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Public Affairs Highlights and Initiatives January 2018

Government Affairs:

1. Long Beach Transit / Metro Blue Line Service, November 18 – January 7
2. Participated in City Manager's Communications Meeting and Coordination
3. MOU with Department of Health & Human Services - Spare Change Program

Community Outreach:

1. Participated in Bixby Knolls Business Improvement Association (BKBIA) First Fridays, January 5
2. Participated in MLK Jr. Parade, January 13
3. Volunteers led five group tours of the airport in January
4. Historical Society Long Beach Remembers Pearl Harbor exhibit and Long Beach Airport's contribution continues
5. National Business Aviation Association (NBAA) Conference preparation
6. Began implementation of volunteer therapy dog program

Media:

1. Long Beach Airport to Begin Daily Flights to Hawaii, *Los Angeles Business Journal*, January 8, 2018
2. Long Beach Airport to start daily flights to Hawaii in June, *LA Times*, January 9, 2018
3. Revolution Aviation to begin operations in Long Beach, *Civilian Aviation Training*, January 9, 2018
4. Reason to Arrive Early at the Airport – To Eat!, *Huffington Post*, January 12, 2018
5. Hawaiian Airlines to fly to Long Beach, *Travel Weekly*, January 15, 2018
6. Advisory Commission Gets First Look At Airport Noise Ordinance Changes, *Gazettes*, January 17, 2018
7. Airlines may pay stiffer penalties for late flights at Long Beach Airport, *Press Telegram*, January 17, 2018
8. Airport Advisory Commission Takes Up Noise Ordinance Changes As Public Frets Over Legal Challenges, *LBPost*, January 19, 2018
9. Noise Ordinance Amendments On The Horizon As Late Night Flights Pile Up at LGB, *LBPost*, January 17, 2018
10. Long Beach Airport Closes Strong Year, *Orange County Business Journal*, January 19, 2018

11. Long Beach residents ask for cautious approach before any changes to airport's noise law, Press Telegram, January 19, 2018
12. SARES REGIS GROUP to Develop Four Premium Buildings For Lease, Closing Out Douglas Park in Long Beach, California, *GlobeNewsWire.com*, January 22, 2018
13. JetBlue Tells LB Airport Proposed Higher Fines For Late Night Flights "Appear Intended To Have Discriminatory Effect" On JetBlue, "Seem Designed To Encourage JetBlue To Terminate Service," And Said City Should "Proceed Cautiously" And Consider JetBlue's Specific Comments, Warning "Any Decision Otherwise Could Lead To" Protracted Dispute As Carrier Believes "City's Actions Will Violate" Certain FAA Provisions And Create Fed'l Regulatory Conflicts, *LBReport.com*, January 23, 2018
14. JetBlue Escalates To Full Council Hearing March 13 Its Appeal Of Some Late Night Fines In Dispute Over Interpretation/Application Of Current LB Airport Ordinance Verbiage, *LBReport.com*, January 23, 2018
15. LGB May Impose Harsher Penalties For Airline Noise Violations, *Gazettes*, January 26, 2018
16. Long Beach Airport Exploring Fine Increases For Noise Violations, *Long Beach Business Journal*, January 29, 2018
17. US regional airports accounted for 19% of seats in 2017; ULCCs report greatest growth; Pittsburgh and Cleveland are on the up, *Airline Network News and Analysis*, January 31, 2018
18. Social Media
 - Facebook is up 16,218 likes in January
 - The best post in January had a reach of 9,638 with 653 reactions, comments, and shares
 - Notable events: Hawaiian Airlines service, National Plan Your Vacation Day, Trip Savvy article, and Runway 25L closure
 - Twitter is up to 11,666 followers in January
 - The best tweet in January generated 7,632 impressions, 19 retweets, and 70 likes
 - Tweets in January generated 53,700 impressions
 - Instagram is up to 3,826 followers in January
 - In January, posts averaged 103 likes each
 - The most popular post earned 234 likes and 2,207 impressions

Advertising/Marketing:

1. Airport Fact Sheets updated
2. Economic Impact Report brochure, continued editing
3. Press Telegram Newspapers in Education, monthly recognition 2017
4. Travel Guide to California 2018 edition, full page, full color ad
5. City of Long Beach Ballot booklet, full page, black & white ad
6. LB Post, Gazettes, Press-Telegram; Noise Amendment meeting online ads, January 2018
7. Spare Change Changes Everything campaign; design display
8. Updated Rideshare/Ground Transportation signage

Presentations:

1. Assisted with Director's presentation to the Airport Advisory Committee (Proposed Amendments to Noise Ordinance), January 18



Friday, January 12, 2018

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Long Beach Airport to Begin Daily Flights to Hawaii

By Paul Hughes (/staff/paul-hughes/)

Monday, January 8, 2018

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Hawaiian Airlines plans to fly daily from Long Beach Airport to Honolulu starting June 1.

Hawaiian will be a new airline and Honolulu a new route at the airport. Air carriers now at Long Beach are JetBlue, Southwest, Delta and American. All current flights from Long Beach are to continental U.S. destinations.

The airport's 50 permanent slots had been full, meaning there wasn't room for a new airline.

A spokesperson said the airport keeps a waiting list of airlines interested in space and when JetBlue relinquished a slot, Hawaiian got it.

The notice of Hawaiian Airlines' plans came over the weekend on OAG, a UK-based website that tracks planned routes by carriers, and was picked up by various bloggers including CrankyFlier.com and RoutesOnline.com. Flights are already being sold through online travel agencies.

Long Beach Airport added flights from Southwest in mid-2016.

Hawaiian has been upgrading its branding and service in recent years, including new uniforms and planes. The Honolulu route will fly on the Airbus A321neo, a newer model aircraft.



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Southwest Airlines at Long Beach
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(/news/2016/feb/11/southwest-
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JetBlue's Burbank Presence
Changes Airport's Horizons
(/news/2005/feb/28/jetblues-
burbank-presence-changes-
airports/)

LAX Lands JetBlue Service
(/news/2008/feb/12/lax-lands-
jetblue-service/)

Long Beach Airport to start daily flights to Hawaii in June



The historic terminal at Long Beach Airport. Hawaiian Airlines will begin operating nonstop daily flights between Long Beach and Honolulu. (Mel Melcon / Los Angeles Times)

By **Jay Jones**

JANUARY 9, 2018, 6:30 AM

Long Beach will soon begin offering nonstop flights to Hawaii. [Hawaiian Airlines](#) announced Monday that it will launch service from [Long Beach Airport](#) to Honolulu's [Inouye International Airport](#) on June 1.

The daily flights will depart Long Beach at 8:30 a.m. and arrive in Honolulu at 11:40 a.m. The return service will leave Honolulu at 12:30 p.m. with a 9 p.m. arrival in Long Beach.

Hawaiian's website lists round-trip flights starting at \$557 for travel Mondays through Thursdays during the first three weeks of June.

The Long Beach service will utilize the airline's newest plane, the [Airbus A321neo](#). Hawaiian introduced the aircraft to its fleet Monday with a flight between Kahului, Maui, and Oakland.

The mid-range jets carry 189 passengers. According to a news release, the planes' furnishings include materials inspired by traditional bark cloth and fishing nets. The on-board theme is further enhanced by LED lighting that can mimic colorful sunrises and sunsets.

Long Beach will become Hawaiian's 12th destination on the U.S. mainland. It already provides service to the Southland from Los Angeles and San Diego.

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Revolution Aviation to begin operations in Long Beach

JANUARY 9, 2018 / ROTARY ([HTTPS://WWW.CIVILAVIATION.TRAINING/HELICOPTER/](https://www.civilaviationtraining.com/helicopter/))



Revolution Aviation flight school, based at John Wayne Airport in Orange County, Southern California, has signed a lease with Aeroplex Group at Long Beach Airport regarding a new flight operation location.

The company's new Long Beach Airport location will offer one-on-one and classroom flight training. Its facilities include four classrooms, a reception area, briefing and conference rooms and airside access for several helicopters. Fixed Base Operator Signature Flight Support, which is based next door, will fuel Revolution Aviation's aircraft on the airside ramp.

Revolution Aviation, also known by its U.S. registered trademark 'EatSleepFly,' will be the first flight school to operate bases in both Orange County and Los Angeles County, allowing students to pursue training geographically suitable to their needs.

Mark Robinson, CEO and Chief Pilot of Revolution Aviation, said, "I've been flying almost 12 years and have never seen the thirst for aviation any greater. We've had requests for a second location for a long time – this will allow us to fulfill those requests and see how managing a second location will adjust logistics. It will also allow us to get comfortable with opening a third location in another state."



AdChoices

**Robert Rosenthal, Contributor**

Author, Keynote Speaker, Food Humorist©

Reason to Arrive Early at the Airport — To Eat!

01/12/2018 03:42 pm ET | **Updated** 4 days ago

There was a time when you arrived at the airport, sometimes just minutes before your scheduled flight time, and hustled directly to your gate. You displayed your printed paper boarding pass, hopped on board, and were eventually treated to some food and beverage during the flight, for which you were not asked to pay. Nor were you charged for baggage, an aisle seat, or headphones. Ah, those were the days.

Except for the food. Airport food — how do I put this gently? — sucked. It was insipid. Across the board. And across the country.

Obviously things have changed. Some for the worse, and some for the better. On the downside, security procedures now require that you arrive hours before your scheduled takeoff to be subjected to a pat-down that in a different context would be considered inappropriate sexual behavior. On the other hand, airport food has gotten — stay with me here — pretty damn tasty.

So much so that there is now a good reason to arrive early. To eat.

Ask around and you're likely to hear positive reviews about the Tamale Boy food truck burritos in Portland's PDX, Tortas Frontera at Chicago's O'Hare, and many of the local restaurant outposts at Austin-Bergstrom International, including the "legit" Ruta Maya coffee. Friends also report enthusiastically about the fresh seafood at both Seattle's Sea-Tac and the Boathouse on the Bay in the Long Beach Airport, as well as the expansive menu at Ike's in Minneapolis's MSP.

I have personally enjoyed killer café Cubano and meat-stuffed *croquetas* at La Carreta and Cafe Versailles in Miami International, as well as a solid sushi meal at Deep Blue Sushi in JFK's Terminal 5, where international Terminal 4 even offers one last taste of America at Shake Shack before flying abroad. And I have consumed a lovely glass or two of Santa Rita Hills 2011 Pinot Noir, Drum Canyon Vineyard at the Milwaukee airport branch of the Vino Volo chain.



Reason to Arrive Early at the Airport — To Eat!



you have to be traveling through the United Terminal 3 to have at it. If you are, you will discover a super impressive array of diverse, quality eating options, from casual take-out to full-scale restaurant dining.

OTG is clearly into good food, as evidenced by their hiring of chef Nate Appelman to curate and oversee the culinary offerings, as well as their many collaborations with celebrated, local name brand chefs. They're bringing things to the party which haven't been seen at airports before. Wood burning fire...in the terminal! All food made in house, on premises. And fish flown in directly from Tokyo's famed *Tsukiji* fish market.

