAWA to submit to the FAA for review and approval. The FAA-approved Part 161 Studies would allow the City of Los Angeles and LAWA to implement the following Proposed Restriction(s):

### LAX

Prohibit the easterly departure of all aircraft between the hours of 12:00 midnight and 6:30 a.m. when the airport is operating in either Over-Ocean Operations or West Ops. Medical/ mercy flights, military aircraft, and other government owned or operated aircraft involved in law enforcement, emergency, or fire/rescue operations will be exempt from the Proposed Restriction.

The specifics of the LAX Proposed Restriction have not been determined, but will be developed as part of the Part 161 Study process. The Proposed Restriction would be established by City Ordinance, airport regulation, lease condition, or airport use agreement, and will have sanctions for noncompliance. Such sanctions could be criminal, civil, result in increased landing fees, and could result in the denial of use of LAX for repeated violations.

This Proposed Restriction would constitute a Noise and Access Restriction on Stage 3 aircraft as defined in ANCA, would be subject to the requirements of *Subpart D – Notice, Review and Approval Requirements for Stage 3 Restrictions of FAR Part 161 – Notice and Approval of Airport Noise and Access Restrictions*; and as a Stage 3 restriction, would require the formal approval of the FAA. The Proposed Restriction will also constitute a Noise and Access Restriction on future Stage 4 certified aircraft.

### VNY

An FAA-approved VNY Part 161 Study will allow LAWA to implement all or some of the following seven Noise Control Measures (NCM) identified in the BOAC-approved VNY Part 150 Study as requiring a Part 161 Study. Note: the number in parentheses at the end of each Proposed Restriction corresponds to its number in the VNY Part 150 Noise Compatibility Program.

- Incentives/Disincentives in Rental Rates – A program would be developed to establish a set of incentives and disincentives through differential rental rates to encourage the greater use of quieter aircraft and less use of noisier aircraft. This Proposed Restriction would establish rental rates for leases and tie downs correlated to the level of noise generated by the aircraft (29).
- Incentives/Disincentives in Landing Fees – A program would be developed to establish a system of differential landing fees for aircraft with higher landing fees for noisier aircraft and lower landing fees for quieter aircraft (30).
- Expansion of Fines – A system of fines (monetary penalties) would be developed to be imposed on aircraft operators who violate noise abatement policies. Increased fines would have a deterrent effect on aircraft operators who violate existing ordinances. This Proposed Restriction would make the voluntary VNY Fly Friendly Program mandatory and establish penalties for violations of the program. After two violations, operators who violate the Fly Friendly Program would be fined \$500 for the 3<sup>rd</sup> noisy operation; the 4<sup>th</sup> citation fine would be

\$1,000; and the 5<sup>th</sup>, \$2,000. Any operator who receives a 6<sup>th</sup> citation letter would be permanently banned from using VNY (31).

- Establish Maximum Daytime Noise Limits – Maximum daytime noise limits for aircraft operating at VNY would be established. An ordinance would be developed to establish a daytime maximum noise limit of 77 dBA for aircraft (32).
- Establish a Limit on Stage 3 Jets - A cap on the number of Stage 3 jets that may be based at VNY would be established (33).
- Expansion of the VNY Curfew – The curfew provisions currently contained in the Van Nuys Noise Abatement and Curfew Regulation would be expanded as follows: (a) The existing 10:00 p.m. to 7:00 a.m. curfew would be expanded to include all non-emergency jets; and (b) The existing 10:00 p.m. to 7:00 a.m. curfew on all non-emergency jets would be expanded to include non-emergency helicopter operations (34).
- Cap/Phase-Out of Helicopters - A cap or phase-out on the current fleet of helicopters would be investigated. The measure would also be forwarded to the Helicopter Task Force, as an item that should be considered. Pending the outcome of the investigation into the feasibility and desirability of the measure by the Task Force, the proposed measure would be subject to further evaluation within the context of the Part 150 Study (35).

The specifics of the VNY Proposed Restrictions have not been determined, but will be developed as part of the Part 161 Study process. The Proposed Restrictions would be established by enacting new or amending existing City Ordinances, airport regulations, lease conditions, or airport use agreements, and will have sanctions for noncompliance. Such sanctions could be civil, result in noise-based landing fees and lease rates, and could result in the denial of use of VNY for repeated violations.

These Proposed Restrictions constitute Noise and Access Restrictions on Stage 2 and Stage 3 aircraft as defined in ANCA. As such, they are subject to the requirements of *Subpart C – Notice Requirements for Stage 2 Restrictions*, and *Subpart D – Notice, Review and Approval Requirements for Stage 3 Restrictions of FAR Part 161 – Notice and Approval of Airport Noise and Access Restrictions*. Any Proposed Restrictions applying to Stage 3 aircraft will require the formal approval of the FAA.

#### Part 161 Process

The general process for FAA review and approval of a Proposed Restriction has three principal elements:

1. Collect data and perform the necessary analyses to justify the Proposed Restriction and to explain its environmental and economic impact(s), and prepare the required reports and application materials.
2. Notify the public, airport stakeholders, and the FAA, and allow sufficient time for comment on the Proposed Restriction.
3. Submit the Proposed Restriction and supporting documentation to the FAA for review and approval.

