

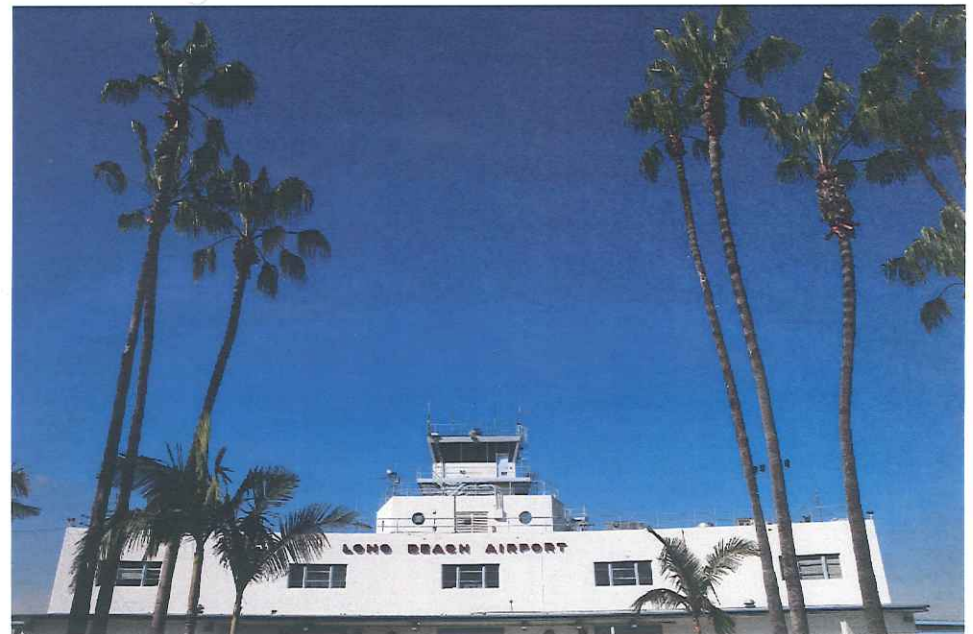
Long Beach Airport Proposed Flight Allocation Resolution Amendments

November 20, 2018



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History of Aircraft Noise Regulations at the Airport

- 1981 - First Airport Noise Ordinance enacted in 1981
- 1983 - Three air carriers filed suit in a challenge to the Ordinance resulting in 12 years of litigation
- 1988 - Federal District Court ruled against City's regulatory efforts
- 1988 - City appealed Federal District Court decision to 9th Circuit Court of Appeals
- 1995 - Final Judgment allowed the City to adopt current Airport Noise Compatibility Ordinance and companion Flight Allocation Resolution

Noise Ordinance and Implementing Resolution

- Noise Ordinance and Flight Allocation Resolution balance community needs for reasonable air service opportunities with the environmental interests of communities located within the vicinity of the Airport
- Flight Allocation Resolution – Resolution C-28465 provides implementing flight allocation regulations consistent with the Noise Ordinance provisions

Airport Noise and Capacity Act

Noise Ordinance and Implementing Resolution are Exempt and “Grandfathered” Under ANCA

- Amendment of an airport noise or access agreement or restriction (such as the Flight Allocation Resolution) that does not reduce or limit aircraft operations or affect aircraft safety is permitted by ANCA and Part 161
- Regulation amendments must be consistent with City “sponsor assurances” or other covenants or obligations under grant assurances
- Amendments must not adversely affect any application for Federal grant funds or ability of Airport to impose or use passenger facility charges

Noise Ordinance is unique and must be protected

- Airport Noise Compatibility Ordinance (LBMC Chapter 16.43) is not being amended
- Hard fought
- One of the strictest noise control ordinances in the Nation
- Proposed Resolution amendments are consistent with FAA goals and objectives



Flight Allocation Procedures, Resolution C-28465

- Adopted in 2004
- Supplements Noise Ordinance to provide implementing flight allocation procedures consistent with provisions in the Noise Ordinance
- Resolution C-28465 addresses:
 - Allocation preference
 - Flight slot allocation process
 - Steps needed to secure flight slots after final allocation
 - Minimum use requirements for flight slots
 - Reservation of unused flight slots