What used to be a "food court" is now called "Global Bazaar", in which you'll find everything from Pat LaFrieda gourmet burgers and cheesesteaks to pastries and bonbons made with *Valrhona* chocolate to sushi from *Tsukiji*.

Then there are numerous sit-down restaurants throughout the terminal, among which are *Forno Magico* (in collaboration with Don Antonio by Starlita), French brasserie *Saison* (Alain Ducasse), little Latin plates at *Novella* (Jose Garces) and the "farm to terminal" restaurant *Daily*. In addition to these and other multicultural eateries, wine bar "oases" line the terminal, as do 3,500 iPads (so far) from which to order food at the gate lounges.

There's even a secret hideaway restaurant (*Classified*), available by invitation only to United's very top customers. If you're one of the lucky chosen you'll have the chance to sip *Pappy Van Winkle* along with delicious steak (pictured below) and sushi, at times in the company of well-known celebrity guests.



ROBERT ROSENTHAL

Steak and wedge salad at Classified

But you've gotta be flying United to appreciate any of this goodness in Newark. If you are, it's a welcome opportunity to trade those southwestern egg rolls at Chili's for a delightful meal as you await your departure. There is, it seems, a brighter future for airport food.



TRAVEL WEEKLY

The Travel Industry's Trusted Voice

[Aviation](#)

Hawaiian Airlines to fly to Long Beach

By [Robert Silk](#) / January 15, 2018

Six carriers currently fly between Los Angeles and Honolulu. But next spring, Hawaiian Airlines will become the lone carrier to serve Honolulu from one of the four other commercial airports in the Los Angeles-Orange-San Bernadino county basin.

Beginning May 31, Hawaiian will fly daily between Honolulu and Long Beach. The service will augment the carrier's thrice-daily Honolulu-Los Angeles flights.

Hawaiian will operate the route with a new Airbus A321neo single-aisle aircraft configured with a 16-seat first class cabin, 44 Extra Comfort seats and 129 economy seats. The carrier introduced its first A321 last week on its Maui-Oakland route.

Long Beach, Orange County, Ontario and Burbank airports don't currently offer Hawaii service. Orange County's John Wayne Airport last had service to the islands in 2012.

Southwest, which has a significant operation in Orange County, could change the equation. The carrier plans to begin flying to Hawaii later this year, but has not revealed routes.

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http://www.gazettes.com/news/business/advisory-commission-gets-first-look-at-airport-noise-ordinance-changes/article_1dd54640-fbbf-11e7-b03d-ef865f9d361d.html

Advisory Commission Gets First Look At Airport Noise Ordinance Changes

Harry Saltzgaver 18 hrs ago



Proposed changes in the ordinance regulating the time and frequency airlines fly out of Long Beach Airport will be reviewed Thursday at an Airport Advisory Commission meeting.

Airport Director Jess L. Romo suggested changes in August, after reviewing the number of noise ordinance violations. Most violations are flights after the curfew of 10 p.m. No commercial flights are supposed to take off or land between 10 p.m. and 7 a.m., with exceptions to 11 p.m. if an airline has a justifiable reason.

Since a consent decree in 2003, airlines pay \$3,000 a violation after the first six in a quarter (three months). JetBlue Airlines, the dominant carrier at Long Beach, is the primary violator, with flights from the East Coast landing late often.



There were 134 curfew violations in 2016 — and 133 in the first six months of 2017, prompting Romo's action. In the same month, City Prosecutor Doug Haubert reached an agreement with JetBlue where they would pay \$6,000 each for the first six curfew violations in the quarter.

Thursday's meeting will be the first public look at Romo's proposed amendments. In addition to significant fine increases as the number of violations rise, a potential loss of flight slots for frequent offenders will be considered.

Another change would require airlines to fly more frequently in each flight slot in order to keep them. A slot is defined as a daily take-off and landing.

The Advisory Commission meeting will be at 4 p.m. Thursday at The Grand, 4101 E. Willow St. There will be two more meetings before the commission takes a stand on the changes.

Long Beach's noise ordinance was the result of a lawsuit settlement in 1990 between major airlines and the city. It is considered to be one of the strictest in the nation, and has been "grandfathered" when the Federal Aviation Administration considers rules.

—Harry Saltzgaver

Harry Saltzgaver

Harry has been executive editor of Gazette Newspapers for more than 20 years. He has been in the newspaper business for more than 30 years, with experience on both weekly and metropolitan daily papers in Colorado and California.

LOCAL NEWS

Airlines may pay stiffer penalties for late flights at Long Beach Airport



Long Beach Airport (File photo)

By **ANDREW EDWARDS** | aedwards@scng.com | Press-Telegram

January 17, 2018 at 3:59 pm

1 COMMENT

Long Beach officials may impose stiffer fines or even take away airlines' flight slots in an attempt to solve the problem of flight operations taking place [at hours when Long Beach Airport is supposed to be quiet](#).

Doing so would require the City Council to alter the city's airport noise control law for the first time since the ordinance's enactment in 1995. A final decision won't be made for some time, but the city's Airport Advisory Commission is scheduled to host a conversation Thursday on recent proposals intended to prevent flight operations from taking place during LGB's curfew hours of 11 p.m. to 7 a.m.

Commissioners will not vote on Thursday on whether or not to recommend specific proposals to the council, LGB spokeswoman Stephanie Montuya-Morisky said. Officials plan to convene two additional public meetings to discuss the issue, and those sessions have yet to be scheduled.

Through September, the most recent month for which LGB noise reports are published online, city data shows 231 out-of-curfew flight operations had taken place at LGB. That signifies a 79 percent increase when compared to the first nine months of 2016.

Long Beach's 1995 ordinance establishes a \$100 fine for an airline's first three violations and then \$300 dollars for subsequent violations within a 12-month period. City Manager Pat West declared those fine levels to be "not currently sufficient to encourage compliance or, in some cases, deter late-night operations" in Aug. 9 memo.

West also laid out options to increase penalties in that memo. If these alternatives eventually become law, airlines that have five or fewer curfew or noise violations over the course of a 24-month period would have to pay \$2,500 fine.

Fines would ramp up to \$3,000 to \$5,000 for violations six through 10, and any subsequent violations would result in a \$5,000 to \$10,000 penalty. Airlines that rack up 20 or more violations during a 24-month period would risk losing flight slots or at the extreme end, would lose the privilege of flying in and out of LGB.

LGB presently allocates 50 flight daily slots for flights. JetBlue Airways Corp., which held 35 of those slots as of December, had also recorded 209 curfew violations through September. That's a little more than double the amount of out-of-curfew flights that JetBlue recorded during the January-through-September period of 2016.

A JetBlue spokeswoman said earlier this year that late flights at LGB are often a consequence of air traffic issues in Northern California or the East Coast.

LGB director Jess Romo has also previously acknowledged that officials expected the number of late flights to increase after LGB's number of [daily flight slots increased](#) from 41 to 50 in spring 2016.

JetBlue's record of late flights has already resulted in a 2003 settlement between the airline and city government that requires JetBlue to pay higher penalties for out-of-curfew flights than what current city law requires. [A recent modification](#) to that settlement requires JetBlue to pay \$6,000 for an out-of-curfew flight taking place after July 1, 2017.

Thursday's discussions among airport commissioners are also scheduled to include an examination of proposals to reduce the possibilities of airlines to unfairly limit their competitors' opportunities by under-using any of their flight slots at LGB.

The meeting is set to begin at 4 p.m. at The Grand Long Beach, 4101 E Willow St.

Tags: [Long Beach Airport](#), [Top Stories LBPT](#)



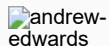
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andrew-edwards

Andrew Edwards

Andrew Edwards covers business and higher education for the Long Beach Press-Telegram. He has previously covered City Hall in Long Beach. He has spent his entire career in Southern California, having worked at publications including the Inland Valley Daily Bulletin, The Sun and Daily Pilot before coming to Long Beach. He graduated from UCLA in 2003 after studying political science and history.

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NOISE ORDINANCE (/COMPONENT/TAGS/TAG/3782-NOISE-ORDINANCE)

Airport Advisory Commission Takes Up Noise Ordinance Changes As Public Frets Over Legal Challenges

by JASON RUIZ (/JASON) [TWITTER](https://twitter.com/LBPOST_JASON) (HTTP://TWITTER.COM/LBPOST_JASON) on JANUARY 19 2018 10:33 in CITY (/NEWS/CITY)

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Airport commissioners look on as Long Beach's airport director lays out a plan to potentially amend the LGB's noise ordinance. Photo by Jason Ruiz.

The first public airport advisory commission meeting held since Long Beach announced it would pursue changes to its noise ordinance in hopes of silencing late-night flight activity was very much like most meetings regarding Long Beach Airport (LGB).

The room at The Grand Event Center Thursday afternoon was filled with anxiety that changes to the ordinance would welcome legal challenges, and contempt from the public for JetBlue Airlines.

In a statement earlier this week the city announced it would take the unprecedented move of starting the process to augment its fine schedule for airlines that violate its late-night noise curfew (10:00PM-7:00AM), increasing the fines from the current \$100 and \$300 amounts to ones that could approach \$10,000 per violation with potential loss of flight slots for the most frequent offenders.

JetBlue entered into a consent decree with the city that sees it pay a larger fine for its violations instead of facing criminal prosecution and airport staff stated that the consent decree would remain unaffected by the proposed changes to the noise ordinance.

The fines in the city's noise ordinance have not been changed since 1995. JetBlue, the airport's tenant with the largest share of flight slots also has the largest share of violations.

Noise statistics published by LGB (/news/2000012043-noise-ordinance-amendments-on-the-horizon-as-late-night-flights-pile-up-at-lgb) showed that JetBlue had incurred 233 of the 247 air carrier violations through November prompting questions from the public of whether the airline was the problem, not the fines assessed for late night activity.

RELATED

Noise Ordinance Amendments On The Horizon As Late Night Flights Pile Up at LGB (/news/2000012043-noise-ordinance-amendments-on-the-horizon-as-late-night-flights-pile-up-at-lgb)

Responding to a commissioner's remark characterizing offenders as "unlucky" or "mismanaged", Senior Vice President of Government Affairs and Associate General Counsel for JetBlue Robert Land said that the airline was neither.

“We don’t consider ourselves unlucky and certainly don’t consider ourselves mismanaged,” Land said. “We do consider ourselves a Northeast-based airline that flies heavily in the Northeast. Seventy percent of our flights touch the Northeast everyday. And we are the largest carrier of the Long Beach Airport to the Bay Area, which is second only to the Northeast in air traffic control delays.”

He also noted that JetBlue’s share of the noise curfew was not disproportionate to its share of slots. He added that the airline is constantly examining its flight schedule and its ultimate goal is to be on time with every flight.

“JetBlue doesn’t want flights to be late any of the time,” Land said. “We say we’re going to get you from A to B at a time that you want to go and you choose us because of that schedule. It’s not in our interest to have you dislike us because we didn’t honor what we sold you.”

