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Federal Aviation Administration
Western-Pacific Region
Hawthorne, California

RECORD OF DECISION

FOR
BURBANK - GLENDALE - PASADENA
AIRPORT
BURBANK, CALIFORNIA
March 16, 1996

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I. Introduction

This document serves as a Record of the Decision of the Federal Aviation Administration (FAA) to approve the development plans associated with the proposed land acquisition and replacement passenger terminal project by the Burbank-Glendale-Pasadena Airport Authority (BGPAA), the owner and operator of the Burbank-Glendale-Pasadena Airport. This Record of Decision (ROD) will describe the purpose and need of the project, the actions to be taken by the FAA, the alternatives examined in the Final Environmental Impact Statement (FEIS), the environmental effects of the preferred alternative, committed mitigation, satisfaction of assurances and the decision to take action. The nature and extent of the decision is clearly stated in this ROD, which is a decision document.

Burbank-Glendale-Pasadena Airport is an air carrier airport owned and operated by the BGPAA, formed under the laws of the State of California in 1977. The airport is located primarily in the city of Burbank and partly within the city of Los Angeles, California. The airport has two runways with lengths of 6,885 feet and 6,032 feet. The airport was acquired by the Airport Authority from Lockheed Aircraft Corporation in 1977. The airport is served by two major air carriers, Southwest Airlines and United Airlines.

The present terminal building was constructed and has been in use prior to World War II and does not meet the minimum FAA design standards specified in FAA Advisory Circular 150/5300-13, Airport Design. A portion of the existing terminal building is located within the runway safety area for Runway 15/33. The terminal building and aircraft parked at the gate also violate the runway safety area and object free area for Runway 15/33. In addition, concerning Runway 8/26, the terminal building penetrates the FAR Part 77 primary surface, the Runway Safety Area, and the inner transitional Obstacle Free Zone.

The BGPAA has prepared several planning and environmental documents since 1981 in an effort to determine the specific location for construction of a replacement passenger terminal building. These studies include: a 1981 Draft Airport Master Plan Update, a Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) approved by the FAA in 1984, a Draft EIS/EIR prepared in 1987, a Final EIR and Final EIS prepared in 1993 and 1995 respectively. Development of the replacement passenger terminal was not pursued as a result of the 1984 FEIS/EIR because the landowner, Lockheed Corporation determined in 1985 that the property was no longer available. The 1987 DEIS addressed a split terminal concept that was abandoned when Lockheed announced on May 8, 1990 that it planned to sell its various holdings and move out of Burbank which eliminated the need for a split terminal concept. The pursuit of this development proposal addressed by the 1987 DEIS was abandoned. In July 1990, the FAA and the BGPAA initiated the preparation of a new Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the replacement passenger terminal building. Based on the information contained in previous environmental documents and the proposal to build a replacement terminal the FAA determined that the preparation of an Environmental Impact Statement was still appropriate.

The existing terminal does not have an adequate number of aircraft gates nor adequate space for hold rooms/baggage claim/ticket counters, etc. to accommodate the current and forecasted number of passengers using the airport in an efficient manner. The proposed replacement passenger terminal project is intended to assist the airport in complying with FAA minimum design and safety standards as defined in FAA Advisory Circular 150/5300-13. The replacement terminal conceptual plan allows for a phased development of the terminal. The first phase would construct a replacement passenger terminal building consisting of approximately 465,000 square feet with 19-aircraft gates to accommodate approximately 2.7 million annual passenger

enplanements. The second phase would increase the size of the terminal to a total of 670,000 square feet to accommodate 5.0 million annual passengers using 27 aircraft gates.

Approximately 140 acres of land is proposed for acquisition by the Airport Authority to accommodate construction of a replacement passenger terminal building for the full two phased buildout. This land will also accommodate construction of approximately 12,000 automobile parking spaces using both surface parking and a parking structure.

The FAA and the Airport Authority have discussed the need for a replacement passenger terminal building to meet minimum safety standards since January 1980.

As required by the Council on Environmental Quality Regulations for implementing the provisions of the National Environmental Policy Act of 1969, as amended, and FAA Order 1050.1D Policies and Procedures for Considering Environmental Impacts and FAA Order 5050.4A, Airport Environmental Handbook, a Notice of Intent to prepare an EIS was published in the Federal Register on January 2, 1991. Based on the past environmental documentation actions, the FAA required the preparation of an EIS. The mandatory 30-day period following the Notice of Availability for the Final EIS closed on November 13, 1995.

II. Purpose and Need of the Proposed Project

The purpose and need for the proposed improvements are documented in Section 2.1 of the FEIS. The existing terminal building and aircraft parked at the gate violate the Runway Safety Area and Object Free Area for Runway 15/33. The terminal also penetrates the primary surface for Runway 8/26 (FAR Part 77, Objects Affecting Navigable Airspace). In addition, the existing terminal is obsolete in terms of contemporary terminal design and efficient utilization standards. The existing terminal was constructed in the 1930s and the site on which it is located does not have adequate room for expansion. The existing terminal building has a total of 14 air carrier aircraft gate positions. Aircraft are boarded at Burbank-Glendale-Pasadena Airport using mobile stairs. The existing terminal site does not contain adequate space for second level passenger loading onto aircraft using passenger loading bridges. As stated in Section 2.2.1 of the FEIS, the L-shaped, narrow configuration of the terminal and its proximity to the runway system was developed as an expedient, temporary measure and not as part of a long-range master plan prepared to satisfy FAA requirements.