LAWA cannot implement a Proposed Restriction unless it complies with all three elements. In order to obtain FAA approval of a Proposed Restriction, LAWA must demonstrate that it satisfies the six statutory conditions set forth in ANCA. Therefore, LAWA must collect substantial evidence to prove that:

- The Proposed Restriction is reasonable, nonarbitrary and nondiscriminatory.
- The Proposed Restriction would not create an undue burden on interstate or foreign commerce.
- The Proposed Restriction would maintain safe and efficient use of navigable airspace.
- The Proposed Restriction would not conflict with any existing federal statute or regulation.
- LAWA has provided adequate opportunity for public comment on the Proposed Restriction.
- The Proposed Restriction does not create an undue burden on the national aviation system.

The FAA's Part 161 regulations explain in detail the type of analyses LAWA must complete in order to satisfy the six statutory requirements of ANCA.

A Scope of Work for these studies has been prepared, and has been reviewed and approved by the City Attorney's Office.

It is anticipated that these studies will take from three to five years to complete.

***FISCAL IMPACT STATEMENT:***

No funds are requested at this time.

***STANDARD PROVISIONS:***

1. Feasibility and planning studies for possible future action are exempt from the requirements of the California Environmental Quality Act as provided by Article II, Section 2d of the Los Angeles City CEQA Guidelines, as amended.
2. The selected bidder/proposer will be subject to the provisions of the Service Contract Worker Retention and/or Living Wage Ordinances in the performance of the contract.
3. Procurement Services has reviewed this item and established a 25% combined Minority/Women Business Enterprise level of participation for this project.
4. The selected bidder/proposer must submit an Affirmative Action Plan and comply with the provisions of the Affirmative Action Program.

5. The selected bidder/proposer must provide a Business Tax Registration Certificate number prior to contract execution.
6. The selected bidder/proposer will be required to comply with the provisions of the Child Support Program.
7. The selected bidder/proposer will be required to have approved insurance documents on file with Los Angeles World Airports.
8. Pursuant to Los Angeles City Charter Section 1022 (Use of Independent Contractors), the Board has determined that the Part 161 consulting services can be performed more economically or feasibly by an independent contractor than by City employees.
9. The City Attorney has approved the Request for Proposals as to form.
10. Action taken on this item will become final pursuant to the provisions of Los Angeles City Charter Section 245, or if the matter proceeds to City Council, it will become final after approval by the City Council pursuant to the provisions of Los Angeles City Charter Section 373, and Administrative Code Sections 10.5(a) and 10.5(b)2.
11. The selected bidder/proposer will be subject to the provisions of the Contractor Responsibility Program.



RESOLUTION NO. 21975

WHEREAS, on recommendation of Management, there was presented for approval, authorization to advertise and issue a request for proposals (RFP) to qualified firms for consultation services to perform two separate and complete Federal Aviation Regulation (FAR) Part 161 Studies for Federal Aviation Administration (FAA) review and approval. The FAA-approved Part 161 Studies would allow the City of Los Angeles and Los Angeles World Airports (LAWA) to implement the following Proposed Restriction(s):

1. To prohibit the east departure of all aircraft from Los Angeles International Airport (LAX) between the hours of 12:00 midnight and 6:30 a.m. when LAX is operating in either over-ocean operations, or when it remains in westerly operations during these hours; and

LAX  
 Ontario  
 Van Nuys  
 Palmdale  
 City of Los Angeles

WHEREAS, the specifics of the LAX Proposed Restriction have not been determined, but will be developed as part of the Part 161 Study process. The Proposed Restriction would be established by City Ordinance, airport regulation, lease condition, or airport use agreement, and will have sanctions for noncompliance. Such sanctions could be criminal, civil, result in increased landing fees, and could result in the denial of use of LAX for repeated violations; and

James K. Hann  
 Mayor  
 Board of Airport  
 Commissioners  
 Theodore Stein, Jr.  
 President

WHEREAS, this Proposed Restriction would constitute a Noise and Access Restriction on Stage 3 aircraft as defined in ANCA, would be subject to the requirements of Subpart D – Notice, Review and Approval Requirements for Stage 3 Restrictions of FAR Part 161 – Notice and Approval of Airport Noise and Access Restrictions; and as a Stage 3 restriction, would require the formal approval of the FAA. The Proposed Restriction will also constitute a Noise and Access Restriction on future Stage 4 certified aircraft; and

Steven N. Levine  
 Alan J. Llorens  
 Cheryl K. Petersen  
 Armando Vergara, Sr.  
 Peter M. Weil  
 Leland Wong

WHEREAS, an FAA-approved VNY Part 161 Study will allow LAWA to implement all or some of the following seven Noise Control Measures (NCM) identified in the BOAC-approved VNY Part 150 Study as requiring a Part 161 Study. Note: The number in parentheses at the end of each Proposed Restriction corresponds to its number in the VNY Part 150 Noise Compatibility Program.