Still, the calls from the community to leave the ordinance intact and to target JetBlue specifically continued. One man suggested the city, the Federal Aviation Administration and JetBlue be locked in a room until an agreement was reached.

“No food, no water, and two really big guys with baseball bats at the only exit of the room,” he said.

Another suggested the city leverage its consent decree that the city prosecutor’s office has with JetBlue to force the airline to curtail its late-night flight activity. The city prosecutor’s office recently updated those fees assessed to the airline in lieu of criminal prosecution.

Under that new agreement updated in August JetBlue pays a \$6,000 fine for every landing or takeoff between 11:00PM and 7:00AM. According to airport staff, those fines totaled over \$1.2 million last year, all of which went to the Long Beach Public Library Foundation. Other airlines operating at LGB paid a sum totaling just over \$20,000 for their violations.

Airport staff made clear that the goal is not to increase fine revenue, rather getting to zero dollars is the end game.

Included in the proposed changes to the ordinance is the way the airport requires airlines to utilize slots it holds for flights. A flight slot is considered a landing and a takeoff, or a takeoff and a landing, and currently a flight slot is considered “utilized” if it’s used 57 percent of the time. Under proposed changes a carrier would have to utilize its slots 85 percent over the entire year or risk forfeiture of the slot.

RELATED

JetBlue Will Pay Higher, Flat Rate Penalty For Late Night Flights Under New Consent Decree (/news/2000011312-jetblue-will-pay-higher-flat-rate-penalty-for-late-night-flights-under-new-consent-decree)

The meeting was the first of a series of community meetings and consultations that the city will undertake to determine if the move to change the fine schedule is feasible or if it endangers the city’s noise ordinance. For years the city has operated under the assumption that if the ordinance had been changed it could invite litigation from airlines trying to gain a foothold at LGB.

Long Beach Airport Director Jess Romo said what has changed is the fact that other airports like John Wayne Airport in Costa Mesa have also changed their fine schedules. The proposed changes in Long Beach almost mirror those at John Wayne with fines starting at \$2,500 per violation and working their way up to a \$5,000-\$10,000 range.

“It’s not like it hasn’t been done, and that’s why we believe there’s an opportunity to do this and to do it now,” Romo said. “We’re doing this very carefully and if there’s ever any point where we wouldn’t have the support of the FAA, we would stop.”

The last part could be a critical stopping point for the airport as Romo said it would likely stop its pursuit of any change to the ordinance if it didn’t receive written support from the FAA that its changes would stand up to any potential challenge by airlines. If there is a legal challenge the airport would be on the hook for its legal fees, something else Romo said would be taken into account during this process.

If the proposed amendments do get a nod of approval from the FAA they would be formally presented to the city council for a potential vote. The original timetable set by the airport for the potential vote to happen was during the first quarter of this year but Romo said that given the date and where the airport is in the process that timeline would have to be revised, adding that he hoped it could be presented within the calendar year.

“There is much more work to do,” Romo said. “I would have to revise that estimate but I will tell you this, we’re going to take as much time as we need. We’re not going to drag our feet, but we’re not going to try and rush this through.”



Noise Ordinance Amendments On The Horizon As Late Night Flights Pile Up at LGB

by JASON RUIZ (/JASON)  (HTTP://TWITTER.COM/LBPOST_JASON) on JANUARY 17 2018 12:30 in NEWS (/NEWS)

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1 (/NEWS/2000012043-NOISE-ORDINANCE-AMENDMENTS-ON-THE-HORIZON-AS-LATE-NIGHT-FLIGHTS-PILE-UP-AT-LGB#DISQUS_THREAD)

With late-night flight violations piling up at Long Beach Airport (LGB) the city will look at taking the unprecedented step of augmenting its noise ordinance, something that has remained untouched since being enacted in 1995.

The original noise ordinance, the document that governs the number of flights, the times that aircraft can take off and land, and the the fines imposed for those that don't adhere to it, was first adopted in 1981. However, after over a decade of legal challenges the original document saw its power shrink as the number of allowable flights grew due to legal challenges from airline companies.

Long Beach has one of the most stringent local controls for a municipal airport as it was grandfathered in under the Airport Noise and Capacity Act of 1990, but the city has since stood by the idea that the ordinance could not be changed for fear that it would invite further legal challenges and the possibility of it losing the ability to control its municipal airport, forfeiting that right to the much more lax rules of the federal government. However, Mayor Robert Garcia said these changes would not imperil the city's ability to govern its airport.

LONG BEACH POST (/)

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"I encourage members of the public that are interested in the airport and its noise ordinance to attend this meeting," Garcia said in a statement. "It's important that everyone has an opportunity to provide their input, and this meeting will also provide the community with the reassurance that these amendments will not endanger our noise ordinance."

From January 2017 through September 2017, the last month that LGB posted statistics for noise (<http://www.lgb.org/civicax/filebank/blobdload.aspx?BlobID=3258>), there were a total of 222 noise violations. For the entire year of 2016 there were 134 violations, 126 of which were attributed to JetBlue Airways, the largest tenant at the airport. Through September that amounted to about \$1.1 million in fines collected by the airport.

RELATED

JetBlue Will Pay Higher, Flat Rate Penalty For Late Night Flights Under New Consent Decree (/news/2000011312-jetblue-will-pay-higher-flat-rate-penalty-for-late-night-flights-under-new-consent-decree)

In August City Prosecutor Doug Haubert doubled the amount of money charged to JetBlue under the city's consent decree—an agreement between the airline and Haubert's office that results in fines being paid instead of prosecution for continued late night flight violations—from \$3,000 per violation to \$6,000 per violation. A violation is considered flights that take off or land between 11:00PM and 7:00AM.

Previously, JetBlue paid \$3,000 for the first six violations of any quarter and \$6,000 for every violation thereafter. The deal was negotiated and signed in 2003.

However, under the proposed changes, the fines could be much steeper.

Currently the airport's fine structure starts at \$100 for the first through third violation and increases to \$300 after that. Proposed changes would see the first violation start at \$2,500 for the first through fifth violation for any two-year period. It would then jump to \$3,000 to \$5,000 for the sixth through tenth violations during any two-year period, and then go to \$5,000 to \$10,000 after the tenth violation with the possibility of the offending airline forfeiting its flight slots for 20 or more violations.

A representative from JetBlue did not respond to a request for comment at the time of publication.

The city will also pursue a new definition of "slot utilization" for airlines who have the rights to flight slots at LGB. Currently, an airline satisfies this rule by maintaining a 57 percent utilization rate of a given slot. Under proposed changes an airline would have to maintain utilization rates of 60 percent per month, 70 percent per quarter and 85 percent per year.

Southwest Airlines Gains Two Permanent Flight Slots at Long Beach Airport (/business/trade-transportation/2000010587-southwest-airlines-gains-two-permanent-flight-slots-at-long-beach-airport)

Thursday's meeting will be the first in a series of meetings and consultations with both the public and the Federal Aviation Administration but a memo from the city manager projects that this matter could end up before the city council within the first quarter of 2018.

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Long Beach Airport Closes Strong Year

By Paul Hughes (/staff/paul-hughes/)

Friday, January 19, 2018





(/photos/2017/nov/27/29494/)

Long Beach Airport Photo by Ringo Chiu (/staff/ringo-chiu/).

Long Beach Airport passenger traffic was 1.9 million in 2017, up 33% over the previous year.

November and December passenger traffic were also up—23% and 21% respectively—compared with the same months in 2016.

The strong showing reflects a full-year of additional routes the airport was able to add when a regular noise test showed the facility had room for more planes. Southwest was a new entrant, and flights took off.

Hawaiian Air said Jan. 8 it will also join carriers at Long Beach for a daily flight to the Islands; those flights begin June 1.

JetBlue Airways is the busiest carrier in Long Beach, followed by Southwest Airlines, Delta Air Lines, American Airlines and charter flights.

Cargo declined 9% at Long Beach Airport in 2017, to 23,000 tons.

LOCAL NEWS

Long Beach residents ask for cautious approach before any changes to airport's noise law



Long Beach is in the early stages of considering stiffer fines for airlines that violate the city's noise ordinance at Long Beach Airport (File photo)

By **ANDREW EDWARDS** | aedwards@scng.com | Press-Telegram

PUBLISHED: January 19, 2018 at 3:32 pm | UPDATED: January 19, 2018 at 8:08 pm

3 COMMENTS

The prospect of enacting tougher fines to keep airlines from operating at Long Beach Airport during hours when they are supposed to be quiet is leading to some worries that such a move could backfire.

Long Beach's airport noise control law sets a curfew that's intended to prevent flight operations from taking place between the hours of 10 p.m. and 7 a.m. The law hasn't been changed since 1995, and LGB's leaders have broached the prospect of enacting stiffer fines, or even reducing an airline's ability to schedule flights, as a method of deterring out-of-curfew flights.

That idea—it may be too early to call it a proposal at this point since a possible amendment to the city's noise control law has yet to be drafted in legal language—received a public airing during Thursday's meeting of the city's Airport Advisory Commission. Several people attending the meeting, however, asked officials to be cautious and refrain from any changes that may put the entire 1995 law at risk of being challenged in court.

"I don't want us being at risk of anything, in any way," meeting attendee and former councilwoman Rae Gabilich said to commissioners.

Another man who attended Thursday's meeting told commissioners that if the City Council ultimately votes to change Long Beach's noise law, the smart move for any airline would be to file a lawsuit, if for no other reason than to create the opportunity of negotiating a favorable settlement.

LGB Director Jess Romo and other officials said throughout the meeting that they intend to take a cautious approach. For example, they want the Federal Aviation Administration to check out and support any proposals to alter the law before getting the council's approval.

"We're not going to continue if there is any equivocation," Romo said.

Long Beach enacted [its 1995 airport law](#) after several years of litigation. The federal Airport Noise Capacity Act of 1990, in Long Beach's case, allows the city to have its own law, but otherwise requires federal approval for any local governments' attempts to enact noise control restrictions.

Public fears over the possibility of Long Beach losing control of its noise control law arose as [a major source of objections](#) to the prospect of LGB becoming an international airport. City Attorney Charles Parkin co-authored [an opinion](#) advising city officials that the construction of a federal inspection station necessary for international flights would not likely put Long Beach's noise law at risk.

The council, however, [voted nearly one year ago](#) to halt a process that could have led LGB becoming an international airport.

Late flights on the rise

LGB's neighbors [have recently heard](#) an increasing number of flight operations taking place outside of curfew hours.

Airport records show 255 flight operations took place between the hours of 11 p.m. and 7 a.m. at LGB through November of last year. The airport recorded 146 such out-of-curfew flights during the same 11-month period of 2016.

JetBlue Airways Corp., the airline that has by far more flight "slots" at LGB than any other carrier, also has recorded the most curfew violations. Through November, JetBlue had 233 flights recorded as taking place between 11 p.m. and 7 a.m. last year. That's up from 118 such flights during the comparable period of 2016.

