

county of ventura

DEPARTMENT OF AIRPORTS



555 Airport Way ♦ Camarillo, CA 93010 ♦ (805) 388-4274 ♦ Fax: (805) 388-4366

CAMARILLO and OXNARD AIRPORT AUTHORITIES

MINUTES
August 12, 1999

1. CALL TO ORDER

The regular meeting of the Camarillo Airport Authority (CAA) and the Oxnard Airport Authority (OAA) was called to order by OAA chair Bedford Pinkard at 7:05 p.m. in the Oxnard Union High School Board Room, Comer of "K" and 2nd Streets, Oxnard, California.

2. ROLL CALL

<u>CAA PRESENT</u>	<u>CAA ABSENT</u>	<u>OAA PRESENT</u>	<u>OAA ABSENT</u>
Kathy Long John Flynn Russ Noragon	Michael Morgan Bill Leibmann Bill Thomas	Bedford Pinkard Kathy Long John Flynn Walter Calhoun	Tom Holden

3. APPROVAL OF MINUTES OF 7/8/99

For the OAA, Kathy Long moved, seconded by John Flynn, to approve the Minutes of July 8, 1999. The motion carried.

Because there was no quorum for the Camarillo Airport Authority, John Flynn moved that items 5.A. and 5.C. be continued until next month's meeting when they could be discussed by both authorities. Kathy Long seconded the motion and it carried unanimously.

4. PUBLIC COMMENT - Agenda Items

5. OLD BUSINESS

A. Department of Airports Rent & Fee Schedule FY 99/00 (Amended)

RECOMMENDATIONS:

1. the authority approve the FY 1999-00 Department of Airports' Rent and Fee Schedule as presented, and
2. the authority recommend the Board of Supervisors' adoption of the revised rent and fee schedule and resolution.

— B. Review and Certification of Environmental Assessment/Environmental Impact Report for the Oxnard Airport Master Plan; Final Approval of Oxnard Airport Master Plan Oxnard Airport EIR/Master Plan

RECOMMENDATIONS:

Staff requests that the OAA recommend the Board of Supervisors to:

1. Certify that the attached EIR has been completed in accordance with CEQA, the State CEQA Guidelines issued thereunder and the County of Ventura Administrative Supplement to the State CEQA Guidelines; that the Board of Supervisors has reviewed and considered the information contained in the attached EIR; and, that the attached EIR represents the independent judgement of the County of Ventura;
2. find that the proposed Oxnard Airport Master Plan is in the public interest and its general welfare, and that it is consistent with good airport planning practice; and find that the Board of Supervisors has reviewed the proposed CEQA Findings, and has determined that changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment identified in the EIR; and, adopt the proposed CEQA Findings and Statement of Facts;
3. find that the mitigation measures identified in the EIR are feasible and incorporate all of the EIR mitigation measures into the Oxnard Airport Master Plan as conditions of approval; and, find that the attached Mitigation Monitoring and Reporting Program meets the requirements of Section 21081.6 of the Public Resources Code;
4. approve and adopt the Oxnard Airport Master Plan with the incorporated mitigation measures;
5. approve and adopt the Mitigation Monitoring and Reporting Program;
6. specify 800 South Victoria Avenue, Ventura, California, the Clerk of the Board, as the location and custodian of the documents that constitute the record of proceedings upon which this decision is based;
7. adopt by policy and attach as an addendum to the Oxnard Airport Master Plan the eight items listed in the July 22, 1999 letter from the City of Oxnard; and
8. approve the Oxnard Airport FAR Part 150 Study as presented to the authority at its April 8, 1999 meeting, and attach, by reference, the July 22, 1999 letter from the City of Oxnard and revised 2018 noise contour map (with/without commuter operations.)

At this time, John Flynn suggested that the City of Oxnard representative be allowed to give his presentation prior to the public testimony. There were no objections from authority members.

The chair recognized Oxnard city representative, Mr. Granville Bowman. Mr. Bowman reviewed the city's July 22, 1999 letter sent to Director of Airports Rod Murphy. The letter itemized eight specific points of mutual concern, which Mr. Bowman covered in detail. Mr. Bowman commented that the city and airport staff had reached some consensus and agreement on these eight issues, but that it was still necessary to do a hazard study.

Mr. Murphy was amenable to the hazard study. His only concern was timing, which affects funding for the study.

There were no further questions or comments, and the chair opened the meeting to public comment. Those who spoke in *opposition* to the master plan and certification of the EA/EIR were: Harriet C. Feather; Jane Tolmach; Robert Valles; Dineane Sperake; Steve Buratti; Dan Zarate; Bernard Dunhom; Cindy French; Mary Gonzalez; Ben Moss; Rosanne Moss; Norma Van Riper; Al Velasquez; Ted Carrier, Timothy Riley; and Alan Wingo.

Speaking in *support* of the master plan was David Ousley.

There was further discussion and then ***John Flynn moved to reject the recommended actions; to adopt the points made by the City of Oxnard in the letter dated July 22; to change the Oxnard airport curfew to run from 10:00 p.m. until 6:00 a.m.; confer with the city to rework the EIR using the city's recommendations; and to hire a safety consultant to do a risk hazard study.***

Kathy Long expressed concern about the costs of hiring an outside consultant for a risk hazard study. She commented that the work could possibly be done with local county people who are in that type of business.

Kathy Long also noted that the authority should have input from legal counsel before putting a restriction on the hours of operation and/or closing Oxnard Airport's passenger terminal.

John Flynn amended his motion to include that legal counsel should review and "give a read" on the curfew portion of his motion, as well as returning with a cost analysis reviewing the study as suggested by Oxnard. Kathy Long seconded his motion and it passed without exception.