The proposed project, as described in the Final Environmental Impact Statement is described in detail in the Alternatives Analysis section of this ROD. The proposed development, as depicted on Exhibit 3-2 from the approved FEIS on the following page, includes the following elements briefly described below:

* Acquisition of approximately 140 acres of land to accommodate construction of a replacement passenger terminal building, automobile parking structure, and surface parking lots, aircraft parking apron, connecting taxiways and other associated facilities.

* Construction and operation of a first phase replacement passenger terminal building consisting of approximately 465,000 square feet with 19-aircraft gates to accommodate approximately 2.7 million annual passenger enplanements.

* Construction and operation of approximately 6,700 private vehicle parking spaces, in short-term, long-term, and Airport employee facilities. This may include construction of a multi-level automobile parking structure and/or surface parking. * Construction and operation of a grade-separated roadway system for enplaning and deplaning passengers to facilitate efficient entry

and exit from the replacement passenger terminal facility via Hollywood Way and Winona Avenue.

* Construction and operation of a phase two expansion of the replacement passenger terminal building up to a total of approximately 670,000 square feet with 27-aircraft gates to accommodate approximately 5 million annual passenger enplanements.

* Construction and operation of an expansion of the private vehicle parking spaces, in short-term, long-term, and Airport employee facilities to a total of approximately 12,300. This may include construction and operation of a multi-level automobile parking structure and/or surface parking.

* Expansion of the terminal roadway system to a total of five lanes of roadway for both the enplaning and deplaning levels.

The specific size of the replacement passenger terminal building will depend on the demand by the number of passengers using the airport.

III. THE PROPOSED AGENCY ACTIONS

The FAA's major Federal actions include the unconditional approval of an Airport Layout Plan (ALP) submitted by the BGPAA for Burbank-Glendale-Pasadena Airport, an environmental finding on the proposed development, and the Federal approval necessary to proceed with the processing of funding under the Airport and Airway Improvement Act of 1982, as amended.

An ALP depicting the proposed improvements has been processed by the FAA (Airspace Case No. 94-AWP-0086-NRA) to determine conformance with FAA design criteria and Federal grant agreements (refer to FAR Parts 77, 152 and 157). The FAA has reviewed the proposed development shown on the ALP and has determined that the proposed development at Burbank-Glendale-Pasadena Airport is compatible with existing airspace utilization and procedures.

The specific FAA decisions and other actions involving the development proposed by the BGPAA at - Burbank-Glendale-Pasadena Airport include the following:

1. Environmental approval of the project pursuant to 42 U.S.C. 4321 et. seq. and 40 CFR 1500 et. seq.
2. Unconditional approval of the Airport Layout Plan pursuant to Title 49 USC 47107(a)(16) and 49 U.S.C. 40103(b).
3. Financial support through the Federal grant-in-aid program authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at Title 49 U.S.C. 47107) and/or approval of an application to use Passenger Facility Charges.
4. Prior to any funding decision concerning construction of the proposed development, a determination must be made under 49 U.S.C. 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense pursuant to 49 U.S.C. 44502(b).
5. Approval of the appropriate amendments to the airport certification manual pursuant to Federal Aviation Regulation (FAR) Part 139 and modification, as required, to the airport security plan pursuant to FAR Part 107 (49 U.S.C. 44706).

6. Continued close coordination with the BGPAA and appropriate FAA program offices, as required, to maintain safety during construction. (FAR Part 139) (49 U.S.C. 44706).

IV. ALTERNATIVES ANALYSIS

Section 3 of the FEIS describes the proposed project and alternatives that were analyzed. The overall alternatives evaluation consisted of a two (2) level analysis. Section 3.1.4 of the FEIS describes the evaluation of the seven potential alternatives. The first level evaluated a wide range of general alternatives. The second level of analysis more closely evaluated those alternatives, including the No Action Alternative, in accordance with CEQ Section 1502.14(d) [40 CFR 1502.14 (d)], that were determined under the first level to have the potential to be a feasible and prudent solution to the problem of the proximity of the existing terminal building to the runways and the terminal being obsolete in terms of contemporary terminal design and efficient utilization standards.

The following is a brief description of each of the general project alternative categories that were identified:

FIRST LEVEL ALTERNATIVE ANALYSIS:

Construction Of A New Airport This alternative would construct a new airport on a different site including the development of additional commercial facilities at Palmdale Regional Airport/Palmdale Production Flight/Test Facility Air Force Plant 42. Even with the support and agreement of local officials, the airlines, the FAA and the general public, development of a new airport comparable to Burbank-Glendale-Pasadena Airport could take from 10-15 years and require an investment that could amount to \$1 billion or more (based on recent airport/terminal projects at Denver, Colorado; Austin, Texas; Pittsburgh, Pennsylvania, the State of Hawaii; and San Diego, California).

The Joint Powers Agreement, which defines the jurisdictional limits of the BGPAA, would not permit the construction of a new facility sponsored by the BGPAA. A number of commentors from the public suggested that the BGPAA construct the proposed Palmdale International Airport (PMD) in Palmdale, California as an alternative to further development at Burbank-Glendale-Pasadena Airport. The site where the proposed PMD is located is owned by the city of Los Angeles and is well beyond the influence and jurisdiction of the BGPAA. The BGPAA does not own real property other than that used for the Burbank-Glendale-Pasadena Airport or have the jurisdictional authority to control the development and operation of a new airport. The composition of the Joint Powers Agreement precludes the BGPAA from developing a new airport. This alternative has been determined not to be a feasible and prudent solution to the problem of the existing terminal building not meeting minimum FAA design standards due to its proximity to Runways 8/26 and 15/33 or its inefficiency in accommodating passengers and to meet the market demand in the San Fernando Valley.

