



long beach airport

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Date: January 7, 2016
To: Patrick H. West, City Manager *P.H.W.*
From: Bryant L. Francis, Director, Long Beach Airport /s/
For: Mayor and Members of the City Council
Subject: Long Beach Airport Flight Slot Allocation

As detailed in a memorandum dated November 30, 2015, and briefed during a City Council Study Session on December 8, 2015, the Airport Noise Compatibility Ordinance (Noise Ordinance) for the City (LBMC 16.43) allows Air Carriers to operate a minimum of forty-one (41) flights per day. Air Carriers are encouraged to operate at the lowest possible noise levels. This encouragement is provided by requiring an increase in the number of flight slots if the Air Carrier category operates below the established noise budget, and sufficient budget exists to ensure the allocation of additional slots will not lead the Air Carriers, as a group, to exceed the established noise budget limits.

The Air Carrier Noise Budget Analysis for Noise Year October 1, 2014 through September 30, 2015, requires that nine (9) additional Air Carrier flight slots be added to ensure compliance with the provisions of the Noise Ordinance. Details regarding the procedures for the allocation of these additional slots are set forth in City Council Resolution No. C-28465 and Long Beach Airport Noise Ordinance Additional Flight Slot Budget Allocation and Withdrawal Protocol (Protocol). The Protocol requires the Airport Director to:

- Make a recommendation regarding the number of additional flight slots to be allocated for use during the upcoming twelve (12) month period (or supplemental allocation period);
- Notify each interested stakeholder and incumbent and potential new entrant Air Carrier of his recommendations; and
- Invite each Air Carrier to submit written requests for the flight slot allocations by a date certain specified in the Airport Director's written notice.

Pursuant to these requirements, the Airport has notified interested stakeholders and Air Carriers to submit written allocation requests to the Airport Director by the close of business on February 8, 2016. On January 7, 2016, a Public Notice was made via advertisement in local print media, specifically the Long Beach Press-Telegram and Grunion Gazette. Direct mail notification to the Air Carriers was sent January 7, 2016. These notifications also indicate that any person may request an administrative review of the Airport Director's decision to allocate additional flight slots at the Airport no later than fifteen (15) days after public notice of available additional allocations pursuant to the provisions of Section 16.43.110 of the Noise Ordinance, and as further specified in Section 4.0 of the Protocol. Attached are copies of the respective notifications.

If you have any questions or require additional information, please contact Airport Director Bryant L. Francis at extension 8-2605.

BF:RR:ll

ATTACHMENTS:

1. NOTICE OF INCREASE IN THE NUMBER OF AIR CARRIER FLIGHTS AVAILABLE FOR ALLOCATION LONG BEACH AIRPORT (JANUARY 7, 2016)
2. AIR CARRIER FLIGHT SLOT REQUEST LETTER (JANUARY 7, 2016)

CC: CHARLES PARKIN, CITY ATTORNEY
MICHAEL J. MAIS, ASSISTANT CITY ATTORNEY
TOM MODICA, ASSISTANT CITY MANAGER



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NOTICE OF INCREASE IN THE NUMBER OF AIR CARRIER FLIGHTS AVAILABLE FOR ALLOCATION LONG BEACH AIRPORT

The Airport Noise Compatibility Ordinance (Noise Ordinance) for the City of Long Beach establishes a Community Noise Equivalent Level (CNEL) noise budget for air carrier flights at Long Beach Airport set in the baseline year of 1989-1990. The Noise Ordinance allows air carriers to operate a minimum of forty-one (41) flights per day. Under the Noise Ordinance, however, the number of flights must be increased above the forty-one (41) flight limit if all flights in that category operate at or below the 1989-1990 baseline CNEL noise budget. Therefore, the Airport must determine on an annual basis whether additional flights must be allocated based upon the cumulative noise generated by air carrier operations during the prior twelve (12) month period. Additional flights above the forty-one (41) flight limit must be allocated to the extent the Airport Director determines that initiation of service utilizing those flights will not lead the air carriers, as a group, to exceed the noise levels established in the baseline noise budget.

Based on an analysis and review of noise data for October 1, 2014, through September 30, 2015, the Airport Director has determined that the Airport is currently operating below the noise budgets for air carriers at the Airport and that nine (9) flights beyond the forty-one (41) flight limit must be made available for allocation in order to maintain compliance with the City's Noise Ordinance.