The airline's senior vice president of government affairs, Rob Land, said during Thursday's meetings that delays are usually a function of air traffic controllers' orders. He said JetBlue does not contest fines when a flight is delayed by something like a mechanical issue that the airline is responsible for, but some 80 percent of its out-of-curfew flights at LGB are the result air traffic issues, which he said can be a particular problem for JetBlue since the airline is based on the congested East Coast.

Proposed changes

Under existing law, an airline generally receives a warning for its first and second curfew violation. A third violation comes with a \$100 fine, with penalties ramping up to \$300 thereafter, according to Romo's presentation to airport commissioners.

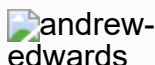
The idea to change the fine structure would have fines increase to \$2,500 for the first through fifth violation within a 24-month period. Penalties would increase to \$3,500 to \$5,000 for the sixth through 10th violation and penalties of \$5,000 to \$10,000 would attain for an airline with 11 or more out-of-curfew flights.

At present, JetBlue already pays higher penalties. City Prosecutor Doug Haubert updated a 2003 consent decree between the city to require the airline to pay \$6,000 whenever the airline commits a noise violation.

Any airline with more than 20 violations could lose flight slots, if the city's law is changed in the manner discussed Thursday. LGB officials, under the terms of the noise control law, presently allocate 50 flight slots for commercial carriers and cargo airlines. JetBlue held 35 of the airport's 50 slots as of the end of last year.

Editor's note: This article has been updated to provide greater clarity on how Long Beach Airport officials are considering changing the penalty structure for out-of-curfew flights at the airport.

Tags: [Long Beach Airport](#), [Top Stories LBPT](#)



Andrew Edwards

Andrew Edwards covers business and higher education for the Long Beach Press-Telegram. He has previously covered City Hall in Long Beach. He has spent his entire career in Southern California, having worked at publications including the Inland Valley Daily Bulletin, The Sun and Daily Pilot before coming to Long Beach. He graduated from UCLA in 2003 after studying political science and history.

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SARES REGIS GROUP To Develop Four Premium Buildings For Lease, Closing Out Douglas Park In Long Beach, California.

Corporate headquarters buildings are scheduled for completion late 2018 and represent the last development at the premier master-planned business park near the Long Beach Airport.

January 22, 2018 12:30 ET | **Source:** SARES REGIS GROUP



Rendering of Douglas Park Northwest

Irvine, California, Jan. 22, 2018 (GLOBE NEWSWIRE) -- Sares Regis Group is set to break ground for four corporate headquarters buildings totaling 390,000 square feet for lease on 20 acres at Douglas Park, next to Long Beach Airport in Long Beach, California. Scheduled for late 2018 completion, the buildings represent SRG's last development and the build-out of the premier master-planned business park.

"In 2011 and 2012 when we bought the land – 194 acres, which is what remained of the 220 acres previously master-planned by Boeing Realty Corp. – we sought to work closely with city planners to create a top-flight business environment with hotel and meeting rooms, restaurants, shops and headquarters buildings. A steady economic recovery and strong demand for commercial space in the South Bay market helped us complete that vision," said Larry Lukanish, Senior Vice President of SRG Commercial Development.

SRG's new buildings at Carson Street and Worsham Avenue will range from 75,000 square feet to 135,000 square feet. Each building will include two-story executive office space, 3-percent

skylights, secure concrete truck courts, dock-high and grade-level loading, LED lighting on sensors and 30- and 32-foot clear heights.

The project is adjacent to the 26-acre [Long Beach Exchange](#), a dynamic, experiential retail and dining destination that includes The Hangar, a showcase for local purveyors of art, food, design and fashion in a 16,800-square-foot hangar. Major tenants of the 260,000-square-foot LBX include Whole Foods 365, Nordstrom Rack, TJ Maxx, Orchard Supply Hardware and PetSmart. SRG's buildings also are steps from the just-completed 240-room Hampton Inn and Homewood Suites and recently renovated municipal Skylinks Golf Course.

Buildings in the 20-acre project are designed by DeRevere & Associates, the same architects that delivered SRG's previous Douglas Park speculative projects. The first development, Pacific Pointe, a seven-building, 677,000-square-foot collection, sold out in one year and was judged best industrial project of 2015 by the Los Angeles Business Journal.

SRG is represented by CBRE brokers Brian DeRevere, John Schumacher and J.B. Green, who also are marketing the final 140,000-square-foot Class A headquarters building in SRG's Pacific Pointe East.

Long Beach Airport has been transformed by Douglas Park's 4.1 million square feet of new commercial space into a "dynamic business center that includes the largest collection of LEED-rated commercial buildings in Southern California," Lukanish said.

SRG has built and renovated approximately 3 million square feet Class A industrial buildings at Douglas Park, including refitting two massive hangars used by Douglas Aircraft to build 15,000 B-17s and DC-3s during World War II. Totalling 1.1 million square feet, the hangars on 50 acres were leased for 15 years by Mercedes-Benz as its west coast hub.

Sares Regis Group is a privately held real estate development, investment and management firm focused on commercial properties and multifamily communities in the western U.S. Since its founding in 1993, SRG has developed and acquired more than \$7 billion in commercial and residential assets. The company manages a combined portfolio of approximately 26 million square feet of office and industrial space and 19,500 residential apartment units.

Attachments:

A photo accompanying this announcement is available at

<http://www.globenewswire.com/NewsRoom/AttachmentNg/572c4ff3-014d-4249-8b93-6dd057732573>

Attachments:

LBReport.com

First (Again) on LBREPORT.com

JetBlue Tells LB Airport Proposed Higher Fines For Late Night Flights "Appear Intended To Have Discriminatory Effect" On JetBlue, "Seem Designed To Encourage JetBlue To Terminate Service," And Said City Should "Proceed Cautiously" And Consider JetBlue's Specific Comments, Warning "Any Decision Otherwise Could Lead To" Protracted Dispute As Carrier Believes "City's Actions Will Violate" Certain FAA Provisions And Create Fed'l Regulatory Conflicts

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(Jan. 23, 2018, 7:45 a.m.) -- LBREPORT.com has learned that JetBlue Airways has told LB Airport that proposed amendments to LB's 1995 Airport ordinance that would increase fines to deter ordinance-violating late night flights "appear intended to have a discriminatory effect specifically on JetBlue" [and] "seem designed to encourage JetBlue to terminate service." In a sternly worded letter, JetBlue urged the City "to proceed cautiously and to carefully consider" the company's specific comments (detailed below) warning "Any decision otherwise could lead to a protracted dispute as we believe the City's actions will violate certain Federal Aviation Administration (FAA) provisions and create regulatory conflicts with both the FAA and U.S. Department of Transportation (DOT)."

The five-page Sept. 12, 2017 letter from JetBlue's VP/General Counsel Rob Land responded to an August 9 Airport request for comments on the proposed amendments. JetBlue's comments stated in pertinent parts: .

[Scroll down for further.]

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[JetBlue Sept. 12 letter text] The proposed amendments to the Ordinance would disrupt aviation operations by requiring JetBlue to reschedule, reroute or cancel flights due to flight instructions given by the FAA air traffic control. This would affect federal air traffic and airspace management. Disturbance to the air traffic both in the Los Angeles area and nationally would impermissibly interfere with the exclusive control of the FAA. [footnote: See *U.S. v. Santa Monica*, 330 Fed. Appx. 124, 125 (9th Circ. 2009) (affirming injunction against city's proposed ban on certain aircraft due to "the FAA's role in ensuring aviation safety, and the potential disturbance to air traffic around the Los Angeles area").

The City now proposes to increase the fine for a first-time noise violation by a staggering 25 times without having demonstrated any correlation between this increase and the number of violations, or the need for such a dramatic increase. [footnote: Over the past seven years, with nearly 150,000 operations at LGB, JetBlue's rate of hard curfew violations has averaged between just .003 and .006 percent of its total number of operations. The miniscule rate of hard curfew violations confirms that the dramatic increase for noise violations is arbitrary and completely without justification. [footnote omitted] Contrary to law, the proposed changes to penalty amounts for noise violations are unreasonably steep and appear to be arbitrarily but



specifically crafted to harm JetBlue [footnote omitted here], a carrier that operates at LGB and which has a majority of its fleet operate to and from cities that disproportionately have Federal Aviation Administration (FAA)-imposed air traffic control restrictions which result in delays over which JetBlue has no control (mostly at Northeast markets in New York City and Boston and in the San Francisco bay area) which can cause late operations at Long Beach.

The current language in the Ordinance already includes a specific exemption for "aircraft operating pursuant to explicit air traffic control direction." JetBlue is currently appealing the Airport's decision that "air traffic control delays at other airports do not qualify [as an exemption]" and that the exemption "does not apply to other nationwide airports or circumstances occurring throughout the day [that result in delays at LGB]. [footnote omitted] The City's interpretation is contrary to the plain language of the Ordinance and ignores federal statutes that grant the FAA exclusive control over the entire and singular national airspace system and require JetBlue to abide by FAA air traffic control direction. By taking this position, the City is unjustly discriminating and thus violating its economic nondiscrimination obligation under the FAA's Airport Sponsor grant agreement. [footnote omitted]

We believe that the plain-language exemption in the current Ordinance should be applied fairly, impartially and as originally intended. If the City amends the Ordinance, the exemption for "explicit air traffic control direction" should include air traffic control delays at other airports or circumstances occurring nationwide that result in delays at LGB as initially written and approved by the Federal District Court and through ANCA. The Ordinance should also include specific procedures for air carriers to demonstrate that certain delays are a result of FAA explicit direction beyond the carrier's control.

The proposal to dramatically increase the fine schedule also raises potential issues under ANCA. The FAA has found that an increase in fines would violate ANCA if the underlying grandfathered restriction penalizes conduct beyond willful violations such as infractions caused by weather, air traffic control, or any other safety-based non-emergency circumstance. Specifically, in reviewing an increase in fines for San Diego's ANCA-grandfathered noise restriction, the FAA stated that "ANCA applies to any proposal by the District to further directly or indirectly affect or reduce scheduled operations that were unavoidably delayed in accordance with applicable Federal Aviation Regulations." [footnote omitted] More importantly, nowhere in its opinion did FAA state that relevant air traffic control delays were limited to delays caused or directed by the subject airport.

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JetBlue's comments also raised technical issues related to flight slot operations/utilization requirements, definition of flight slot and ferry operations, and administrative amendments

Mr. Land referenced the letter more than once during his Jan. 18 LB Airport Advisory Commission testimony without detailing the company's legal stance on the ordinance amendment, limiting himself to discussing JetBlue's disagreement with the Airport over Air Traffic Control delays (mentioned in the letter.) LBREPORT.com -- the only LB news outlet to stream the meeting LIVE on [LBREPORT.com's Facebook](#) page, now available on-demand [at this page link](#) -- didn't report the meeting in text form until we had the JetBlue letter in hand to provide a complete report for our readers. LB Airport provided us with JetBlue's letter on request (received at late afternoon Jan. 22.)