Construction Of A Remote Landside Terminal: This alternative consists of construction of an off-airport passenger terminal facility serving an on-airport aircraft gate structure using some form of automated transit or shuttle system. This alternative would require the acquisition of land and would also be expected to displace businesses and or residents due to the very limited amount of vacant property in the Burbank area. Any aircraft gate structure would require sufficient space to accommodate the aircraft itself, baggage handling facilities, holdrooms, etc. All of this would have to meet minimum FAA design standards. Building two separate and distinct structures and linking them with some form of transit system would require additional facilities to link the two structures together.

Transfer Aircraft Operations To Other Airports: This alternative would involve the partial or complete transfer or shifting of aircraft operations to other airports in the Los Angeles area capable of supporting air carrier activity. The other air carrier airfields in the Los Angeles Basin include: Los Angeles International Airport; Long Beach Municipal Airport; John Wayne - Orange County Airport; and Ontario International Airport. Each of these facilities serve a specific role in the aviation system in the Los Angeles Basin. There is no incentive that would encourage the various airlines to relocate to these other airports while there is demand for air carrier service in the San Fernando Valley.

Van Nuys Airport is located to the west of Burbank-Glendale-Pasadena Airport and is the busiest general aviation airport in the country. The Los Angeles City Department of Airports, as owner of Van Nuys Airport has prohibited commercial service into this facility. This airport has a significant aircraft noise problem. There is no overall governmental organization that can mandate the transfer of aircraft activity from Burbank-Glendale-Pasadena Airport to another airport in the area. The problem of the existing terminal building location with respect to both runways not meeting minimum FAA design standards would still exist even if this alternative were somehow able to be implemented. This alternative has been determined not to be a feasible and prudent solution and has been dropped from further evaluation.

Utilize Other Modes Of Transportation: The use of other modes of transportation such as passenger rail and bus, were eliminated from consideration because of the greater amount of time consumed to travel the same distance using these modes compared to air transportation. Travel time is an important factor in the choice of a mode of travel to business travelers and tourists. This alternative has been determined not to be a feasible and prudent solution to the problem of the existing terminal building not meeting minimum FAA design standards due to its proximity to Runways 8/26 and 15/33 or its inefficiency in accommodating passengers.

Airfield Reconfiguration: This alternative involves the relocation of the existing runways away from the existing terminal in an effort to comply with minimum FAA design standards specified in FAA Advisory Circular 150/5300-13 Airport Design. The Joint Powers Agreement between the cities of Burbank, Glendale, and Pasadena prohibits the lengthening or geographic extension of any runway now in existence at the Burbank-Glendale-Pasadena Airport. In addition, this alternative would not be able to solve the associated problem of the existing terminal building's inability to accommodate existing and expected increased numbers of passengers efficiently. This alternative has been determined to be not feasible or prudent and has been dropped from further evaluation.

Construction Of A Replacement Passenger Terminal On Or Adjacent To The Airport: Under this alternative, a new passenger terminal would be constructed either on existing airport property or on lands immediately adjacent to the existing airport. This alternative offers four (4) distinct sites for evaluation for a replacement passenger terminal, one in each quadrant of the airport. Preliminary evaluation of the four sites indicated that two of these sites, one in the southwest quadrant along Runway 8/26 and one in the Southeast did not have adequate room to construct a replacement passenger terminal in accordance with FAA minimum design standards. The southwestern site (identified as site "D") would require the relocation of a major railroad line and right-of-way along with relocation of several busy surface streets. Subsequently, no further evaluation of these two sites was considered. The remaining two potential sites, the northwesterly site (site "A") and the northeast site (site "B") continued to have potential for further evaluation into the next level of analysis.

No Action Alternative: This alternative would keep the airport in its existing configuration. The existing terminal building and aircraft parked at the gate would continue to violate the Runway Safety Area and Object Free Area for Runway 15/33. The terminal would continue to penetrate the primary surface for Runway 8/26 (FAR Part 77, Objects Affecting Navigable Airspace). The existing terminal would restrict aircraft operations and also not be able to accommodate

passengers efficiently. This alternative would not solve the problem of the terminal not meeting minimum FAA design standards. In accordance with CEQ Section 1502.14(d) [40 CFR 1502.14 (d)], the no action alternative was considered for further evaluation.

SECOND LEVEL ALTERNATIVE ANALYSIS:

The results of the alternatives analysis are documented in Sections 3.1.5 and 3.2 through 3.7 of the FEIS. These sections identify the various project alternatives that have the potential to solve the problem of the existing terminal not meeting minimum FAA design Criteria including the following:

Alternative 1 - Construction Of A Replacement Passenger Terminal On Site B. This alternative has been identified by the BGPAA as the proposed project. This alternative would construct a replacement passenger terminal building including aircraft parking aprons, automobile parking (surface parking and a parking structure) and a new airport access road on land, owned by Lockheed-Martin Corporation, known as Site "B" located north of the existing terminal building. This alternative would completely replace the existing facility with a more efficient terminal building that can accommodate airline passengers more efficiently than the existing terminal structure. This alternative includes acquisition of approximately 140 acres of land not currently owned by the BGPAA.

