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# Los Angeles World Airports

## RESOLUTION NO. 23390

WHEREAS, on recommendation of Management, there was presented for approval, amendments to the Proposed Ordinance relating to the phase-out of Stage 2 Aircraft from Van Nuys Airport, and circulation of the amended Proposed Ordinance for public review and comment; and

WHEREAS, the revisions to the Ordinance, which was originally proposed in Resolution No. 17154, include updating the implementation dates of the Proposed Ordinance and adding provisions to exempt certain historic aircraft from the phase-out. Los Angeles World Airports (LAWA) Staff has also added a provision exempting aircraft maintenance work from the Proposed Ordinance during the seven (7) year phase-out; and

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WHEREAS, due to the now obsolete dates in the original Proposed Ordinance, the proposed implementation dates are updated as follows: on January 1, 2009 the maximum permitted noise level criterion will be set at 85 A-weighted decibels (dBA); on January 1, 2011 the maximum permitted noise level will be set at 83 dBA; on January 1, 2014 the maximum permitted noise level will be set at 80 dBA; and on January 1, 2016 the maximum permitted noise level will be set at 77 dBA. As in the original Proposed Ordinance, the established maximum noise levels will be the certificated noise levels established by the Federal Aviation Administration (FAA) in the latest edition of Advisory Circular 36-3, *Estimated Airplane Noise Levels in A-Weighted Decibels*; and

WHEREAS, as directed by the Los Angeles City Council, LAWA evaluated the effect of the Proposed Ordinance on historic aircraft. This evaluation shows that several historic aircraft based at Van Nuys Airport ("VNY"), including the classic World War II aircraft of the Condor Squadron; historic DC-3's, and others would have been removed from VNY under the terms of the original Proposed Ordinance. The amended Proposed Ordinance will provide for exemption of VNY-based historic aircraft that fall under the following provisions: (a) Aircraft of types first flown prior to January 1, 1950, shall be exempt from the provisions of the Ordinance; (b) Military aircraft of types first flown on or after January 1, 1950, shall be exempt from the provisions of the Ordinance until January 1, 2016; and (c) the BOAC shall review the exemption provisions related to historic aircraft on or before January 1, 2019, and every ten years thereafter, to consider and recommend appropriate revisions to the Ordinance; and

WHEREAS, the amended Proposed Ordinance also provides for exemption of maintenance activities for Stage 2 aircraft being conducted at VNY during the seven-year phase-out. Currently, the VNY Non-Addition Rule (Los Angeles City Ordinance No. 173215) exempts major repairs or refurbishment, required maintenance inspections or systems installation and warranty work from the provisions of the Non-Addition Rule, provided all requirements of the Rule are satisfied. The Proposed Ordinance authorizes the VNY Airport Manager to grant a one-time written exemption for an aircraft departing VNY on a permanent basis; and

WHEREAS, LAWA Staff estimates that the following timeline is adequate to complete the necessary work to bring the Ordinance back to the BOAC for final approval and transmittal to the City Council:

- August 2008: Complete the environmental review process; and
- October 2008: BOAC action to approve the proposed amendments to the Ordinance and authorize transmittal to the City Council for adoption; and

WHEREAS, in considering the FAA Reauthorization Bill, the Congress may take action to phase-out Stage 2 aircraft weighing less than 75,000 pounds nationwide within three to five years. The House of Representatives version of the bill (H.R. 2881) would prohibit such aircraft effective December 31, 2012; does not include an airport opt-out of the phase-out; and allows an exception "for transport of persons and goods in relief of emergency situations". The Senate version of the bill (S. 1300) would prohibit Stage 2 aircraft effective three years following enactment of the bill, which could be as soon as late 2010; allows airports to opt-out of the prohibition, effectively allowing continued Stage 2 operations at those airports; and does not contain the "emergency situations" exception. The City Council and Mayor adopted enactment of the Federal Stage 2 aircraft phase-out as official City policy in 2005; and

WHEREAS, this Federal action, if passed, might preempt the City's ability to implement the Proposed Stage 2 Phase-out Ordinance. The language in the final bill is still being finalized for consideration by both houses of Congress; and

WHEREAS, funds for this item are available in the Fiscal Year 2007-08 LAWA Operating Budget in Cost Center 1400009 – VNY Noise Management, Commitment Item 520 – Contractual Services. Funding for subsequent years will be requested as part of the annual budget process; and

WHEREAS, feasibility and planning studies for possible future action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II Section 2 (d) of the Los Angeles City CEQA Guidelines, as amended by the City Council on July 31, 2002; and

WHEREAS, actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of the Los Angeles City Charter Section 245;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners determined that this action is exempt from California Environmental Quality Act requirements; adopted the Staff Report; approved the amended Proposed Ordinance; and authorized the Executive Director to circulate the amended Proposed Ordinance for public review and comment, conduct the appropriate environmental review, and return the amended Proposed Ordinance to the Board of Airport Commissioners for final approval and transmittal to the Los Angeles City Council for adoption.

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I hereby certify that the foregoing is a true and correct copy of Resolution No. 23390 adopted by the Board of Airport Commissioners at a Regular Meeting held Monday, August 20, 2007.



Sandra J. Miller – Secretary  
BOARD OF AIRPORT COMMISSIONERS