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During the Jan. 18 Airport Advisory Commission meeting, LB Airport Director Jess Romo indicated verbally and in an accompanying PPT presentation -- [which can be viewed in pdf form here](#) -- that LB Airport management understands that LB's Airport ordinance is "unique and must be protected." Mr. Romo said the Airport has had "preliminary communication" with the FAA and at this point, the agency hadn't voiced objections to the Airport pursuing the type of ordinance amendments now being considered. Outside aviation counsel Lori Ballance indicated that the proposed amended fine levels are roughly similar to those now applied by OC's John Wayne Airport. Ms. Balance and Mr. Romo both said the ordinance amendments are intended to produce ordinance compliance, not otherwise change the ordinance's basic terms.

Mr. Romo and the associated PPT indicated that the process would include "further communication and detailed coordination" with the FAA, ultimately including a request by the Airport for a legal opinion from the FAA before submitting any draft amendments to the ordinance to the policy-setting LB City Council for consideration. Mr. Romo reiterated several times that [paraphrase] if at some point it appeared that amending the ordinance would put the ordinance at risk, Airport management would halt the process and ultimately recommend against Council approval.

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Long Beach is currently protected by a "grandfathering" provision in the federal Airport Noise Capacity Act (ANCA) that allows LB Airport (one of only a handful of airports nationally, including OC's John Wayne Airport) to maintain some local flight limits/neighborhood protections. If Long Beach were to lose its ANCA "grandfathering" protection (through an adverse FAA decision or in federal court litigation), LB could lose the current protections in its Airport ordinance, exposing Long Beach to unlimited numbers of flights at unlimited noise levels at all hours on all runways.

Air management's assurances didn't reassure some members of the public, including retired 8th dist. Councilwoman (and founder of LBHUSH2) Rae Gabelich, who said she'd received cautionary advice over many years that leads her now to recommend against moving forward. Neighborhood advocate Birgit de la Torre said the City needs more than a revocable FAA opinion letter; it needs a binding commitment from the FAA to support the City's position if any party sues to try and overturn the ordinance in court. Some

public speakers asked rhetorically why the City is taking a risk with an ordinance amendment when the lion's share of the issue results from operations by a single operator: JetBlue.

Los Altos Adjacent Neighborhood Ass'n leader Joe Mello supported moving forward if it doesn't jeopardize the ordinance.

LB's Airport ordinance includes a "curfew" requiring air carriers to schedule all departures and arrivals between 7:00 a.m. and 10:00 p.m., although air carrier operations between 10 p.m. and 11 p.m. are allowed if the delays result from weather, air traffic, or mechanical issues. Violations between 10 p.m. and 11 p.m. caused by unanticipated delays beyond the operator's reasonable control (such as weather, air traffic or mechanical issues) are waived on presentation of evidence satisfactory to the City that the delayed arrival or departure resulted from these circumstances. Air carrier operations after 11 p.m. are automatically deemed violations and fined; after two warnings, a third violation brings an administrative fine of \$100; the fourth and subsequent fines are \$300. Proposed amendments to those fine levels [are detailed on p. 9-10 of the PPT at this link](#).

The proposed ordinance amendment surfaced after 4th dist. Councilman Daryl Supernaw had been doing a slow burn on the issue for months, regularly reporting in his weekly newsletter on JetBlue ordinance violations. In his July 7, 2017 weekly newsletter, Councilman Supernaw headlined an item "JetBlue Fined Record-Breaking \$168,900 for June Noise Violations" and wrote:

It has become painfully obvious, especially to those living under the flight path, that our "coveted" noise ordinance is not serving its intended purpose. JetBlue violated the 11:00 pm curfew 31 times (every night on average) and the 10:00 pm curfew 48 times last month. This clearly indicates the fine structure is not an adequate deterrent to violating the curfew. For that reason, I will be introducing a city council agenda item in the very near future to examine this issue.

Councilman Supernaw's newsletter included the following chart:

Month	10:00 pm-11:00 pm	11:00 pm-7: 00 am	Total	Fines
January	39	31	70	\$144,000
February	39	15	54	\$90,300
March	34	17	51	\$72,600
April	30	17	47	\$85,200
May	36	16	52	\$78,900
June	48	31	79	\$168,900
Total	226	127	353	\$639,900
<i>Monthly Avg.</i>	<i>37.6</i>	<i>21.1</i>	<i>58.8</i>	<i>\$106,650</i>

On July 7, 2017, Councilman Supernaw signaled that he planned to introduce a City Council agenda item (date not specified) to examine the issue of the LB Airport ordinance's fine structure in the context of providing a better deterrent. The Council agenda item never happened, presumably preempted by Airport management's announcement in August that it would pursue the ordinance amendments now being considered.

On a separate but related track, LB City Prosecutor Doug Haubert and JetBlue last year agreed to a change in a long-standing consent decree in which JetBlue will now pay \$6,000 (instead of \$3,000) for the first six violations of the curfew in each calendar quarter, meaning all curfew violations will now be \$6,000 payable to the LB Public Library Foundation. [LBREPORT.com [coverage here](#).]

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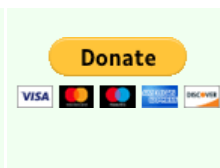
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JetBlue Escalates To Full Council Hearing March 13 Its Appeal Of Some Late Night Fines In Dispute Over Interpretation/Application Of Current LB Airport Ordinance Verbiage

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(Jan. 23, 2018, 11:35 a.m.) -- LBREPORT.com has learned that a hot button neighborhood -- and now potentially citywide impacting Airport issue -- is coming to the LB City Council on March 13..

LBREPORT.com has learned that JetBlue has escalated to a formal City Council hearing, scheduled for March 13, the carrier's appeal of a decision by the City Manager to uphold a decision by LB's Airport Director upholding fines applied to JetBlue for certain (some but not all) late night flights. JetBlue disputes LB Airport's interpretation and application of verbiage in LB's current Airport ordinance relating to excusable violations of the ordinance attributable to Air Traffic Control (ATC) delays.

Management's summary of the dispute (relating to whether the ordinance exempts from fines nationwide ATC-caused delays, such as east coast weather, or only locally caused ATC delays) is summarized in the Airport Director's decision (a document requested by LBREPORT.com, provided by LB Airport and linked for our readers [here](#)).

But the dispute arises in a larger context.

[Scroll down for further.]



As reported (first, again) by LBREPORT.com earlier today (Jan. 23) [[here](#)], JetBlue submitted a sternly worded Sept. 12, 2017 letter to LB Airport stating that amendments now being considered to LB's Airport ordinance that would increase night fines to deter late night ordinance violations "appear intended to have a discriminatory effect specifically on JetBlue" [and] "seem designed to encourage JetBlue to terminate service." JetBlue's Sept. 2017 letter urged the City "to proceed cautiously and to carefully consider" the company's specific comments (detailed below) warning "Any decision otherwise could lead to a protracted dispute as we believe the City's actions will violate certain Federal Aviation Administration (FAA) provisions and create regulatory conflicts with both the FAA and U.S. Department of Transportation (DOT)."

In its Sept. 2017 comment letter on the proposed ordinance amendments, JetBlue St. VP and Associate General Counsel Robert Land wrote in part:

Contrary to law, the proposed changes to penalty amounts for noise violations are unreasonably steep and appear to be arbitrarily but specifically crafted to harm JetBlue [footnote omitted here], a carrier that operates at LGB and which has a majority of its fleet operate to and from cities that disproportionately have Federal Aviation Administration (FAA)-imposed air traffic control restrictions which result in delays over which JetBlue has no control (mostly at Northeast markets in New York City and Boston and in the San Francisco bay area) which can cause late operations at Long Beach.



The current language in the Ordinance already includes a specific exemption for "aircraft operating pursuant to explicit air traffic control direction." JetBlue is currently appealing the Airport's decision that "air traffic control delays at other airports do not qualify [as an exemption]" and that the exemption "does not apply to other nationwide airports or circumstances occurring throughout the day [that result in delays at LGB]. [footnote omitted] The City's interpretation is contrary to the plain language of the Ordinance and ignores federal statutes that grant the FAA exclusive control over the entire and singular national airspace system and require JetBlue to abide by FAA air traffic control direction. By taking this position, the City is unjustly discriminating and thus violating its economic nondiscrimination obligation under the FAA's Airport Sponsor grant agreement. [footnote omitted]

We believe that the plain-language exemption in the current Ordinance should be applied fairly, impartially and as originally intended. If the City amends the Ordinance, the exemption for "explicit air traffic control direction" should include air traffic control delays at other airports or circumstances occurring nationwide that result in delays at LGB as initially written and approved by the Federal District Court and through ANCA. The Ordinance should also include specific procedures for air carriers to demonstrate that certain delays are a result of FAA explicit direction beyond the carrier's control.

The proposal to dramatically increase the fine schedule also raises potential issues under ANCA. The FAA has found that an increase in fines would violate ANCA if the underlying grandfathered restriction penalizes conduct beyond willful violations such as infractions caused by weather, air traffic control, or any other safety-based non-emergency circumstance. Specifically, in reviewing an increase in fines for San Diego's ANCA-grandfathered noise restriction, the FAA stated that "ANCA applies to any proposal by the District to further directly or indirectly affect or reduce scheduled operations that were unavoidably delayed in accordance with applicable Federal Aviation Regulations." [footnote omitted] More importantly, nowhere in its opinion did FAA state that relevant air traffic control delays were limited to delays caused or directed by the subject airport.

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Long Beach currently has the protection of a "grandfathering" provision in the federal Airport Noise Capacity Act (ANCA) that lets LB Airport (one of only a handful of airports nationally) maintain some local flight limits/neighborhood protections. If Long Beach were to lose its ANCA "grandfathering" protection (through an adverse FAA decision or in federal court litigation), LB could lose the current protections in its Airport ordinance, exposing the City of Long Beach to unlimited numbers of flights at unlimited noise levels at all hours on all runways.

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LB's Airport ordinance includes a "curfew" requiring air carriers to schedule all departures and arrivals between 7:00 a.m. and 10:00 p.m., although air carrier operations between 10 p.m. and 11 p.m. are allowed if the delays result from weather, air traffic, or mechanical issues. Violations between 10 p.m. and 11 p.m. caused by unanticipated delays beyond the operator's reasonable control (such as weather, air traffic or mechanical issues) are waived on presentation of evidence satisfactory to the City that the delayed arrival or departure resulted from these circumstances. Air carrier operations after 11 p.m. are automatically deemed violations and fined; after two warnings, a third violation brings an administrative fine of \$100; the fourth and subsequent fines are \$300. Proposed amendments to those fine levels [are detailed on p. 9-10 of the PPT at this link](#).