A replacement passenger terminal, including an aircraft parking apron, connecting taxiways, airport access road and an automobile parking structure could be built on this location that would be able to comply with minimum FAA design standards and ultimately accommodate up to 5.0 million enplaned passengers annually.

Alternative 2 - Split Terminal Project With Landside Facilities On Site B And Airside Facilities On Site A. This alternative would have the landside portion of a replacement passenger terminal on Site B and the airside facilities including aircraft gates, parking aprons, etc on Site A on the west side of the airport. The two structures would be connected by an underground tunnel under Runway 15/33. This alternative would require substantial improvements to Taxiway B which are not currently shown on the currently approved Airport Layout Plan to accommodate narrowbody as well as widebody air carrier aircraft using Runway 15.

Alternative 3 - Split Terminal Project With Landside Facilities On Site A And Airside Facilities On Site B. This alternative is similar to Alternative 2 above except the location of the landside and airside facilities are reversed. This alternative would require that all privately owned land located within Site A be acquired to provide adequate room to accommodate the necessary automobile parking structure. All of Site B would need to be acquired to accommodate the airside facilities to meet minimum FAA design criteria.

Alternative 4 - Reduced Project With Landside Facilities On Site B. This alternative is similar to Alternative 1, the proposed project, however the replacement passenger terminal would be constructed to accommodate only 2.7 million enplaned passengers forecasted for the year 1998. Both surface and aircraft access would be on Site B. This alternative would require the acquisition of only 100 acres of land and would provide parking positions for only 19 aircraft. The existing terminal building can accommodate 14 aircraft parking positions.

Alternative 5 - Reduced Project With Landside Facilities On Site A. This alternative is similar to Alternative 3 with the exception that the entire replacement passenger terminal complex would be located on the west side of the airport. This alternative would require that all surface access to the terminal building would be along Sherman Way and Clybourn Avenue in the city of Los Angeles. This alternative would also require improvements to Taxiway B described in Section 3.3 of the FEIS.

Due to the limited amount of space on Site A, all the automobile parking for the terminal building would have to be in the form of parking structures.

Alternative 6 - No Action. Under this alternative, the BGPAA would take no action to develop a replacement passenger terminal facility or expand the existing facility. The existing terminal would continue to violate the Runway Safety Area and Object Free Area for Runway 15/33. The existing terminal would continue to penetrate the primary surface for Runway 8/26 (FAR Part 77, Objects Affecting Navigable Airspace). The existing terminal would not be able to accommodate passengers efficiently. This alternative would not solve the problem of the terminal not meeting minimum FAA design standards. The no action alternative was retained for further evaluation in accordance with CEQ Section 1502.14(d) [40 CFR 1502.14 (d)].

The demand for air transportation services are expected to continue, whether a replacement passenger terminal building is constructed or not. The demand for airline service into and out of the San Fernando Valley is created by the need for air transportation and not the terminal facilities provided by the airport.

Section 3.9 of the FEIS identifies Alternative 1 - Construction of a Replacement Passenger Terminal on Site B as the "preferred alternative" to meet the purpose and need. The split terminal operations were not selected because they would require acquisition of off-airport property zoned for nonairport uses and would require construction of an expensive tunnel under Runway 15/33. The reduced project alternatives would meet the FAA design criteria, however they would not accommodate the forecasted demand. The No Action alternative was also evaluated, however it would not meet the purpose and need of meeting the FAA's minimum design criteria.

CONCLUSION

In arriving at this decision, the FAA considered all pertinent factors including the environmental impact as well as the FAA statutory charter in the Federal Aviation Act of 1958 to encourage and foster the development of civil aeronautics (49 USC 40104). The preferred alternative that is described in the FEIS as Alternative 1 demonstrated the best ability to meet the purpose and need of the project with the least adverse environmental impact. Therefore Alternative 1 has been determined by the FAA in this Record of Decision to be the FAA's environmentally preferred alternative. This alternative directly supports the essential and most urgent facility needs at Burbank-Glendale-Pasadena Airport with the least adverse environmental effects. The two level system of reasonable alternative analysis screened out off-airport development proposals, that upon close scrutiny, were not feasible or prudent alternatives to solving the problem of the existing terminal building not meeting minimum FAA design standards.

While construction of a new airport in the Palmdale area may attract passengers from the Burbank area, the BGPAA has no jurisdiction that would enable them to pursue this alternative. The land where the proposed Palmdale International Airport is located is owned by the city of Los Angeles which operates other air carrier and general aviation airports in the Los Angeles Basin. The development of a new airport would be a time consuming process and would not address the basic problem at Burbank-Glendale-Pasadena Airport.

The Joint Powers Agreement between the three member cities of the Airport Authority prohibits the BGPAA from extending the runways in order to make the terminal building comply with FAA design criteria. The FAA has determined that this alternative would not be a prudent use of Airport and Airway Trust funds since the existing terminal structure is not able to efficiently accommodate passengers.

The significant amount of developed land surrounding the airport, limit the reasonable options available to the BGPAA locating a site in order to replace the existing terminal building.

The No Action alternative did not meet the purpose and need for the project in that the existing building would continue to violate minimum FAA design standards. Further, as demand for air transportation increases at Burbank-Glendale-Pasadena Airport, the existing terminal's ability to accommodate passengers will continue to decline. The two Reduced Project Alternatives, would satisfy the first part of the purpose, by building a replacement passenger terminal in a location that complies with FAA design criteria. However, construction of a replacement terminal on Site A would require high density construction (automobile parking structures) in a very limited amount of land. These projects limit the ability of the BGPAA to accommodate the expected increased demand. This would have the effect of merely postponing the existing situation by several years. The FAA has determined that the reduced project alternatives would not adequately meet the purpose and need for the proposed project.