Mr. Murphy commented that the item would probably be on the next month's agenda with a response to those two issues.

At this time, the chair determined that the August 12, 1999

meeting was adjourned. There was no further action on the evening's agenda.

C. Hangar Location Development Plan - Camarillo Airport

RECOMMENDATION:

Staff recommends that your authority concur with the Aviation Advisory Commission's approval, in concept, of the revised hangar location development plan at Camarillo Airport.

6. NEW BUSINESS

A. Review of Appeal from Mr. Andy Risk re County Hangar C-215

RECOMMENDATION:

Staff recommends that your authority deny Mr. Risk's appeal.

7. REPORTS

- A. Monthly Activity Report
- B. Monthly Noise Complaint Summaries
- C. Statement of Operating Revenue and Expense as of 6/30/99
- D. Cash Flow Analysis FY 98-99 to FY 99-00

8. PUBLIC COMMENT - Non-Agenda Items

9. AUTHORITY COMMENTS

Comments by authority members on matters they deem appropriate.

10. INFORMATION

11. CORRESPONDENCE

Letter to Board of Supervisors re United Express/Skywest Airline schedule change

12. ADJOURNMENT

There being no further business for the August 12, 1999 meeting, it was adjourned at 9:15 p.m.

Rodney L. Murphy
Administrative Secretary
slc/wp61/joint Minutes 8/12/99

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county of ventura
DEPARTMENT OF AIRPORTS



555 Airport Way ◆ Camarillo, CA 93010 ◆ (805) 388-4274 ◆ Fax: (805) 388-4366

September 9, 1999

Oxnard Airport Authority
555 Airport Way
Camarillo, CA 93010

SUBJECT: Amendments/Updates to Oxnard Airport Master Plan, Part 150 Noise Compatibility Study and Environmental Assessment/Environmental Impact Report (EA/EIR)

Recommendations:

That the Oxnard Airport Authority recommend to the Board of Supervisors Option One for amending the Oxnard Master Plan, Part 150 Noise Study and the EA/EIR:

OPTION 1

Recommend that the Board of Supervisors:

1. approve updating/amending the Oxnard Airport Master Plan, Federal Air Regulation (FAR) Part 150 Noise Compatibility Study and EA/EIR to include a new aviation forecast and the changes recommended herein, pursuant to the City of Oxnard's letters of June 22 and July 22, 1999 (attached);
2. amend the Oxnard airport five year capital improvement program (CIP) to include the "update study" for the Oxnard Airport Master Plan and FAR Part 150 Noise Compatibility Study;
3. authorize the Director of Airports to submit an airport improvement program (AIP) grant application for the "Update Study" of the Oxnard Airport Master Plan and FAR Part 150 Noise Compatibility Study; and
4. direct the Director of Airports to identify funds in the Department of Airports (DOA) FY 2000/01 budget to match the AIP grant and to amend the Oxnard Airport Master Plan EA/EIR as appropriate and prepare the safety (risk/hazard) study pursuant to the City of Oxnard's letters of June 22 and July 22, 1999.

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OPTION 2

Recommend to the Board of Supervisors that staff not complete revising the master plan, Part 150 Study, and EA/EIR.

OPTION 3

Recommend that the Board of Supervisors:

1. direct the DOA and City staff to either select a mutually agreed upon consultant, or use in-house resources to conduct a safety analysis as outlined in the City of Oxnard's letters of June 22 and July 22, 1999;
2. attach the safety study to the existing EA/EIR as an addendum;
3. implement the elements and changes to the master plan and Part 150 Study as outlined in the City of Oxnard's July 22, 1999 letter; and
4. direct the Director of Airports to identify funds in the DOA FY 1999/00 budget to complete the safety study and for the other recommended changes.

Discussion:

On August 12, 1999 the Oxnard Airport Authority reviewed the Oxnard Master Plan and EA/EIR. The authority recommended several changes be made to the documents and that a safety (risk/hazard) study be conducted and attached to the EA/EIR as an addendum. Also, the authority supported the items recommended in the City of Oxnard's July 22, 1999 letter (which incorporates the June 22, 1999 letter by reference) and that the Oxnard airport terminal building be closed from 10:00 p.m. to 6:00 a.m. In addition, staff was directed to determine the estimated cost for the safety (risk/hazard) study and to seek County Counsel's opinion as to the terminal building closure.

To address the authority's request for County Counsel's opinion as to the terminal building closure, attached (as Exhibit "One") is a memorandum from counsel explaining his opinion on future operational restrictions in lease agreements with commuter airlines and closure of the terminal building. This matter will be discussed in greater detail as a separate agenda item.

In an effort to make the recommended changes to the master plan, Part 150 Study and EA/EIR, staff has outlined options (listed below) for your consideration.

The first option, for making the necessary changes to the Oxnard Airport Master Plan, FAR Part 150 Study and to the EA/EIR is to do a full "update" or revision to the plans. This would involve a reexamination of the working assumptions common to all three

documents, the development of new forecasts, rewriting of the appropriate sections, and the printing of new documents.

To fully address the concerns of the community, city and airport authority, a thorough "update" and/or amendment should be considered for the master plan, Part 150 Study and EA/EIR. It is possible to seek Federal Aviation Administration (FAA) grant funds to cover 90% of the cost of an "update" to both the master plan and the Part 150 Study.

As an alternative, if an addendum were created as a separate document and only attached to the studies, one document or the other may be overlooked and confusion could occur. In addition, the information that was in the original (draft) documents would remain and would not relieve the concerns expressed through the recent public review and comment process.