The proposed ordinance amendment surfaced in August 2017 after 4th dist. Councilman Daryl Supernaw had been doing a slow burn for months over JetBlue's late night ordinance violations, regularly tallying the numbers in his newsletter to constituents. In his July 7, 2017 weekly newsletter, Councilman Supernaw headlined an item "JetBlue Fined Record-Breaking \$168,900 for June Noise Violations" and wrote:

It has become painfully obvious, especially to those living under the flight path, that our "coveted" noise ordinance is not serving its intended purpose. JetBlue violated the 11:00 pm curfew 31 times (every night on average) and the 10:00 pm curfew 48 times last month. This clearly indicates the fine structure is not an adequate deterrent to violating the curfew. For that reason, I will be introducing a city council agenda item in the very near future to examine this issue.

Councilman Supernaw's newsletter included the following chart:

Month	10:00 pm-11:00 pm	11:00 pm-7: 00 am	Total	Fines
January	39	31	70	\$144,000
February	39	15	54	\$90,300
March	34	17	51	\$72,600
April	30	17	47	\$85,200
May	36	16	52	\$78,900
June	48	31	79	\$168,900
Total	226	127	353	\$639,900
<i>Monthly Avg.</i>	<i>37.6</i>	<i>21.1</i>	<i>58.8</i>	<i>\$106,650</i>

On July 7, 2017, Councilman Supernaw signaled that he planned to introduce a City Council agenda item (date not specified) to examine the issue of the LB Airport ordinance's fine structure in the context of providing a better deterrent. The Council agenda item never happened, presumably preempted by Airport management's announcement in August that it would pursue the ordinance amendments now being considered.

And the Council hearing -- with a recorded Council vote -- will pccur as vote-by-mail ballots are flying in contested citywide elections for Mayor and Councilmembers in districts 3, 5, 7 and 9.

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LGB May Impose Harsher Penalties For Airline Noise Violations

By Ashleigh Ruhl

Contributor

Jan 26, 2018



—Gazette photo by Carla Grieve

Airlines that violate Long Beach Airport's late-night noise control rules may soon face stiffer fines, and the most egregious offenders could even have their flight slots taken away.

Long Beach Airport Director Jess Romo said the proposal to increase penalties is an attempt to solve the growing problem of jets coming in at hours when the airport is supposed to be quiet, generally between 10 p.m. and 7 a.m.

"The current fees we have in place are not enough to dissuade carriers," Romo said.

Night violations are on the rise at LGB, due in part to increased popularity of the airport, with recent terminal improvements, added carriers (such as Hawaiian Airlines) and increased traffic as carriers are able to fully use all of their available slots. LGB's number of daily flight slots also increased from 41 to 50 in spring 2016.

"There's more activity, and part of that is that we've had a really good, active year," Romo said. "Our end-of-year numbers were just under 3.8 million passengers, and that was up from 2.85 million the previous year."

Violations in 2017 totaled 263, with 247 of those offenses coming from JetBlue, nine from American, four from Delta and three from Southwest. In 2016, the total was 124, with 115 from JetBlue, four from American and five from Delta. And in 2015, the total was 89, with 78 from JetBlue, six from American and five from Delta.

Violators today pay \$100 for their third offense, then \$300 on subsequent rule breaking. JetBlue, which boasts more than half of the airport's flight slots and is the biggest violator of the late-night noise regulations, came to a separate agreement with the city in 2003 to pay higher penalties (\$3,000 per violation) for out-of-curfew flights. Last year, an agreement with city Prosecutor Doug Haubert added \$6,000 fines for the first six violations of any quarter.

Under the new proposal, airlines that have five or fewer curfew violations in a 24-month period would have to pay \$2,500 fine. Fines would gradually increase in that same time period based on the number of offenses, on up to as much as \$10,000. Airlines with 20 or more violations would risk forfeiting flight slots.

"Losing flight slots is probably the greatest concern to a carrier," Romo said.

Besides the new fine structure, amendments also include a requirement for air carriers to maintain a certain level of utilization for their flight slots, which was an issue during the recession when some slots were going unused.

The specifics of how JetBlue's separate agreement with the city would interface on top of the new fine structure are not yet clear, Romo said. It would be at the airline's discretion whether or not to renew their consent decree with the city.

"We are not doing this to single out any particular carrier, but we are not ignoring the fact that one carrier is a bigger violator than any others," Romo said. "Ideally, we would like carriers to respect that we have operating restrictions and schedule and operate within those restrictions."

The proposal — which would modify the city's airport noise control ordinance for the first time since it was enacted in 1995 — was first shown to the public last week at an Airport Advisory Commission meeting. There will be more opportunities for the community to learn more and weigh in on the change in the coming months, and Romo said he is hopeful a decision can be reached before the end of this year.

"We invite everyone to be part of the process," Romo said. "We're working in conjunction with the Federal Aviation Administration, the airlines, other aviation stakeholders, and especially the community toward a reasonable outcome that benefits all."

If the rules were tightened, on what is already one of the country's strictest airport noise control ordinances, the proposal would require approval by the City Council. Airport officials said they are also getting feedback from legal experts before moving forward. They are moving forward cautiously within the confines of the ordinance, Romo said, because city officials must be sure that any amendment will not endanger the noise regulation as a whole.

The existing ordinance has already spent significant time in court, Romo pointed out. When it was first established in 1981, for example, it subsequently spent more than a decade in the courts after being challenged by air carriers before being agreed to in a court settlement in 1995. Today, it is grandfathered under the Airport Noise and Capacity Act of 1990.

"We need strict assurance that this wouldn't jeopardize the ordinance ... or impact our grandfathered status," Romo said, noting that other airports with similar noise ordinances have been able to enact changes such as the ones being proposed at LGB, and the proposed fine structure would match that of nearby airfields.

Another cause for apprehension on airport officials' radar is that the proposal also could impact the airport's relationship with air carriers if LGB is seen as unfriendly towards business. Romo said his staff would be working closely with the carriers to get a full picture of their objections.

"No one is threatening to leave or sue, as far as I know," Romo said. "We've sent letters to the carriers and had conversations, and there is definitely concern on their part about these amendments... This is about balancing the bona fide need for air service in this area and the needs of the community."

Two more community outreach meetings have been scheduled. The first will be at 6 p.m. on Wednesday, Feb. 7, at the Long Beach Gas & Oil Auditorium (2400 E. Spring St.). The second is set for 10 a.m. on Saturday, Feb. 10, at the Expo Arts Center (4321 Atlantic Ave.).

Ashleigh Ruhl is a contributor for the Grunion. She can be reached at ashleighruhl@gmail.com.

Ashleigh Ruhl

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Long Beach Airport Exploring Fine Increases For Noise Violations

January 29, 2018 | Anne Artley, Staff Writer

On January 18, the city's airport advisory commission held the first of three community meetings to discuss a possible increase of fines for aircraft noise violations at Long Beach Airport.

Increasing the fines would require amending the airport's noise ordinance, which was adopted in 1995. It mandates that commercial flights be scheduled between 7 a.m. and 10 p.m. and sets a limit for noise levels at all hours.

Airport staff proposed raising the fines due to an increase in late-night flights and noise violations. Between 2015 and 2016, the number of violations increased from 89 to 134. And during just the first few months of 2017, they totaled 134, according to information from the City of Long Beach.

The current fine is \$100 for the first violation and \$300 for each additional breach in the same year, according to the city. These fines are significantly lower than those at John Wayne Airport in Orange County and at San Diego International Airport. The airport recommends raising it to \$2,500 for the first through fifth violations.

"From our perspective, and based on the feedback we got from the community members in attendance, I think the meeting went very well," Airport Director Jess Romo said of the recent commission meeting. "Part of this process requires us to review all of the input from residents and businesses. Then, we'll put together a request for an opinion from the FAA [Federal Aviation Administration]."

The next two community meetings are set for February 7 at 6 p.m. at the Long Beach Gas & Oil Auditorium, 2400 E. Spring St., and February 10 at 10 a.m. at the Expo Arts Center, 4321 Atlantic Ave.

JetBlue To Appeal Noise Violation Fines

At the March 13 city council meeting, JetBlue Airways is appealing a decision by Long Beach City Manager Pat West to uphold the carrier's late-night noise violation fines.

Assistant City Attorney Michael Mais explained that exceptions to the noise violation ordinance are granted only for emergencies.

"The section that the council will be asked to look at on appeal is the one that says late flights are exempt if they are late because of an explicit air traffic control direction," Mais said. "Only recently, JetBlue asked us to interpret it in a different way, which is to make an exception for any air traffic control direction at any airport in the country or world. JetBlue schedules their flights at the other end in a way that they don't leave a lot of margin in case something goes wrong."

Mais said the city is trying to balance both JetBlue's operational concerns and the quality of life concerns for the people who live in the vicinity of the airport.

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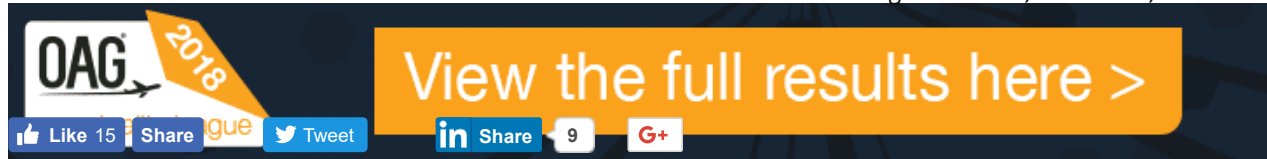




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US regional airports accounted for 19% of seats in 2017; ULCCs report greatest growth; Pittsburgh and Cleveland are on the up