In summary, after consideration of all the reasonable alternatives, the preferred alternative identified in Section 3.2 of the FEIS as Alternative 1, acquisition of approximately 140 acres of land and construction of a replacement passenger terminal complex best meets the purpose and need to have a passenger terminal that meets the minimum FAA design standards and that can accommodate passengers efficiently at Burbank-Glendale-Pasadena Airport.

V. ENVIRONMENTAL CONSEQUENCES AND MITIGATION

The impacts of the proposed action and alternatives, are summarized below. Detailed discussions are contained in the Final EIS in Section 5. In this ROD each resource studied is listed with a brief impact analysis described, the assessment stated, and required mitigation, if any is necessary, presented. Cumulative impacts are addressed in Section 5.33 of the FEIS.

The FAA will take appropriate steps to ensure that the applicable following mitigation actions are implemented during project development. These steps include grant-in-aid assurances and conditions, airport layout plan approvals, contract plans and technical specifications, and written commitments from the BGPAA.

The FAA shall monitor the implementation of these mitigation actions, as necessary, to assure that representations made in the FEIS and this Record of Decision with respect to mitigation are carried out. The FEIS includes a summary of impacts and mitigation actions in Appendix A. Practical means to avoid or minimize environmental harm are summarized in each environmental impact category below.

The following is a summary of the various environmental impact categories required by FAA Order 5050.4A. The EIS was initially prepared as a joint Federal/State document and contains other environmental impact categories that are specifically required by the California Environmental Quality Act of 1970 (CEQA). Since the Airport Authority certified the Final Environmental Impact Report prior to the approval of the Final Environmental Impact Statement, the FAA determined that retaining the CEQA information while not required by the FAA Order would be beneficial to the decision maker.

NOISE. This environmental impact category has been the subject of discussion and comments from the public. The FEIS documents the proposed project's noise impact on the surrounding community in Section 5.1. The noise analysis indicates that essentially no new or additional noise impacts would result from implementation of any of the proposed improvement alternatives. Noise levels would not exceed FAA's threshold of significance of 1.5 CNEL increase over noise sensitive land uses within the 65-CNEL noise contour. The replacement passenger terminal building will not affect the runway use patterns or the level of aircraft operations at the airport.

The existing noise impacts are addressed by the FAR Part 150 Noise Compatibility Program for Burbank-Glendale-Pasadena Airport approved by the FAA on July 27, 1989. As stated in Section

5.1.4 of the FEIS, in an effort to address the public's concern about a more equal distribution of air carrier departures, the FAA has agreed to evaluate the technical, operational, and environmental impacts of removing the restriction on aircraft over 12,500 pounds from departures on Runway 8. This evaluation will be conducted in conjunction with the Authority's submittal of a modification to the Noise Compatibility Program, which will include identification and analysis of mitigation and/or abatement measures to reduce the impacts of aircraft noise generated at the replacement terminal on surrounding residential land uses. The BGPAA intends to update its FAR Part 150 NCP prior to construction of the replacement passenger terminal building as described in Section 5.1.3 of the FEIS.

COMPATIBLE LAND USE. The proposed replacement passenger terminal project is consistent with the city of Burbank's General Plan and the Golden State Program Framework Plan as described in Section 5.3.2 of the FEIS. The proposed replacement passenger terminal project is consistent with the city of Los Angeles' Sun Valley Plan. This plan has a policy of limiting on-Airport uses to air navigational aids and aircraft operational activities. Alternative 1 - the proposed project would construct the replacement passenger terminal and aircraft parking apron outside of the city of Los Angeles. The only portion of the project within the city of Los Angeles would be surface parking for automobiles. The Airport Authority has provided the required written land use assurance letter to the FAA and is included in Appendix I of the FEIS. No specific mitigation is required for this impact category.

SOCIAL IMPACTS The principal social impact by the proposed replacement passenger terminal is the relocation of approximately 11 businesses. No relocation of residences is necessary. The relocation of businesses will be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Section 5.4.4 of the FEIS states that seven of 36 key study area intersections would be significantly affected by increased surface traffic volumes by 1998. 11 key intersections would be affected by 2010. The FEIS identifies various mitigation measures for these impacts including provision of additional intersection capacity, and construction of a grade-separated bridge by 2010 over the intersection of Hollywood Way and Winona Avenue.

INDUCED SOCIOECONOMIC IMPACTS. The proposed land acquisition will remove approximately 140 acres of land from the property tax roles of the cities of Burbank and Los Angeles by converting them from private to public ownership. The revenues generated from sales tax by users and tenants of the replacement passenger terminal will help to offset the loss of property tax.

AIR QUALITY The air emissions associated with the airport are expected to increase due to the forecasted increase in aircraft operations with or without the replacement passenger terminal.

The final EPA General Conformity Regulations contain transition (or grandfathering) provisions for projects that had commenced planning activities, including environmental assessments, before the effective date of the final regulation (January 31, 1994). Title 40 CFR Section 93.150(c)(2) provides that the specific rules in the final regulation do not apply to proposed Federal actions where the environmental analysis was commenced before the effective date of the regulation, sufficient environmental analysis was completed, and a conformity determination was completed by March 15, 1994. See, Preamble to the EPA Final General Conformity Regulation, 58 Fed. Reg. 63215-16. The Burbank Terminal Replacement Project qualifies for grandfathering because the EIS and environmental analysis were initiated in January 1991 and sufficient environmental analysis was completed to support a final determination in July 1993 that the project conformed pursuant to Section 176(c) of the Clean Air Act, as amended in 1990.