The original master plan Study began in early 1995 and at that time, the "aviation forecast" was developed with 1994 information and is the basis for the recommended airport improvements and needs included in the Part 150 Study. It is recommended by the FAA and all planning authorities that master plans should be reviewed/updated every five-years. The forecasts are now nearly five years old and changes have occurred that may have significant impacts on the formulation of the recommendations in the two studies. It has been noted in the current forecast that the short term total annual operations were estimated to be nearly 145,000 takeoffs and landings. The current traffic count, which is now entering the short-term forecast period, is approximately 95,000 annual operations. Based on the age of the forecast and the changes noted to date, a completely new aircraft and passenger forecast is more than justified.

Again, the forecast is the main driving element for the recommendations in the master plan and Part 150 Study. Once the new forecast is completed, changes will be required in the remaining portions of the two studies and the EA/EIR. At that time, the other recommendations made by the airport authority can be incorporated directly into the studies.

After all the changes and updates have been made to the master plan and Part 150 Study, new (clean) documents can be printed. This should help to eliminate any possible confusion related to the previous documents. The cost of an Update Study for the Master Plan, Part 150 Study, EA/EIR and Safety Study are estimated to be:

<u>Update Master Plan and Part 150 Study (FAA grant)</u>	\$ 150,000
<u>DOA matching funds (10%)</u>	15,000

To include, but not limit to, a new Aviation Forecast, changes to all affected chapters, tables, charts and text, committee

meetings, presentation meetings, research trips, and the reprinting of both documents.

Amend EA/EIR

\$ 25,000

To include changes as required by updates in the master plan
and Part 150 Study (not eligible for FAA grant funding).

Safety (risk/hazard) Study

\$ 10,000

Scope of work to be developed in cooperation with the City of
Oxnard staff (not eligible for FAA grant funding).

Total Cost

\$ 200,000

The estimated times for receiving grant funds, airport enterprise funds (AEF), and to complete the updates and changes are as follows:

FAA grant (Federal FY 1999/00)	October 1999
FAA funding	February 2000
AEF (County FY 2000/01)	July 2000
Begin Update Studies	August 2000
Complete Updates	February 2001
Public review of draft documents	March/April 2001
Public hearings	May-June 2001

Environmental Report Review Committee

Airport Advisory Commission

Oxnard Airport Authority

Board of Supervisors

The second option for review is for staff to not complete the master plan, Part 150 Study and EA/EIR. Several factors have changed since the studies were begun several years ago (i.e., potentially lowered demand projections, different aircraft mix scenario, and community opinion, etc.) that it may no longer seem meaningful to continue on the path toward adoption at this time. The consequences of not completing revisions to the airport studies at this time include:

- documents remain useful for reference and statistical information, but would serve no further purpose as "planning documents";
- master planning and Part 150 Study would start over again, at additional costs and without reference to the incomplete, draft documents;
- FAA funding assistance unlikely;
- County would rely solely on the approved airport layout plan (ALP) for planning purposes until a new master plan and Part 150 Study were completed.

New Master Plan and Part 150 Study (assume no FAA grant)	\$ 400,000
<u>EA/EIR</u>	\$ 150,000
<u>Safety (risk/hazard) Study</u>	\$ 10,000
Scope of work to be developed in cooperation with the City of Oxnard staff (not eligible for FAA grant funding).	
Total Cost	\$ <u>560,000</u>

A third option would be to either select a consultant or use in-house resources and develop a scope of work in cooperation with City of Oxnard staff to conduct the safety (risk/hazard) study and develop the addendum for the EA/EIR. During a meeting with City staff held on August 31, and in conversations with the County Office of Emergency Services, these were thoroughly discussed. It was concluded that City and County staff do not have the expertise or resources required to conduct the type of safety (risk/hazard) study outlined in the City's letters. In addition, the city fire department informed us that it routinely requires these types of studies for facilities that have unique characteristics, and they are always conducted by qualified consultants. For these reasons, the third option should focus on the selection of a consultant to assist in the development of the safety (risk/hazard study).

The other changes to the master plan and Part 150 Study should be made by the original consultant in the form of two addendums. The changes would be made pursuant to the City's letters of June 22 and July 22, 1999, pertaining only to the safety study

The cost and time-line for this option are:

Cost of safety study (printing & research)	\$ 10,000
Cost to develop an attachment/addendum to plans	<u>\$ 10,000</u>
FY 1999/2000 budget	Total cost

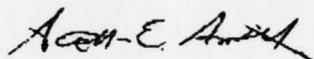
Time-line for completion	February 2000
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In summary, it is staff's opinion that the best approach to address the concerns of the community and City of Oxnard would be to develop completely new forecasts and have the Master Plan and Part 150 Study documents completely revised. This should help eliminate any confusion and concerns that the county could implement projects and programs that were discussed in the current draft documents. Staff has contacted the FAA Airports Division at their Los Angeles office regarding the possibility of including the cost for updating the draft Master Plan and Part 150 Study. They have indicated that the updates would be eligible and they would consider funding the project in the

Federal FY 1999/00 budget year (beginning October 1, 1999, with actual funding being available in the spring of 2000). Staff would budget the matching funds (\$15,000) in the DOA FY 2000/01 budget year along with the cost for the revising the EA/EIR and conducting the safety study. While this option may take longer, it would result in gaining the benefit of a "revision" process and, thus, may improve confidence in the plans by the public.

If you have any questions or comments, please contact me at 388-4200.

