

Southwest Airlines  
Burbank, CA  
March 5, 2000  
DCA00MA030

**National Transportation Safety Board**  
Washington, DC

**Attachment 7**

Letter of 4/10/02 from BUR Executive Director

3 pages

**AIRPORT COMMISSIONERS**

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April 10, 2002

**Mark George, AS60  
Survival Factors Investigator  
National Transportation Safety Board  
490 L'Enfant Plaza East, S.W.  
Washington, DC 20594**

Dear Mr. George:

You have asked for a status report regarding the relocation of the passenger terminal at Burbank-Glendale-Pasadena Airport. Since my letter of March 16, 2000, the following developments have taken place which impact the ability of the Authority to move forward with its replacement terminal project:

1. In May 2000, a tentative agreement between the Airport Authority and the City Council intended to lead to final terms for a terminal project was set aside when the Federal Aviation Administration declared one of the key terms of the agreement – closure of the terminal building at night – to be impermissible unless approved by the FAA pursuant to a Part 161 Study. The Authority has awarded a contract to the engineering firm of Landrum & Brown to conduct the analysis required under Part 161 to implement a nighttime mandatory curfew on all aircraft operations between the hours of 10 p.m. and 7 a.m. We have been told by the City of Burbank that successful implementation of this curfew is an absolute precondition to the City's approval of any terminal development project.
2. In January 2001, the City of Burbank declared that it could not act on an Airport Authority application to acquire the necessary land and build a replacement terminal until a new Environmental Impact Report (EIR) was completed. The City's reasoning was that the previously approved EIR and EIS had become stale.
3. In October 2001, 58% of the voters of Burbank approved an initiative that deprives the Burbank City Council of its power to approve any terminal project agreement

with the Airport Authority unless and until a lengthy series of conditions is met. The conditions include, among other things:

- imposition of a 10 p.m. to 7 a.m. curfew;
  - a cap on the number of aircraft operations at no more than 10% above year 2000;
  - a cap on the number of passengers at no more than 10% above year 2000;
  - imposition of fines and other sanctions on violators of the curfew and caps;
  - a ban on all aircraft not originally manufactured as Stage 3 aircraft;
  - implementation of a sound insulation program that does not require aviation easements in exchange for the insulation;
  - a new Environmental Impact Report on all airport properties;
  - preparation of an airport master plan and approval of the plan by the City;
  - agreement by the Airport Authority not to lengthen or add runways or modify runways to accommodate heavier or larger aircraft;
  - payment of \$5,000 to the City for each violation of the initiative;
  - payment to the City for lost property tax revenues and reimbursement for the airport's share of all infrastructure improvements and maintenance;
  - City enforcement of the initiative's provisions;
  - independent noise monitoring by the City;
  - and a condition that the initiative may only be modified pursuant to a 2/3 vote of the electorate at a regular municipal election.
4. Immediately following the election, the City of Burbank challenged the validity of the initiative in Superior Court. The court is scheduled to hear the matter April 17.
5. On December 4, 2001, the City of Burbank imposed a moratorium on the issuance of building permits for any and all activities at the airport that would require permits until the status of the voter initiative is decided by a court. This moratorium has effectively halted all development activity at the airport.

In addition to these factors, the events of September 11<sup>th</sup> have introduced great uncertainty in the airport's ability to design the replacement terminal project. This uncertainty arises from still-evolving security measures that affect space requirements and potential gate utilization, such that the airport may be unable to meaningfully plan for and implement any terminal development project until there is greater clarity about how new security requirements affect terminal design standards.

Mark George  
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As of today, based on the above factors, there is in effect a hold on any replacement terminal development efforts. The Authority is evaluating when such efforts can resume.

Sincerely,

A handwritten signature in black ink, appearing to be "Dios Marrero", is written over a thick black horizontal redaction bar.

Dios Marrero  
Executive Director

DM:dm