Section 5.8.2 of the FEIS describes the air quality impacts including the need for an air quality conformity determination pursuant to Section 176 of the Clean Air Act. The analysis presented in Section 5.8.2(c) of the FEIS clearly shows that air emissions associated with operation of the proposed replacement passenger terminal project are clearly de minimus. Pursuant to 40 CFR Section 51.853, project emissions that have been demonstrated to be below de minimus levels are presumed to conform to the State Implementation Plan. Consequently, a conformity determination pursuant to Section 176(c) of the Clean Air Act is not required. It is important to note that the proposed project is the acquisition of approximately 140 acres of land, construction of a replacement passenger terminal complex and demolition of the existing terminal building.

However, after the replacement passenger terminal is operational, overall aircraft emissions are expected to be lower than those in the No Action Alternative due to reduced ground based delay times resulting from various measures specified in Section 5.8.3(b) of the FEIS including the use of central power and preconditioned air for use by aircraft at the gates. This is intended to help reduce the amount of time that on-board auxiliary power units are operating. The Southern California Association of Governments concurs with the air quality analysis presented in the FEIS.

Prior to the U.S. EPA's promulgation of 40 CFR Section 51.853, effective on January 31, 1994, the Southern California Association of Governments (SCAG) (the Metropolitan Planning Organization in Southern California) reviewed and commented on the conformity analysis presented in the Preliminary Final EIS/Final EIR for the proposed project, dated March 1993. SCAG stated in a letter to the FAA, dated July 22, 1993 that they had reviewed the Preliminary FEIS/FEIR and determined that the proposed project conforms with the 1979 California State Implementation Plan, the 1989 Regional Mobility Plan and the 1991 Air Quality Management Plan. SCAG further noted six specific findings in their letter that support the FAA's determination that the proposed project conforms to the SIP. SCAG concurs with air quality analysis presented in the FEIS. The SCAG letter concurs with the FAA that the implementation of the proposed action:

1. Does not cause or contribute to any new air quality violation,
2. Does not increase the frequency or severity of any existing air quality violation, and
3. Does not delay timely attainment of the National Ambient Air Quality Standards.

SCAG notes "if the No-Build alternative were to be adopted, only two of the ten existing 8-hour violations would be eliminated. Thus the No-Build alternative, in this case, would delay timely attainment, not the proposed preferred alternative."

The various efficiencies of the proposed project will improve the overall air quality of the area by reducing emissions that occur using the existing terminal building. The FAA will place appropriate language in a special condition in the grant-in-aid agreement for construction of the replacement terminal building to require the BGPAA to use central power and pre-conditioned air at each gate to reduce emissions from auxiliary power units. Emissions reduction due to the use of central power and pre-conditioned air are generally favorable. Further quantification of these emissions reductions would demonstrate that the proposed replacement passenger terminal project is still below de minimus levels specified in 40 CFR 51.853 than is described in the FEIS. As documented in Section 5.22.1(a) of the FEIS, construction activities are considered to be short-term and temporary in nature and duration.

The FAA believes that the air quality emission reductions of operation of the replacement passenger terminal at Burbank-Glendale-Pasadena Airport far outweigh the temporary emissions due to construction related activities.

WATER QUALITY The proposed project is not expected to have a significant impact on water quality in the area. Section 5.9.2 of the FEIS states that both the city of Burbank and city of Los Angeles have indicated that an adequate supply of water that complies with all State and federal water quality standards can be provided as required by the project.

Surface water runoff at the replacement terminal site is expected to be greater than at the existing site, however, the site for the replacement terminal is currently developed and paved, so no net increase in impervious surface would be associated with construction of a new terminal

The California Regional Water Quality Control Board, has requested that the BGPAA prepare an environmental assessment also known as a "site audit" that describes the various impacts to water quality resulting from the demolition of the existing terminal building. The Water Quality Control Board has requested that this document be submitted to them for review no later than July 1, 1996. The FAA will require that the BGPAA comply with all applicable water quality regulations, and guidelines during both the construction of the replacement passenger terminal building and the demolition of the existing terminal building.

HAZARDOUS SUBSTANCES. The FEIS included an analysis of hazardous substances. Section 5.7 of the FEIS identifies the various locations where hazardous substances are known or suspected to be present. Section 5.7.3(a) of the FEIS states that the Airport Authority would not begin construction of a replacement passenger terminal project on any property located beyond the current Airport boundary until hazardous substances on the property have been removed or otherwise reduced to levels that are acceptable to the Airport Authority and to the agencies with jurisdiction regarding such substances.

Removal of the hazardous substances from the site prior to construction of the terminal project will be accomplished by the U.S. Department of Defense and the U.S. Environmental Protection Agency through the Superfund program in accordance with the Record of Decision and Consent Decree signed by Lockheed on March 25, 1993.

DEPARTMENT OF TRANSPORTATION, SECTION 4(F) LANDS. The proposed land acquisition and replacement passenger terminal project would not affect any lands protected by DOT Section 4(f) as described in Section 5.10 of the FEIS. No specific mitigation for this environmental impact category is necessary.