ADMINISTRATIVE REVIEW PERIOD: Any person may request an administrative review of the Airport Director's decision not later than fifteen (15) days after the date of publication of this notice pursuant to, and consistent with, the requirements of Section 16.43.110 of the City's Noise Ordinance, and as provided in the Allocation and Withdrawal Protocol and Administrative Review Provisions. Any written request for administrative review must be delivered or mailed to the Long Beach Airport administrative offices at 4100 Donald Douglas Drive, 2nd floor, Long Beach, California 90808; requests for administrative review must be postmarked by January 22, 2016.

COPIES OF THE CITY'S NOISE ORDINANCE AND ALLOCATION PROTOCOL FOR THE ADDITIONAL FLIGHTS AT LONG BEACH AIRPORT AND ALL REFERENCE DOCUMENTS RELATING TO THE AIRPORT DIRECTOR'S DECISION TO ALLOCATE ADDITIONAL FLIGHTS AND THE ADMINISTRATIVE REVIEW PROVISIONS ARE AVAILABLE FOR PUBLIC REVIEW at the Long Beach Airport administrative offices, 4100 Donald Douglas Drive, 2nd floor, Long Beach, California, during the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. The documents are also available online in portable document format (pdf) at <http://www.lgb.org>. If there are any questions, please call (562) 570-2619.



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January 7, 2016

To: Distribution List
Subject: *Air Carrier Flight Slots* – Additional Allocations

Ladies and Gentlemen:

The Airport Noise Compatibility Ordinance (Noise Ordinance) for the City of Long Beach (City) establishes a Community Noise Equivalent Level (CNEL) noise budget for *Air Carrier** flights at Long Beach Airport (Airport) based on CNEL limits set in the baseline year of 1989-1990. The Noise Ordinance allows *Air Carriers* to operate a minimum of forty-one (41) flights per day. Under the Noise Ordinance, the number of flights must be increased above the forty-one (41) flight limit if all flights in that category operate at or below the 1989-1990 baseline CNEL noise budget and there are interested *Air Carriers* who would like additional capacity.

Additional flights above the forty-one (41) flight limit can be allocated only to the extent the Airport determines that initiation of service utilizing those flights will not lead the *Air Carriers*, as a group, to exceed the noise levels established pursuant to Subsection 16.43.050(C). In the event the Airport determines that the allocation of additional flights has resulted in *Air Carrier* cumulative noise in excess of the *Air Carrier* noise budget, and that overall aircraft noise exceeds the level allowed by Subsection 16.43.050(A), the Airport must revoke the *Flight Slots* allocated in order to achieve compliance with the *Air Carrier* noise budget.

Based on an analysis and review of noise data for October 1, 2014, through September 30, 2015, I have determined that the Airport is currently operating below the noise budgets for *Air Carriers* at the Airport and that up to an additional nine (9) *Flight Slots* beyond the forty-one (41) limit, may be available for allocation. This determination is based, in part, on the analysis and information provided in the technical report prepared by Landrum & Brown (November 12, 2015) and peer reviewed by HMMH (November 19, 2015). Copies of these reports are available upon request from the Airport. The City Council was briefed on my recommendations at its December 8, 2015 City Council meeting.

The Airport has prepared an Allocation Protocol that provides an outline of the conditions and procedures for the allocation of *Flight Slots* that are available under the additional *Flight Slot* budget, consistent with the provisions of Chapter 16.43 of the City's Municipal Code and all implementing resolutions of the City including, but not limited to, City Council Resolution No. C-28465. A copy of the Allocation Protocol is provided as an Attachment to this letter for your information.

We are now beginning the process for the allocation of the additional nine (9) *Flight Slots* at the Airport. In connection with the planning process for the allocation of additional capacity, I am requesting that each incumbent and potential new entrant *Air Carrier* prepare and submit its allocation written requests to me by the close of business on **February 8, 2016**. Consistent with Section 2.2 of the Allocation Protocol, any written request must include the following information:

- 1) Whether the requesting *Air Carrier* is a *Direct* or *Indirect Air Carrier*;
- 2) The number of scheduled *Flight Slots* that the *Air Carrier* is requesting and, if the *Air Carrier* is a new entrant *Air Carrier*, the minimum number of scheduled *Flight Slots* the *Air Carrier* needs to initiate operations at the Airport;
- 3) Whether the *Air Carrier* is prepared, as a condition of being awarded any *Flight Slot* allocation, to provide the flight allocation security per *Flight Slot* required by the current resolution of the City Council setting rates, fees, and charges at the Airport;
- 4) The aircraft model, number, and type(s), and the engine model number(s) and type(s) that would be used by the *Air Carrier* in the operation of the *Flight Slot(s)* and, as required, provide evidence demonstrating that the aircraft could and would operate at the Airport within the noise levels permitted by Chapter 16.43 of the City's Municipal Code;
- 5) All operator, manufacturer and aircraft manuals which reflect or relate to the maximum operational gross weight of the aircraft in service at Long Beach Airport or at other airports with comparable runway lengths and operating conditions;
- 6) A statement of the applicant's projected typical operational weight range of the aircraft for service at Long Beach Airport, based upon representative fuel and passenger loads, and a statement of what assumptions the applicant has used in projecting the typical weight range;