DEPARTMENT OF AIRPORTS



RODNEY L. MURPHY, CAE
Director of Airports

slc/mswdocs/rts/OXR master plan EA/EIR - authority ltr 8 12 99

Attachments:

Memo from County Counsel dated 9/1/99

City of Oxnard letter dated 6/22/99

City of Oxnard letter dated 7/22/99

MEMORANDUM
COUNTY OF VENTURA
COUNTY COUNSEL'S OFFICE

September 1, 1999

TO: Rodney L. Murphy, Director of Airports
FROM: ~~D~~ Donald O. Hurley, Assistant County Counsel

RE: RESTRICTIONS UPON HOURS OF OPERATION OF THE OXNARD
AIRPORT TERMINAL BUILDING

This memorandum is in response to your request that I supplement my written opinion dated July 8, 1999, relating to restrictions upon the hours of operation of air carriers using the Oxnard Airport, to address a similar restriction upon the Oxnard Airport Terminal Building. In that any such proposal will also have an affect upon the operations of the airlines using the terminal, many of the same problems apply. It is my opinion that, while the County can attempt to reach an agreement with the air carriers and the businesses affected by such a closure, any such effort could bring with it the possibility of legal action by the Federal Aviation Administration ("FAA"), the airlines and local entities conducting business at the facility.

Acting in response to the proposed restriction in the hours of operation of the new terminal building at the Burbank Airport, members of the community and certain public officials are advocating closing the Oxnard Airport terminal building from 10:00 p.m. until 6:00 a.m. each day. This action will, by its very nature, have a direct effect upon both the operation of the airlines and also any of the businesses, such as rental car agencies, taxi services, who also operate at the terminal. Objections may be raised by both the affected carriers and the impacted businesses. Apart from complaints being lodged with the FAA, the County could be subject to litigation based upon breach of contract.

The FAA grant assurances, as mentioned in my earlier memorandum, address operational safety and business discrimination areas, among other concerns. In that Burbank's action is presently under question by the FAA, as set forth in the attached letter, it can be expected that the County's proposal will also be required to follow the Part 161 (Airport Noise and Capacity Act) procedures as outlined therein. One important distinction between the County's situation and Burbank's is simply that the scope of commercial operations locally is far less than Burbank's resulting in less of an impact upon the aviation system.

EXHIBIT "ONE"

Rodney L. Murphy
September 1, 1999
Page 2

The foregoing is a very general response to the issue of the prospective restriction of the hours of operation of the Oxnard Airport Terminal and is being provided merely for the purpose of identifying certain legal risks associated with the proposal. If you have any questions, please contact me at 654-2585.

DOH:mt

Attachment

cc: Ginny Camarillo, Program
Management Analyst, Chief
Administrative Office

~~gcam@oxnardairport.com~~

EXHIBIT "ONE"

county of ventura

DEPARTMENT OF AIRPORTS



555 Airport Way ♦ Camarillo, CA 93010 ♦ (805) 388-4274 ♦ Fax: (805) 388-4366

September 9, 1999

Oxnard Airport Authority
555 Airport Way
Camarillo, CA 93010

SUBJECT: Oxnard Airport Terminal Building Hours of Operation

Recommendations:

Staff recommends that the Oxnard Airport Authority select option one described in this letter and recommends to the Board of Supervisors that it support that option and policy for operating hours of the Oxnard airport terminal building.

Discussion:

On August 12, 1999 the Oxnard Airport Authority reviewed the Oxnard Master Plan and EA/EIR. The authority recommended several changes be made to the documents. The authority also indicated an interest in reducing the hours of operations for the Oxnard airport terminal building by requiring that it be closed from 10:00 p.m. to 6:00 a.m. In addition, staff was directed to seek County Counsel's opinion as to the closure.

Attached (as Exhibit I) is a memorandum, dated September 1, 1999 from County Counsel with his opinion regarding the terminal building closure. Also attached is a previous memorandum, dated July 8, 1999 from counsel explaining his opinion on future operational restrictions in lease agreements with commuter airlines. As described in the memorandums, such actions could bring sanctions from the FAA for violations of federal noise policies, and grant assurances/conditions.

At the August 12, 1999 meeting comments were made in reference to a recent news article regarding Burbank Airport's plan to close the new terminal building to reduce night time flights. Attached (as Exhibit II) is a letter from the Federal Aviation Administration (FAA) Acting Associate Administrator of Airports addressing Burbank's agreement. The FAA has indicated that according to the Airport Noise and Capacity Act of 1990 (ANCA), the FAA was required to create a process for the consideration of airport noise or access restrictions, which resulted in the development of the Federal Aviation Regulations (FAR) Part 161 (process) regulations. This process requires the FAA to review all restrictions affecting stage 3 aircraft and to ensure they meet six statutory criteria (described in the letter) in order to be approved. This process is very lengthy and costly. It would take more than two years for such a study and would cost approximately \$250,000. The FAA FAR Part 161 Study was described by the FAA

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representative at the authority's workshop on July 8, 1999.

The authorities should consider, in their deliberations regarding proposed restrictions, the potential financial and operational impacts on the county and the national aviation system. To assist the authorities with this process, several options and associated impacts have been prepared (see Exhibit III for additional comments and impacts for each option listed below). For financial impacts, in the event of lost air service, see Exhibit IV.

The first option would be to maintain current terminal building hours of operations (flexible to meet needs of all businesses) and open discussions with the airline regarding their flight schedule and the historic operating hours of the terminal and previous air service (i.e. 11:00 p.m. to 5:15 a.m.). To accomplish the discussions with the airline, staff suggests the Oxnard Airport Authority select one Oxnard City Council (authority) member and one County Board of Supervisor (authority) member, accompanied by the Director of Airports, to meet and confer on this matter with the current airline. This meeting should occur as soon as calendars can be matched for a time, date and location. This option has the most likelihood of success with the least risk of FAA sanctions and possible litigation from the affected businesses.