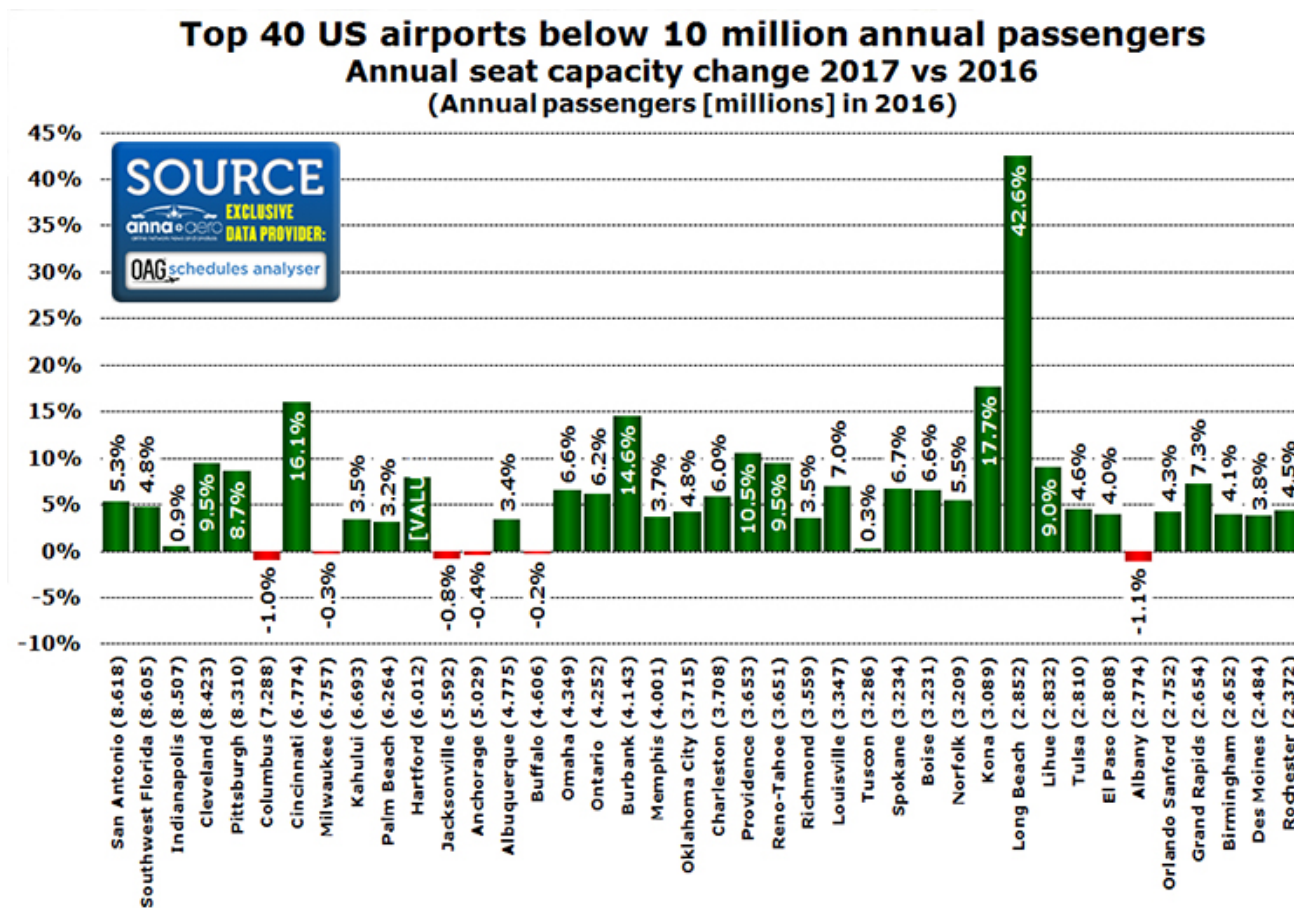
On 9 January Sly James, Mayor of Kansas City, watched by Justin Meyer, Deputy Director of Aviation Marketing and Air Service Development, Kansas City Aviation Department and Michael Raucheisen, Media & Public Relations North America, Icelandair, announced that the European carrier will begin flights from Reykjavik/Keflavik to the US city starting 28 May. With Kansas City now gaining non-stop transatlantic flights, it means that the top US markets for European service are now all regional airports (below 10 million passengers), except for the case of Honolulu (19.95 million passengers in 2016). However some airports in this category do support transatlantic flights already.

When referring to OAG Schedules Analyser data, there were 558 US airports which offered over 10,000 departing seats in 2017, with 516 of these handling less than 10 million annual passengers. That means that there were 42 airports which processed in excess of 10 million passenger last year. While most of these are hubs and/or cities with large O&D markets, anna.aero has decided to see what is occurring at the airports which sit below this category, to get a clearer picture of the trends outside of the US' top cities. For this analysis, anna.aero has classed a US regional airport as being a facility that welcomed less than 10 million passengers during 2016 (last calendar year with complete 12-month data from all airports).

Last year there were around 2.12 billion seats in the US market, up 3.7% on the total for 2016. Splitting this data into airports above and below 10 million passengers, facilities which handled a greater amount witnessed an average increase in capacity of 3.3% last year, while airports below 10 million encountered an average increase of 5.3%. While this shows that the better growth in 2017 was reported at regional facilities in the US, the collective of some 516 airports accounted for just 19% of all seats from the nation last year. Despite the low market share, their portion of all seats in the US increased by 0.3% when compared to 2016.

Long Beach sees best growth in 2017

Of the US' top 40 regional airports, the one which achieved the greatest growth in 2017 was Long Beach, an airport which handled 2.85 million passengers in 2016. It encountered a 43% increase in annual seats last year, and this rise in capacity shows in the airport's statistics for 2017. It facilitated just over 3.40 million passengers during the first 11 months of last year, an increase of 32% over the same period of 2016. The second-best airport for growth in the group is Kona in Hawaii (3.09 million passengers in 2016) which saw an 18% increase in seats during 2017. Kona is one of three airports in Hawaii to make the top regional rankings, with the other two being Kahului (6.69 million passengers in 2016) and Lihue (2.83 million). Of the top 40 US regional airports, six (highlighted in red) saw cuts in capacity last year, with the greatest decline being observed at Albany (2.77 million passengers in 2016). The New York State airport witnessed a 1.1% decrease in seats during 2017.

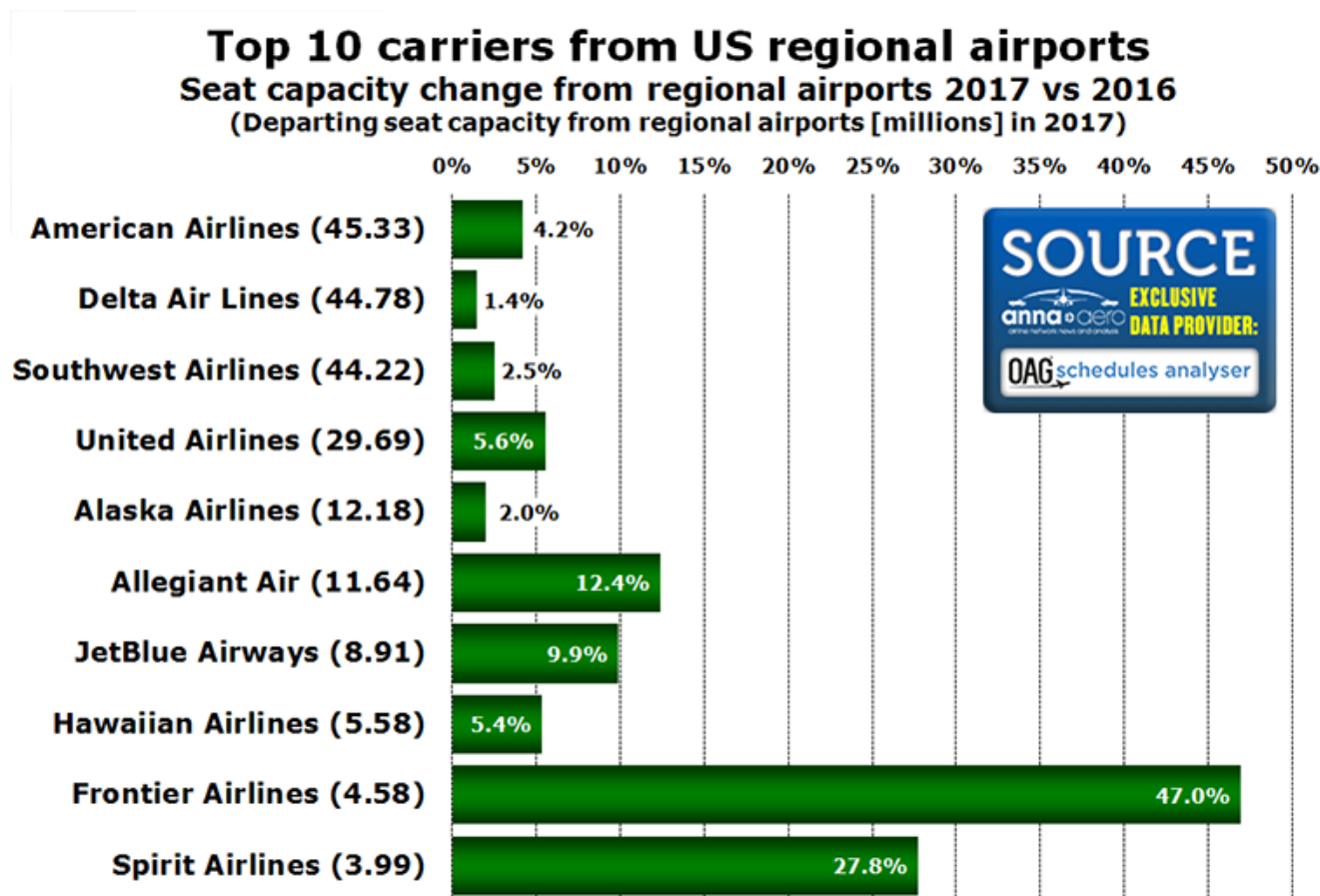


Source: OAG Schedules Analyser data and individual airports.

Airports which sit just outside the top 40 include Savannah (2.19 million passengers in 2016; 13% growth in seat capacity in 2017), Greenville (2.01 million; 5.2%), Palm Springs (2.00 million; 5.9%), Syracuse (1.97 million; 4.2%) and Myrtle Beach (1.94 million; 20%).

ULCCs changing the dynamic

If you're a regional US airport working hard to develop new air services, and are planning to head down to Quito in a few weeks' time for **Routes Americas 2018** (<https://www.routesonline.com/events/190/routes-americas-2018/>), or **ACI-NA JumpStart** (<https://www.aci-na.org/jumpstart>) which is taking place in Cleveland in June, it would appear that your best bet for getting that sought after link would be to approach an ULCC, with the trio of Frontier Airlines (47% capacity growth from regional airports in 2017), Spirit Airlines (28%) and Allegiant Air (12%) being the leading carriers for growth from US regional airports in 2017. While ULCCs are growing vastly at regional airports, the company which is reporting the best net increase in seats is American Airlines, overtaking Delta Air Lines last year to become the US' leading carrier at regional facilities. It added 1.84 million one-way seats to non-major gateways in 2017, with Frontier Airlines taking second spot when using this measurement, having introduced an extra 1.46 million departing seats to the market from regional airports in 2017.



Source: OAG Schedules Analyser data.

The number one international carrier at the US' leading regional airports, with regards to seats, is Air Canada. It increased its capacity offering to regional points last year by 12%, taking it to 0.97 million one-way seats. Another international carrier to make an appearance among the leading airlines is WestJet. It increased its seat offering to regional airports in the US by 0.4% in 2017, making it the 14th largest airline in this category. The number one airline from Mexico is Volaris (22nd biggest carrier) which offered over 210,000 one-way seats in 2017.