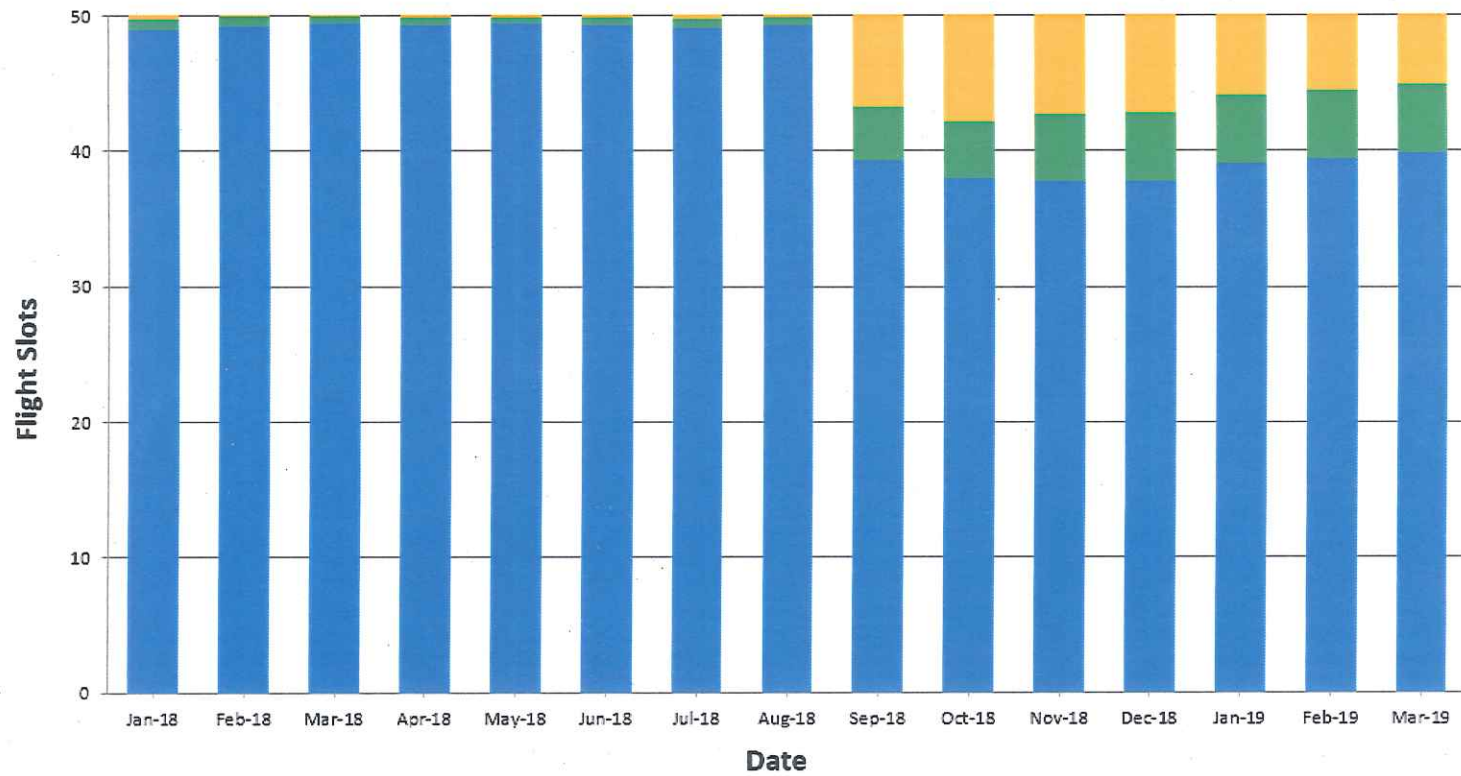
Summary of Proposed Amendments

- Increased minimum slot use requirements
- Revised definitions of flight slot and ferry operations to provide increased flexibility to Carriers
- Various administrative amendments to facilitate continued implementation of the Flight Allocation Resolution and to update certain word and phrase references

Minimum Slot Utilization Requirements

Current Slot Minimum Use Requirements	Proposed Minimum Slot Use Requirements
4 flights per week within each 180-day period: 57% of slot capacity	Monthly requirements: 60% of slot capacity (~4 days/week. avg.)
30 flights within each 60-day period: 50% of slot capacity	Quarterly requirements: 70% of slot capacity (~5 days/week. avg.)
	Annual requirements: 85% of slot capacity (~6 days/week. avg.)

Average Daily Flight Slot Utilization Per Month



- Unused Slots
- Reallocated Slots
- Permanent/Supplemental Slots

Rationale for Proposed Resolution Amendments

- Ensures that Air Carriers adequately utilize Flight Slots
- Reduces potential for anti-competitive conduct by Air Carriers
- Promotes Airport operation on “fair and reasonable” terms and without “unjust discrimination” in accordance with FAA regulations
- Reinforces proposition that Flight Slots are not Air Carrier “property rights” or “property interest”
- Adopts Administrative “penalty” provisions including reduction of Flight Slots where underutilization is documented

Does Not Change:

- Airport Noise Compatibility Ordinance - Ch. 16.43 (Noise Ordinance)
- Existing fine structure for administrative violations occurring after 10 p.m. and before 7 a.m.
- Existing fine structure for Consent Decree violations occurring after 11 p.m. and before 7 a.m.
- Number of permitted permanent Air Carrier flight slots – (41 permanent)
- Existing flight profile of Air Carrier routes to/from the airport (no direct international air service)

Outreach Efforts

Outreach to Air Carriers and FAA

- July/August 2017, May 2018, July/September 2018

Community Meetings Held

- January/February 2018

Stakeholder Responses

- September 2017, May/August 2018

Recommendation

Adopt Resolution amending City Council Resolution No. C-28465:

- Increase Minimum Flight Slot Utilization Requirements
- Administrative Amendments

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