The second option, as recommended by the City of Oxnard in its July 22, 1999 letter, would be when "constructing new leases for commercial air carriers to include provisions related to controlling hours of operations to be compatible with the existing community based upon historic flight operations (i.e., 11:00 p.m. to 5:15 a.m.)." Restriction of operating hours could be accomplished through voluntary, written agreements (i.e., lease agreements). Airlines seeking future access could only be bound by the restriction on a voluntary basis. This option would require adherence to the procedures detailed in FAR Part 161, but would not require a study. Without adherence to the Part 161 procedures, the County would be faced with possible FAA sanctions and litigation.

The third option is a recommendation to the Board of Supervisors that the Oxnard terminal building be closed from 10:00 p.m. to 6:00 a.m. as discussed at the authority meeting on August 12, 1999. This option would be to implement the building closure without conducting an FAA FAR Part 161 Study. Without the study and FAA approval, the County would be faced with possible FAA sanctions and litigation.

The fourth option is to conduct a FAA FAR Part 161 Study to determine if the FAA would approve the 10:00 p.m. to 6:00 a.m. closure of the terminal building. It is doubtful the FAA would approve a grant for this study. The cost (estimated at \$250,000) would have to be paid for out of the airport enterprise fund.

The fifth option would be to restrict all airport operations after 10:00 p.m. and before 6:00 a.m. This has similar impacts as option four above.

Camarillo Airport Authority
Oxnard Airport Authority
September 9, 1999
Page 3

Option one is the preferred alternative for the reasons stated above and in Exhibits III & IV. This approach may be the best to resolve the issue of late night commuter airline flights with the least amount of negative impact on the overall operations of the airport and yet still benefit the community. In addition, if this approach is unsuccessful, the Board of Supervisors could consider one of the other options later.

For additional information or questions, please call me at (805) 388-4200.

DEPARTMENT OF AIRPORTS

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FOR

Rodney L. Murphy, CAE
Director of Airports

ss/slc/mswdocs/sts/Curfew ltr draft III 9 9 99
Attachments

6A-3

MEMORANDUM
COUNTY OF VENTURA
COUNTY COUNSEL'S OFFICE

September 1, 1999

TO: Rodney L. Murphy, Director of Airports
FROM: ~~D~~ Donald O. Hutley, Assistant County Counsel
RE: RESTRICTIONS UPON HOURS OF OPERATION OF THE OXNARD
AIRPORT TERMINAL BUILDING

This memorandum is in response to your request that I supplement my written opinion dated July 8, 1999, relating to restrictions upon the hours of operation of air carriers using the Oxnard Airport, to address a similar restriction upon the Oxnard Airport Terminal Building. In that any such proposal will also have an affect upon the operations of the airlines using the terminal, many of the same problems apply. It is my opinion that, while the County can attempt to reach an agreement with the air carriers and the businesses affected by such a closure, any such effort could bring with it the possibility of legal action by the Federal Aviation Administration ("FAA"), the airlines and local entities conducting business at the facility.

Acting in response to the proposed restriction in the hours of operation of the new terminal building at the Burbank Airport, members of the community and certain public officials are advocating closing the Oxnard Airport terminal building from 10:00 p.m. until 6:00 a.m. each day. This action will, by its very nature, have a direct effect upon both the operation of the airlines and also any of the businesses, such as rental car agencies, taxi services, who also operate at the terminal. Objections may be raised by both the affected carriers and the impacted businesses. Apart from complaints being lodged with the FAA, the County could be subject to litigation based upon breach of contract.

The FAA grant assurances, as mentioned in my earlier memorandum, address operational safety and business discrimination areas, among other concerns. In that Burbank's action is presently under question by the FAA, as set forth in the attached letter, it can be expected that the County's proposal will also be required to follow the Part 161 (Airport Noise and Capacity Act) procedures as outlined therein. One important distinction between the County's situation and Burbank's is simply that the scope of commercial operations locally is far less than Burbank's resulting in less of an impact upon the aviation system.

Exhibit I

6A-4

Rodney L. Murphy
September 1, 1999
Page 2

The foregoing is a very general response to the issue of the prospective restriction of the hours of operation of the Oxnard Airport Terminal and is being provided merely for the purpose of identifying certain legal risks associated with the proposal. If you have any questions, please contact me at 654-2585.

DOH:mt

Attachment

cc: Ginny Camarillo, Program
Management Analyst, Chief
Administrative Office

g\cc\doh\airports\terminal.mcm

Exhibit I

6A-5

MEMORANDUM
COUNTY OF VENTURA
COUNTY COUNSEL'S OFFICE

July 8, 1999

TO: Rodney L. Murphy, Director of Airports
FROM: Donald O. Hurley, Assistant County Counsel
RE: RESTRICTIONS UPON HOURS OF OPERATION OF AIRLINES USING
OXNARD AIRPORT

Supervisor John Flynn has recently raised the issue as to whether the County can restrict the rights of an airline using the Oxnard airport, from landing any aircraft after the regular hours of operation of the airport. This question arose because of complaints about aircraft noise from residents in the area of the airport. It is my opinion, as is more fully set forth below, that while the County can attempt to ensure that in any future contracts these limited hours of operation are more clearly spelled out, such an effort may result in reducing commercial operations at the airport to the detriment of the local business community and bring with it sanctions from the Federal Aviation Administration ("FAA").