Lydia H. Kennard  
 Executive Director

- Incentives/Disincentives in Rental Rates – A program would be developed to establish a set of incentives and disincentives through differential rental rates to encourage the greater use of quieter aircraft and less use of noisier aircraft. This Proposed Restriction would establish rental rates for leases and tie downs correlated to the level of noise generated by the aircraft (29).
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- Cap/Phase-Out of Helicopters - A cap or phase-out on the current fleet of helicopters would be investigated. The measure would also be forwarded to the Helicopter Task Force, as an item that should be considered. Pending the outcome of the investigation into the feasibility and desirability of the measure by the Task Force, the proposed measure would be subject to further evaluation within the context of the Part 150 Study (35); and

WHEREAS, the specifics of the VNY Proposed Restrictions have not been determined, but will be developed as part of the Part 161 Study process. The Proposed Restrictions would be established by enacting new or amending existing City Ordinances, airport regulations, lease conditions, or airport use agreements, and will have sanctions for noncompliance. Such sanctions could be civil, result in noise-based landing fees and lease rates, and could result in the denial of use of VNY for repeated violations; and

WHEREAS, these Proposed Restrictions constitute Noise and Access Restrictions on Stage 2 and Stage 3 aircraft as defined in ANCA. As such, they are subject to the requirements of Subpart C – Notice Requirements for Stage 2 Restrictions, and Subpart D – Notice, Review and Approval Requirements for Stage 3 Restrictions of FAR Part 161 – Notice and Approval of Airport Noise and Access Restrictions. Any Proposed Restrictions applying to Stage 3 aircraft will require the formal approval of the FAA; and

WHEREAS, the general process for FAA review and approval of a Proposed Restriction has three principal elements:

1. Collect data and perform the necessary analyses to justify the Proposed Restriction and to explain its environmental and economic impact(s), and prepare the required reports and application materials.
2. Notify the public, airport stakeholders, and the FAA, and allow sufficient time for comment on the Proposed Restriction.
3. Submit the Proposed Restriction and supporting documentation to the FAA for review and approval; and

WHEREAS, LAWA cannot implement a Proposed Restriction unless it complies with all three elements. In order to obtain FAA approval of a Proposed Restriction, LAWA must demonstrate that it satisfies the six statutory conditions set forth in ANCA. Therefore, LAWA must collect substantial evidence to prove that:

- The Proposed Restriction is reasonable, nonarbitrary and nondiscriminatory.
- The Proposed Restriction would not create an undue burden on interstate or foreign commerce.
- The Proposed Restriction would maintain safe and efficient use of navigable airspace.
- The Proposed Restriction would not conflict with any existing federal statute or regulation.
- LAWA has provided adequate opportunity for public comment on the Proposed Restriction.
- The Proposed Restriction does not create an undue burden on the national aviation system; and

WHEREAS, the FAA's Part 161 regulations explain in detail the type of analyses LAWA must complete in order to satisfy the six statutory requirements of ANCA; and

WHEREAS, a Scope of Work (Request for Proposals) for these studies has been prepared, and has been reviewed and approved by the City Attorney's Office; and

WHEREAS, it is anticipated that these studies will take from three to five years to complete; and

WHEREAS, feasibility and planning studies for possible future action are exempt from the requirements of the California Environmental Quality Act as provided by Article II, Section 2d of the Los Angeles City CEQA Guidelines, as amended; and

WHEREAS, the selected bidder/proposer will be subject to the provisions of the Service Contract Worker Retention and/or Living Wage Ordinances in the performance of the contract; and

WHEREAS, procurements services has reviewed this item and established a 25% combined Minority/Women Business Enterprise level of participation for this project; and

WHEREAS, the selected bidder/proposer must submit an Affirmative Action Plan and comply with the provisions of the Affirmative Action Program; and

WHEREAS, the selected bidder/proposer must provide a Business Tax Registration Certificate number prior to contract execution; and

WHEREAS, the selected bidder/proposer will be required to comply with provisions of the Child Support Program; and

WHEREAS, the selected bidder/proposer will be required to have approved insurance documents on file with Los Angeles World Airports; and

WHEREAS, action taken on this item will become final pursuant to the provisions of Los Angeles City Charter Section 245, or if the matter proceeds to City Council, it will become final after approval by the City Council pursuant to the provisions of Los Angeles City Charter Section 373, and Administrative Code Sections 10.5(a) and 10.5(b)2;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners determined that this action is exempt from CEQA requirements, adopted the Staff Report, found that this work can be performed more economically or feasibly by an independent contractor than by City employees, and authorized the Executive Director to advertise and issue an RFP to qualified firms for Consultation Services to perform two separate and complete FAR Part 161 Studies for FAA approval.

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I hereby certify that the foregoing is a true and correct copy of Resolution No. 21975 adopted by the Board of Airport Commissioners at a regular meeting held Tuesday, February 18, 2003.



Sandra J. Miller, Secretary  
BOARD OF AIRPORT COMMISSIONERS