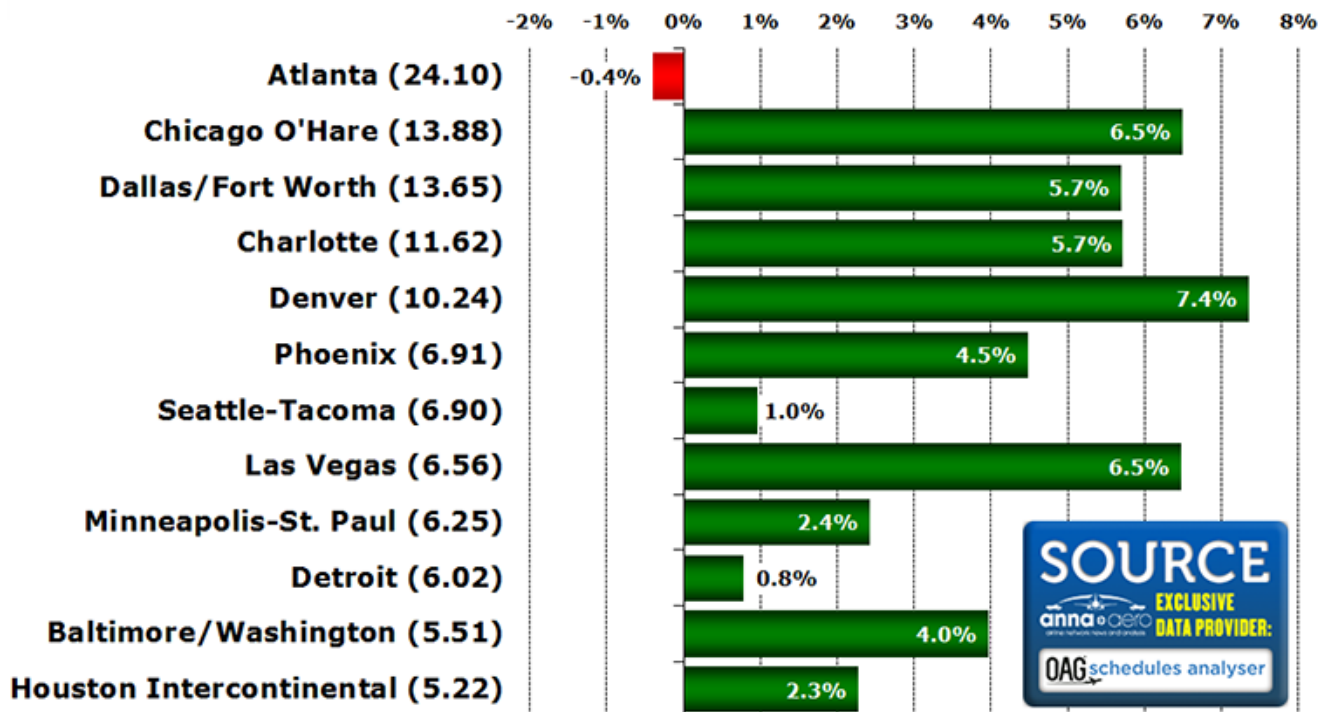
Atlanta is leading hub connection

Given the enormity of the hub-and-spoke strategy for the USB3 (American, Delta and United Airlines), it is no surprise to see that the leading destinations from the US' regional airports are all hubs in the domestic market, with Atlanta, the world's busiest airport, being the premier gateway. While the SkyTeam hub did show a 95,900 seat reduction on routes to US regional airports in 2017, it still has 74% more departing seats to facilities below 10 million passengers than second-placed hub Chicago O'Hare. Apart from Atlanta, all airports in the top 12 saw a rise in seats to regional airports last year.

Top 12 domestic routes from regional US airports

Departing seat capacity change between 2016 and 2017

(Departing seat capacity [millions] in 2017)



Source: OAG Schedules Analyser data.

When compiling this data, one detail which sprung to the minds of anna.aero's data elves was that no New York airport made it into the top 12, with the three leading airports of the Big Apple combined (LaGuardia, JFK and Newark) processing over 129 million passengers in 2016. Newark sits 15th on the top destinations leader board, with it seeing 6.64 million one-way seats to US regional airports last year, with its capacity in this sector growing by 14%. LaGuardia sits 19th on 4.32 million one-way seats (down 3.8% on 2016) and JFK, down in 22nd, reporting 3.47 million departing seats (up 1.7%). Interestingly, if the New York trio's operations were combined, they would still fall short of the total seats on offer to regional airports from Dallas/Fort Worth in third.

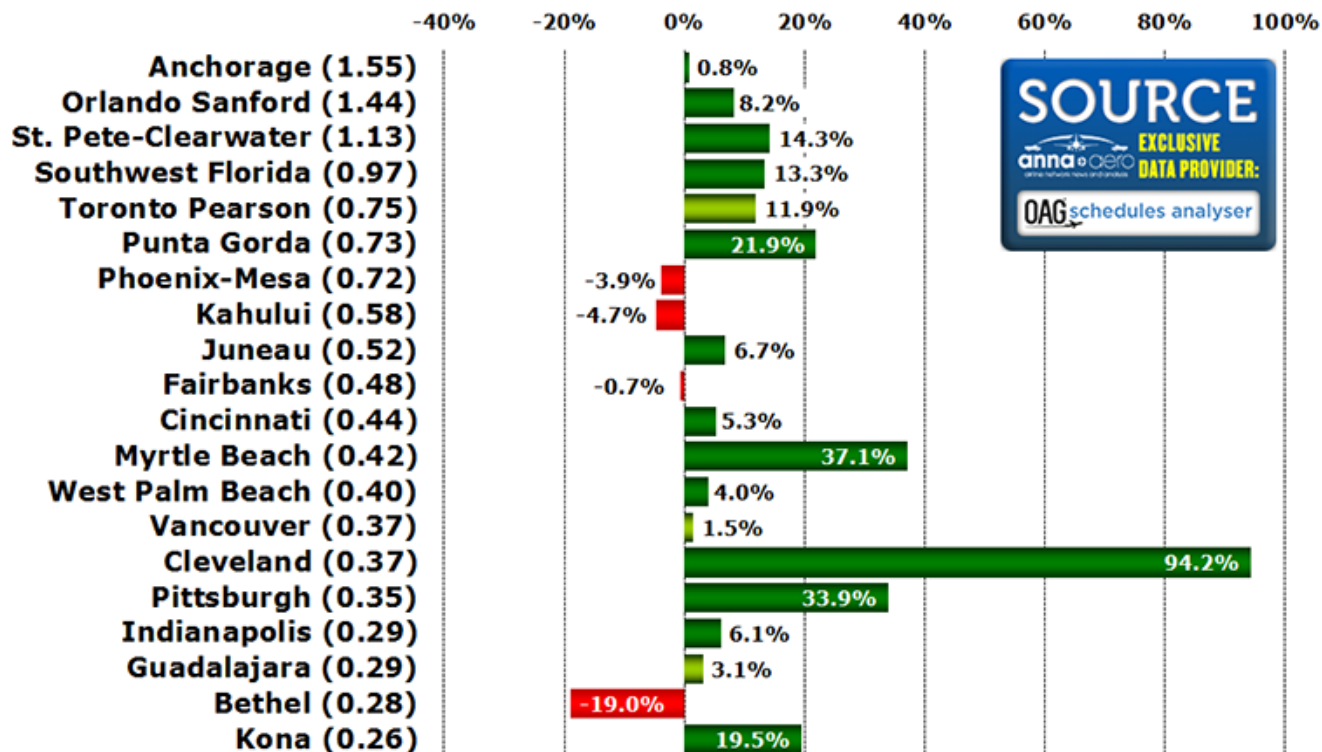
Pittsburgh and Cleveland are on the climb

Before the post-Millennium airline mergers, **Pittsburgh** (<http://www.therouteshop.com/profiles/pittsburgh-airport/>) and Cleveland were leading hubs in the US, however the loss of based carriers resulted in heavy cuts to passenger numbers. It appears however that both cities are on the up again in terms of its capacity. Cleveland saw a 94% surge in capacity on non-major US airport routes last year, with Pittsburgh's numbers indicating a 24% upswing, as both of these cities see stronger demand for O&D service. Another airport to see a big gain in non-major airport seats last year was Myrtle Beach, with it reporting a 37% increase, helped by Allegiant Air's network expansion from the South Carolina airport. Of the top 20 non-major airport destinations, five are in Florida, four are in Alaska (a state dependent on regional flying), and two in Hawaii.

Top 20 non-major US hub routes from regional airports

Seat capacity change between 2016 and 2017

(Departing seat capacity [millions] in 2017)



Source: OAG Schedules Analyser data.

Along with US airports, three international points make it into the top 20 (highlighted in light green), namely **Toronto Pearson** (<http://www.therouteshop.com/profiles/toronto-pearson-international-airport/>), **Vancouver** (<http://www.therouteshop.com/profiles/vancouver-international-airport/>) and **Guadalajara**. While Pearson, which is the second most popular international airport from the US (all airports) after London Heathrow, and Vancouver (ninth) are no surprise, it was interesting to see that **Cancún** (<http://www.therouteshop.com/profiles/cancun-airport/>) (third) and Mexico City (fourth) did not make the top rankings from regional airports. One reason for Guadalajara making the top 20 is due to Aeromexico having a strong network from the Mexican city to airports on the US West Coast, including the regional points of Reno-Tahoe, Sacramento and Ontario. One factor which could support the exclusion of Cancún and Mexico City from the list could be that airports on the East Coast that might support a flight to the former, with regards to leisure passenger demand, may not have the appropriate facilities to accommodate international flights (border check).

International capacity up 8.3% in 2017

The domestic market is by far the most dominant from regional airports, controlling over 98% of departing seats last year from the 516 airports. While only a handful of these will support international flights, the sector is steadily growing. The market in 2017 accounted for just 1.7% of seats, but this is a share that has steadily risen by one percentage point each year since 2014, meaning that if this trend continues, international seats will occupy 2.0% of the market in 2020. In terms of growth between 2016 and 2017, non-domestic departing seats increased by 8.3% from regional airports to 3.71 million, this compares to just 5.0% growth in the domestic sector. The leading international market is the transborder crossing with Canada (43% of international departing seats from US regional airports in 2017), with it seeing a 3.6% rise in departing capacity from regional airports last year. Mexico is second, with OAG schedules indicating that the market provided a 12% reduction in capacity, while Puerto Rico sits third (down 14% – classed as international in OAG), the UK fourth (up 45% – Norwegian 737 MAX 8 transatlantic operations to Hartford, Stewart and Providence) and Germany fifth (-3.8%).



Back in July San Antonio Mayor Ron Nirenberg helped to announce Frontier Airlines' new services to Cincinnati, New Orleans, Orlando, Phoenix, San Diego and San Jose which all began at the start of W17/18, with the service enhancements meaning that the airline offers 11 routes from the Texas airport. Frontier Airlines is the best airline for growth from US regional airports, with it increasing its seat offering by 47%, while San Antonio is the US' leading regional gateway.



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US airlines seeing greater traffic growth on international services in 2017; domestic expansion driven by ULCCs with Spirit Airlines leading
(<http://www.anna.aero/2017/08/23/us-airlines-seeing-greater-traffic-growth-international-services-2017/>)



(<http://www.anna.aero/2017/11/21/mexican-market-moves-past-100-million-seats-lccs-drive-growth-international-capacity-outpaces-domestic-expansion-in-2017/>)

Mexican market moves past 100 million seats; LCCs drive growth, international capacity outpaces domestic expansion in 2017
(<http://www.anna.aero/2017/11/21/mexican-market-moves-past-100-million-seats-lccs-drive-growth-international-capacity-outpaces-domestic-expansion-in-2017/>)



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