The only present restriction upon hours of aircraft operation is contained in the present County Airport Ordinance, section 6506-17.B., which states as follows:

"No aircraft shall depart from the Camarillo Airport between the hours of 12:00 midnight and 5:00 a.m., unless specific authorization is obtained from the Airports Administrator, or except in the case of a medical or a public safety emergency."

There is no prohibition upon any landings of aircraft at any hour in Camarillo or any limits on operation at the Oxnard Airport.

Our present commercial carrier, Skywest Airlines, Inc., is under a five-year agreement, including a five-year option extension, with the Oxnard airport terminating on March 31, 2003, which requires the tenant to observe all airport regulations (§ 23). Skywest is required under the agreement to "keep company pilots informed of noise

Rodney L. Murphy
July 8, 1999
Page 2

sensitive areas surrounding the Oxnard Airport" and to require its pilots to "take actions considering [sic] safe and reasonable in an effort to avoid overflights of those neighborhoods." (§ 4.)

The last scheduled arrival by Skywest is 11:00 p.m. from Los Angeles International Airport. Since January of 1999, there have been only two incidents (according to the airline) wherein landings occurred after that time. In view of the complexity of commercial air carrier operations and the variety of situations in which flight delays may result, the foregoing does not appear unreasonable.

The County could seek to include provisions in future agreements whereby the commercial carriers are prohibited from landing any aircraft after 11:00 p.m. Violation could bring with it the possibility of a fine and repeated violations could result in the contract being terminated. However, it can be anticipated that any such carrier would be reluctant to enter into such an agreement which would severely limit their operations. It is therefore also foreseeable that the Airports could lose both present carriers and future commitments from other carriers if such provisions were sought to be enforced.

Apart from the foregoing, the FAA could intervene if it believed that this type of policy impacted safety or was applied in such a way by the County as to be discriminatory. Under the grant assurances which are part of every agreement under which FAA funds are received for airport projects, the County is required to operate its airports in a safe manner (§§ 19 & 22.h), and is also mandated to enter into agreements with those conducting businesses at the airport "on reasonable terms and without unjust discrimination" (§ 22.b(1)). I believe it is reasonable to assume that a carrier requested to enter into an agreement restricting its operations as outlined above will claim the provision is unreasonable, discriminatory and unsafe.

If you have any questions, please contact me at 654-2585.

DOH:mt

g:\cc\doh\airports\oxnardbr.mem

6A-7



U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Associate
Administrator for Airports

800 Independence Ave., SW
Washington, DC 20591

August 17, 1999

Carl Messeck, President
Burbank-Glendale-Pasadena Airport
Authority
2627 Hollywood Way
Burbank, CA 91505

Dear Mr. Messeck:

I understand that the Burbank-Glendale-Pasadena Airport Authority and the City of Burbank agreed to a Framework for Settlement Allowing Construction of a New Terminal for the Burbank-Glendale-Pasadena Airport, dated August 4, 1999 (the Framework). I am encouraged by your progress. Since the early 1980s, the Federal Aviation Administration (FAA) has been urging the Airport authority to relocate the terminal away from the runways at distances consistent with modern safety and design standards.

The Framework the Airport Authority and the City of Burbank have signed addresses a growing national policy issue, the necessity for a reasonable balance between land use measures designed to meet the needs of local communities impacted by aviation noise and the requirement for a strong aviation industry and unrestricted interstate commerce. FAA's concern is that the Framework must strike that balance in a way that still allows the Airport Authority the ability to operate as it needs to as part of the national airspace system while meeting the needs of the local community concerning airport noise.

In 1990, the U.S. Congress confronted the need to balance local interests in reducing the noise impact on communities located near major airports with the federal need to have a national, coordinated approach for noise control without impeding the growth of the national air transportation system. They addressed that balance by passing the Airport Noise and Capacity Act (ANCA). ANCA instituted a phaseout of the noisiest aircraft on a nationally coordinated schedule, and had the agency create a process for considering additional, consistent noise or access restrictions (the Part 161 process). At the same time, ANCA allowed the collection of Passenger Facility Charges (PFCs) to help

finance and fuel aviation growth. The FAA understands the pressures at the local level to seek additional means of noise relief. We are committed to working with localities, while protecting the national interests at stake.

The Part 161 notice and analysis process provides all affected parties notice of a proposed restriction, detailed analysis of noise benefits and of costs, and an opportunity to review and comment. It is critical for the Airport Authority to have in-depth consultation with the air carriers and include them in every stage of this process as their contribution is a key element to making the Part 161 study of noise and access restrictions a success. It is also important to include the general aviation, and business jet communities in the process in an effort to gain the best solution for all stakeholders at the airport and in the surrounding communities.

Consistent with the statute passed by Congress, restrictions affecting Stage 3 aircraft must meet six statutory criteria outlined in Part 161 in order to qualify for FAA approval. The restriction:(1) must be reasonable, nonarbitrary, and nondiscriminatory; (2) must not create an undue burden on interstate or foreign commerce; (3) must maintain safe and efficient use of the navigable airspace; (4) must not conflict with any existing Federal statute or regulation; (5) must have received adequate opportunity for public comment; and (6) must not create an undue burden on the national aviation system. With regard to the provisions of the Framework relating to terminal gates, closure, and expansion, California law concerning land use approval must be interpreted and applied in a manner that is consistent with ANCA and other applicable federal law, including pre-existing obligations of the airport under its grant agreements with the Federal Government.¹

The Airport Authority has already begun the Part 161 process to analyze and review a number of potential noise restrictions, including those of primary interest to the city of Burbank. The FAA has provided initial technical assistance and stands ready to provide more. At the end of the 161 process, the Airport will submit an application and the FAA will be responsible for applying the statutory criteria and determining whether to approve the proposed restrictions. FAA cannot prejudge at this time the outcome of the Part 161 analysis, the specific restrictions among those studied which may be submitted to the FAA for approval, or prospective compliance with the six statutory criteria.

