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## Los Angeles World Airports

February 2, 2009

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Federal Aviation Administration  
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LA/Palmdale

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Gina Marie Lindsey  
Executive Director

Re: Van Nuys Airport (VNY) Noisier Aircraft Phaseout Ordinance

Dear Kate:

Thank you for your letter dated December 11, 2008 sharing FAA concerns about the "Van Nuys Noisier Aircraft Phaseout" Ordinance, based on preliminary review of the related Draft Environmental Impact Report (EIR). I apologize for the delay in responding to your letter.

Your letter requested information to support the city's position that the phaseout is grandfathered under ANCA. You acknowledged "the EIR's description of the phase-out rule appears to support the city's assumption that a phaseout could be grandfathered." Your letter further noted that "under ANCA, [the phaseout] may only be applied to Stage 2 aircraft," and that "[b]efore the city can implement the restriction with respect to Stage 3 aircraft, it must meet 14 Code of Federal Regulations Part 161 requirements."

The Los Angeles World Airports (LAWA) Board of Airport Commissioners (BOAC) originally proposed the Ordinance in June 1990. In August 2007, the BOAC adopted several amendments to the proposed Ordinance. The amendments updated the implementation dates, and added provisions exempting operations of certain historic aircraft, operations associated with certain types of repair and maintenance activities, and departures of permanently departing aircraft. None of these amendments made the phaseout more restrictive than originally proposed; to the contrary, they made the proposal less restrictive.

When proposed in 1990, LAWA was unable to identify any Stage 3 aircraft that would exceed the phaseout's noise limits. However, subsequent to the August 2007 BOAC action, LAWA determined that some Stage 3 certificated aircraft currently operating at VNY would exceed the limits. These aircraft are "recertificated" Stage 2 models that did not exist in 1990; the operators modified them after that date to comply with the nationwide phaseout of Stage 2 aircraft over 75,000 pounds, that ANCA required the FAA complete by the end of 1999. Soon LAWA will be requesting the BOAC approve an additional amendment to the proposed Ordinance that exempts Stage 3 certificated aircraft.

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Please be assured that we are carefully considering all applicable federal requirements under ANCA and otherwise. We would be happy to discuss with you and your colleagues whatever concerns FAA may have before the City takes final action to enact the grandfathered ordinance. From our perspective it would be preferable to arrange a face-to-face meeting either here in Los Angeles or at FAA Headquarters. In the meantime, as you suggested, we have contacted and now arranged a teleconference with Vicki Catlett for next Tuesday.

I am designating Environmental Affairs Officer Scott Tatro of LAWA's Environmental Services Division, as LAWA's point of contact for this issue and for all Part 161 related issues. You may reach him at (310) 646-9410 ext. 1010, or you may email him at [statro@lawa.org](mailto:statro@lawa.org). Thank you again for taking the time to review the Draft EIR and corresponding with LAWA on this issue.

Sincerely,



Gina Marie Lindsey  
Executive Director

GML:RJ:rh

Enclosure

cc: W. Withycombe, FAA  
R. Johnson, LAWA  
L. Mayo, City Attorney  
S. Tatro, LAWA