HISTORIC AND ARCHAEOLOGICAL RESOURCES. The replacement passenger terminal is proposed to be constructed on land that has been previously developed. Consultation with the State Historic Preservation Officer has occurred and is documented in Section 5.11.2 of the FEIS. The proposed project is not expected to have a significant impact on historical and/or archaeological resources in the area. None of the structures that are on the land to be acquired have been designated as historic pursuant to 36 CFR Part 800. No specific mitigation for this environmental impact category is necessary.

BIOTIC COMMUNITIES. The FEIS states in Section 5.12, that the proposed replacement passenger terminal site has been in urban use for many years. No natural biological communities and almost no vegetation occur on either Site A or B. Therefore, the proposed project will have no impact on biotic communities. No specific mitigation for this environmental impact category is necessary.

ENDANGERED AND THREATENED SPECIES OF FLORA AND FAUNA. Section 5.13 of the FEIS states that there are no known habitats for or any identified endangered and threatened species on or in the vicinity of either Site A or B. Therefore, the proposed project will not impact any federally listed threatened or endangered species. No mitigation for this environmental impact category is necessary.

WETLANDS. There are no wetlands present on either Site A or B. Each site has been in urban use for many years, therefore the proposed project will have no impact on wetlands as described in Section 5.14 of the FEIS. No mitigation for this environmental impact category is necessary.

FLOODPLAINS. Section 5.15 of the FEIS states that neither Site A or B lie within a 100-year floodplain. Therefore the proposed project will create no impact to floodplains. No mitigation for this environmental impact category is necessary.

COASTAL ZONE MANAGEMENT AND COASTAL BARRIERS. The FEIS notes in Section 5.16 that the proposed site is not located within the defined California Coastal Zone. Further the Coastal Barriers Resources Act refers to the Atlantic and Gulf Coasts. Therefore, the proposed project will not create an impact to these resources. No mitigation for this environmental impact category is necessary.

WILD AND SCENIC RIVERS. There are no rivers or segments of rivers or streams that are categorized as wild and scenic that would be affected by the proposed replacement passenger terminal project as described in the FEIS in Section 5.17. No mitigation for this environmental impact category is necessary.

FARMLAND. Both sites A and B are located in highly developed urban areas. No active production farmland has existed in these areas for many years. Therefore, the proposed project will not result in a loss of active production farmland as stated in Section 5.18 of the FEIS. No mitigation for this environmental impact category is necessary.

ENERGY SUPPLY AND NATURAL RESOURCES. All the alternatives including the No Action Alternative would result in increased use of fuel and energy due to increased demand. No specific mitigation for this environmental impact category is necessary. However, Section 5.19.3 of the FEIS states that the Airport Authority will take the appropriate steps to integrate energy efficient measures such as advanced heating, ventilation and air conditioning systems to meet current federal and State energy codes.

LIGHT EMISSIONS. The proposed replacement passenger terminal project will require installation of lighting for the terminal building itself and the aircraft parking apron. Section 5.20. of the FEIS notes that no specific mitigation of light emissions is necessary since the non-residential land uses that surround the airport perimeter shield residential areas from the airport. Mitigation measures for this environmental impact category are described in Section 5.20.3 of the FEIS. The FEIS states that light standards should be designed with shielding so that the lights are not visible from a distance.

SOLID WASTE IMPACT. Each of the alternatives would continue to generate solid waste at the Airport. Construction of a replacement passenger terminal would result in a temporary increase in construction related solid waste. The city of Burbank land fill is expected to be adequate for the next 20-years. No specific mitigation measures for this environmental impact category are required. However, the Airport Authority intends to implement an aggressive recycling program after the replacement terminal is open to help reduce the total amount of solid waste generated at the airport.

CONSTRUCTION IMPACTS. Construction related impacts will be short term and include the increased potential for soil erosion and fugitive dust emissions. Specific mitigation measures identified for these impacts are described in Section 5.22.3 of the FEIS.

DESIGN, ART AND ARCHITECTURE. The FEIS states in Section 5.23.1 that the immediate vicinity of the airport does not have a recognized standard for architectural design. The replacement passenger terminal building would not be inconsistent with land uses currently on

and around the airport. The FEIS states that a landscaping plan would be prepared for the new facilities to reduce the potential negative visual effects of the Airport. No specific mitigation for this environmental impact category is necessary.

VI. AGENCY FINDINGS

In accordance with the guidelines described in Paragraph 94 of FAA Order 5050.4A, Airport Environmental Handbook, the FAA has made the following determinations for the proposed project based upon appropriate evidence set forth in the Final EIS and the administrative record required by the Airport and Airway Improvement Act of 1982, as amended.

A. The project is reasonably consistent with existing plans of public agencies for development of the area [49 U.S.C. 47106(a)]. The proposed project has been developed in coordination with the following plans and public agencies: The BGPAA, during the preparation of the EIS expressed its intent to diligently pursue the compatibility of land uses around the airport. The proposed replacement passenger terminal project is consistent with the city of Burbank's General Plan and the Golden State Program Framework Plan as described in Section 5.3.2 of the FEIS. The proposed replacement passenger terminal project is not consistent with the city of Los Angeles' Sun Valley Plan which has a policy of limiting on-Airport uses to air navigational aids and aircraft operational activities. Alternative 1 - the proposed project would construct the replacement passenger terminal and aircraft parking apron outside of the city of Los Angeles. The only portion of the project within the city of Los Angeles would be surface parking for automobiles. The Airport Authority has provided the required written land use assurance letter to the FAA and is included in Appendix I of the FEIS. As shown in Section 5.1 of the FEIS, the projected noise levels around the airport are not expected to change as a result of construction and operation of the replacement passenger terminal building.