I am confident that the airlines will accept the ultimate outcome of a properly conducted Part 161 process and abide by any restrictions adopted and implemented through that process. I urge all parties to take a similar position

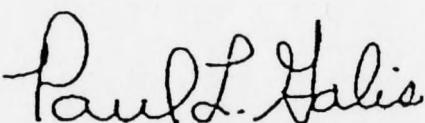
¹ City of Burbank v. Lockheed Air Terminal, 411 U.S. 624 (1973). San Diego Unified Port District v. Gianturco, 651 F.2d 1306 (9th Cir. 1981), cert. denied.

and to fully utilize the opportunities for participation inherent in the Part 161 process to provide input and comments and to review and understand relevant technical analysis—particularly the anticipated noise benefits of various alternative restriction possibilities.

In addition to the proposed actions in the Framework concerning potential noise or access restrictions, the agreement would have airport revenue used for certain infrastructure and mass transit improvements for the City of Burbank. FAA's February 16, 1999 Final Policy and Procedures Concerning the Use of Airport Revenue would govern the use of airport revenue for many of the items being considered for the City of Burbank. The FAA stands ready to provide advice and assistance to the signatories of the Framework to make sure that its provisions comport with the Final Policy and that the improvements be directly and substantially related to air transportation.

I believe it would be to the advantage of all the parties for FAA and representatives of the signatories to the Framework to meet and discuss some of the issues it presents and would like to facilitate such a meeting with senior FAA executives, including FAA's Deputy Chief of Staff Marie-Therese Dominguez, FAA's Chief Counsel Nicholas Garaufis, and myself, at your earliest convenience. As the parties refine the Framework and the associated Development agreement, I think it is timely to clarify the overlay of Federal law and policy that applies to the consideration of potential airport noise and access restrictions at Burbank Airport and the appropriate use of airport revenues. I am hopeful that we will be able to clear the path for mutual understanding and a satisfactory solution for all the parties involved.

Sincerely,



for : Louise E. Maillett
Acting Associate Administrator
Airports

cc: The Honorable Stacey Murphy, Mayor of Burbank
Dios Marrero, Acting Executive Director
Carol B. Hallett, Air Transport Association of America

OXNARD AIRPORT AIRLINE TERMINAL BUILDING HOURS OF OPERATION OPTIONS

<u>OPTIONS</u>	<u>POSITIVE IMPACTS</u>	<u>NEGATIVE IMPACTS</u>
<u>Option 1.</u> Maintain Current Terminal Hours (Flexible to meet needs of various businesses in building). Open discussions with airline on flight schedule.	May allow for some adjustments while maintaining connections with east coast a.m. departures and p.m. arrivals; maintains revenue support for airport; healthy for airport businesses.	May not completely prevent infrequent, late arrival for last daily flight, early a.m. departure. Doesn't meet City's request.
<u>Option 2.</u> Future airline leases to contain conditions restricting hours operations to 5:15 a.m. - 11:00 p.m.	Supported by City Staff and recommended in their letter of July 22, 1999. Restricts hours of operations to airlines. Can be accomplished on a voluntary basis.	<u>Must be voluntary, or potential violation of grant assurances</u> and could expose County to complaint and investigation by FAA, would discriminate against airlines as a class of users; possible suspension of grant eligibility \$1,500,000 (OXR & CMA) annual entitlement and future discretionary grant funding; loss of PFC eligibility \$120,000 annually.
<u>Option 3.</u> Restrict terminal hours from 11:00 p.m to 5:15 a.m., or from 10:00 p.m. to 6:00 p.m. without a Part 161 study and FAA approval	Recommended by Authority. Eliminates late airline arrivals after 10:00 p.m. or 11:00 p.m. and reduces noise.	Potential violation of grant assurances; exposes County to complaint and investigation by FAA; discriminates against airlines as a class of users; possible suspension of grant eligibility \$1,500,000 (OXR & CMA) annual entitlement and future discretionary grant funding; loss of PFC eligibility \$120,000 annually; forces airline to consider commitment to community; reduces options to community; begins to impact regional transportation planning efforts.