- 7) A complete description, together with all applicable descriptions from manufacturer and airline manuals, of the specific departure procedures the applicant intends to use in operating the aircraft at Long Beach Airport, and, if the applicant believes that the departure procedure is in regular use at the Airport by another operator using the same aircraft model with the same engine types, a statement of the identity of such other operator(s); and
- 8) The airlines' current operating certificate and a copy of the standard instrument departure procedure(s) (SID) that the aircraft will operate at the Airport.

It is important that you consider the following issues in formulating your capacity requests for the additional *Flight Slots*. First, and importantly, the Airport is in the position to provide potential allocation opportunities to both incumbent and new entrant *Air Carriers* in connection with the upcoming allocation process. Any new entrant *Air Carrier(s)* requesting capacity will be awarded at least two *Flight Slots*, if possible, and if requested, consistent with the *Flight Slot* allocation priorities provided in Section 2.4 of the Allocation Protocol.

Second, in connection with the allocation of the additional *Flight Slots*, I will recommend a *Flight Slot* allocation after reviewing all *Air Carrier* requests I receive for the additional capacity. However, any allocation above the forty-one (41) presumptive *Flight Slots* will be made for an initial allocation period of approximately one (1) year** and may not be carried forward to subsequent year(s) unless, and until, the Airport determines on an annual basis, that the *Air Carrier* user group has continued to achieve compliance with the CNEL noise budget established by the Noise Ordinance. In addition, any allocation above the forty-one (41) presumptive *Flight Slots* will necessarily include conditions making this capacity subject to early withdrawal, if necessary, in order to maintain the noise levels established at the Airport based on the 1989-1990 noise budget. In other words, the additional *Flight Slots* will be the "safety valve" for first withdrawal of capacity, if necessary, to allow the Airport to match operations with the noise limits at the Airport. I will withdraw any *Flight Slots* allocated over the forty-one (41) presumptive *Flight Slots* if, at any time in the future, I determine that the allocation of additional *Flight Slots* is jeopardizing the noise limits at the Airport.***

Third, please be sure to indicate in your capacity request whether a particular request for *Flight Slots* is contingent upon receipt of a specific number of *Flight Slots*. This information will be helpful in preparing my recommendations for the allocation of available capacity.

I must receive your request no later than the close of business on February 8, 2016. Electronic copies received by the close of business on that day, with originals to follow by regular mail, will be accepted. Failure to submit your request by that date will be interpreted to mean that you do not wish an allocation of *Flight Slots* from the additional capacity available for allocation. Please contact me prior to submitting your request if you are at all unsure about issues relating to your request or the allocation process.

On a final note, any person may request an administrative review of my decision to allocate additional *Flight Slots* at the Airport not later than fifteen (15) days after the mailing of this notice of available additional allocations pursuant to the provisions of Section 16.43.110 of the Noise Ordinance, and as further specified in Section 4.0 of the attached Allocation Protocol.

Thank you for your cooperation.

Sincerely,



Bryant L. Francis, C.M.
Airport Director

cc: City Attorney
Airport Special Counsel

The terms shown in *italics* are defined terms in the City of Long Beach Municipal Code, Chapter 16.43, Airport Noise Compatibility and Resolution No. C-28465.

** The initial allocation period for the additional *Flight Slots* will commence approximately one-hundred and eighty days (180) after notification of the allocation of the additional *Flight Slots* consistent with the City Council Resolution No. C-28465 provisions requiring an *Air Carrier* to commence service of a *Flight Slot* within one-hundred and eighty (180) days of the issuance of the *Final Allocation*.

*** In the event that capacity withdrawals are required, the *Airport Director* will attempt to formulate withdrawals which, to the extent practical and feasible: (i) maintain an appropriate level of equity and fairness among all approved users of the *Airport*; (ii) will best serve the interests of the air traveling public using the *Airport*; and (iii) which are consistent with the policies and objectives of the City in its management and operation of the *Airport*.