11-49

Exhibit III

OXNARD AIRPORT AIRLINE TERMINAL BUILDING HOURS OF OPERATION OPTIONS

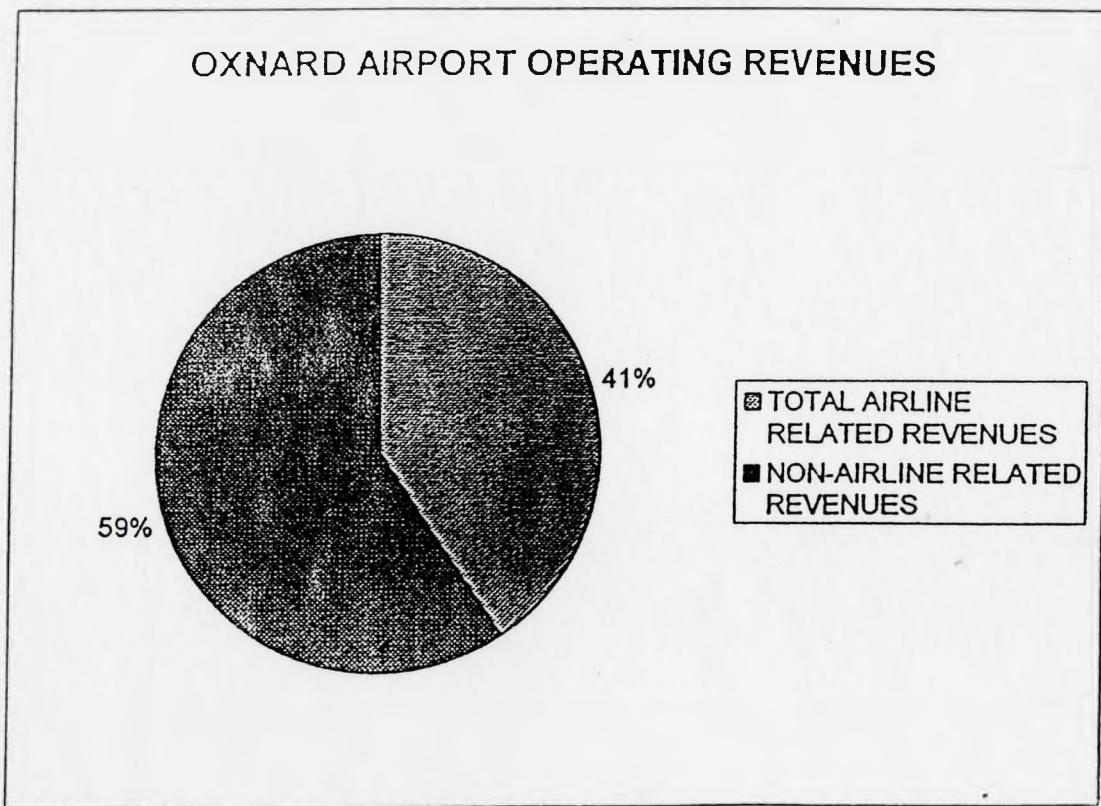
<u>OPTIONS</u>	<u>POSITIVE IMPACTS</u>	<u>NEGATIVE IMPACTS</u>
<u>Option 4</u> , Restrict terminal hours to 6:00 a.m. - 10:00 p.m. through Part 161 study and required FAA approval.	Eliminates airline departures before 6:00 a.m., arrivals after 10:00 p.m., and reduces noise.	Part 161 study at a cost of \$250,000; forces airline to adjust daily schedule; reduces availability of east coast connections; forces airline to consider commitment to community; reduces options to community; begins to impact regional transportation planning efforts.
<u>Option 5</u> Impose curfew for all users, 6:00 a.m. - 10:00 p.m. through Part 161 study and required FAA approval.	Eliminates all departures before 6:00 a.m., arrivals after 10:00 p.m., and reduces noise.	Part 161 study at a cost of \$250,000; forces airline to adjust daily schedule; reduces availability of east coast connections; impacts airport & aviation businesses; unlikely to be approved by FAA; reduces options to community; begins to impact regional transportation planning efforts.

21-476

OXNARD AIRPORT
AIRLINE RELATED REVENUES

Airline and related revenues - OXR

UNITED EXPRESS - rent	4,920
AIRLINE LANDING FEES	40,000
ADVERTISING BOARD	3,500
AIRPORT TRAVEL	4,212
ALFREDO'S (RESTAURANT)	17,228
RENTAL CARS	132,720
SHUTTLES AND CABS	10,380
AUTO PARKING	85,000
TOTAL AIRLINE RELATED REVENUES	298,060
NON-AIRLINE RELATED REVENUES	436,212
 ALL OXNARD OPERATING REVENUES	 734,272
 % OF REVENUE FROM AIRLINE RELATED REVENUE	 41%



Additional Cost Impacts

Annual FAA Entitlement Grant (OXR eligible only with airline services)	\$500,000.00
Annual FAA Discretionary Grant (average)	\$1,000,000.00
Annual FAA Passenger Facilities Charges (Proposed)	120,000.00
Total	\$1,620,000.00

Exhibit IV

county of ventura
DEPARTMENT OF AIRPORTS



555 Airport Way ♦ Camarillo, CA 93010 ♦ (805) 388-4274 ♦ Fax: (805) 388-4366

July 14, 1999

Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009

Subject: United Express/Skywest Airlines Schedule Change

For your information please find attached the revised airline flight schedule, Oxnard Airport, from Skywest Airlines (United Express). The schedule is effective July 11. If you have any questions relating to this matter, please contact me at 388-4200.

DEPARTMENT OF AIRPORTS

Scott E. Smith

For

RODNEY L. MURPHY, CAE
Director of Airports

Cc: M.L. Koester
Oxnard Airport Authority
Camarillo Airport Authority
Aviation Advisory Commission

ss/sl/c/mswdocs/airline schedule 7-14-99

11A-1

EFFECTIVE JULY 11, 1999
OXNARD FLIGHT SCHEDULE

FLIGHT NUMBER	ORIGIN	SCHEDULED ARRIVAL TIME	FLIGHT NUMBER	DESTINATION	SCHEDULED DEPARTURE TIME
7935	LAX	6:38 a.m.	5338	LAX	5:15 a.m.
7937	LAX	9:33 a.m.	5340	LAX	6:55 a.m.
7939	LAX	11:58 a.m.	5342	LAX	9:48 a.m.
7941	LAX	2:33 p.m.	5344	LAX	12:25 p.m.
7943	LAX	4:02 p.m.	5350	LAX	2:50 p.m.
7945	LAX	6:40 p.m.	5354	LAX	4:17 p.m.
7947	LAX	8:38 p.m.	5356	LAX	6:55 p.m.
7949	LAX	11:18 p.m.	5167	LAX	8:55 p.m.