The BGPAA intends to update its FAR Part 150 Noise Compatibility Study prior to the actual construction of the replacement passenger terminal building to identify and evaluate additional potential reasonable and feasible mitigation measures to reduce the impact of aircraft noise on the community.

B. Fair consideration has been given to the interests of communities in or near the project location [49 U.S.C. 47106(b)(2)]. Throughout the planning process many individuals, officials, agencies and organizations have been consulted, or have participated in activities that have contributed to the preparation of this EIS. Section 6.2 of the FEIS identified the various organizations and persons who received both the Draft and Final EIS based on legal jurisdiction or special interest. Approximately 125 documents were distributed by mail. A detailed listing of public involvement is contained in Appendix A of the FEIS.

In addition to direct distribution to the above groups, copies of the EIS were hand delivered by FAA staff to nine (9) area libraries to assure that the FEIS would be available for public review.

C. Appropriate action has been or will be taken to restrict, to the extent possible, the use of land in the vicinity of the airport to purposes compatible with airport operations [49 U.S.C. 47107(a)(10)]. The Burbank-Glendale-Pasadena Airport is located within both the city of Burbank and the city of Los Angeles, California. The Burbank-Glendale-Pasadena Airport Authority has provided the FAA with written assurance that they will take appropriate action, including consultation with adjacent jurisdictions to encourage the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to Burbank-Glendale-Pasadena Airport to activities and purposes compatible with normal airport operations. A copy of this written assurance is located in Appendix I of the FEIS.

D. Appropriate air and water quality certificates have been or will be secured for projects involving airport location, runway location, or a major runway extension [49 U.S.C. 57106(c)(1)(B)]. The proposed action does not require certification from the Governor's office since it does not involve construction of a new airport, new runway or major runway extension pursuant to the Airport and Airway Improvement Act of 1982, as amended. The Burbank-Glendale-Pasadena Airport Authority has secured and maintains a National Pollution Discharge Elimination System (NPDES) permit through the State of California for storm water runoff. The Burbank-Glendale-Pasadena Airport Authority will submit an environmental assessment also known as a "site audit" for soil and groundwater quality issues to the California Regional Water Quality Control Board by July 1, 1996 as requested in their letter dated November 1, 1995.

E. For actions involving airport location, runway location, or a major runway extension, and found to have a significant adverse effect, there shall be evidence to support the conclusion that (a) there is no feasible and prudent alternative, and (b) all reasonable steps have been taken to minimize adverse effects [49 U.S.C. 47106(c)(1)(C)]. The proposed project does not involve an airport location, runway location, or major runway extension.

F. The proposed action does not involve the use of lands subject to Section 4(f) of the Department of Transportation Act [49 U.S.C. 303]. There are no lands subject to protection by DOT Section 4(f) that would be affected by the proposed project at Burbank-Glendale-Pasadena Airport.

G. Any actions that involve the displacement and relocation of people. There will be no relocation or displacement of the population or housing for the population resulting from the proposed project. Eleven (11) businesses will be relocated by the Burbank-Glendale-Pasadena Airport Authority to other locations adjacent to the airport or elsewhere in the region.

H. Any actions that involve new construction affecting wetlands. There are no wetlands at Burbank-Glendale-Pasadena Airport.

I. Any actions that encroach on a floodplain. Burbank-Glendale-Pasadena Airport is not located near a floodplain.

J. The FAA has given this proposal the independent and objective evaluation required by the Council on Environmental Quality [40 CFR 1506.5]. As described in the Final EIS, the proposed project and the alternatives were studied extensively to determine the potential assessed impacts and the environmentally preferred project. The FAA provided input, advice, and expertise throughout the planning and technical analysis along with administrative and legal review of the project. The FAA has on file a disclosure statement from the environmental consultant that satisfies the requirement of CEQ 1506.3(c). From its inception, the record supports extensive involvement of the Federal Aviation Administration in the project.

K. The proposed project has been determined by the FAA to be "grandfathered" from the requirements to determine conformity with the State Implementation Plan for air quality pursuant to 40 CFR 93.150(c)(2), the implementing regulations for Section 176 (c) (1)(a) and (b) of the Federal Clean Air Act as amended in 1990.

The final EPA General Conformity Regulations contain transition (or grandfathering) provisions for projects that had commenced planning activities, including environmental assessments, before the effective date of the final regulation (January 31, 1994). Title 40 CFR Section 93.150(c)(2) provides that the specific rules in the final regulation do not apply to proposed Federal actions where the environmental analysis was commenced before the effective date of the regulation, sufficient environmental analysis was completed, and a conformity determination was completed by March 15, 1994. See, Preamble to the EPA Final General Conformity

Regulation, 58 Fed. Reg. 63215-16. The Burbank Terminal Replacement Project qualifies for grandfathering because the EIS and environmental analysis were initiated in January 1991 and sufficient environmental analysis was completed to support a final determination in July 1993 that the project conformed pursuant to Section 176(c) of the Clean Air Act, as amended in 1990.

While the FAA has determined that conformity analysis is not required, Section 5.8.2 of the FEIS does describe the air quality impacts of the proposed action including the need for an air quality conformity determination pursuant to Section 176 of the Clean Air Act. The analysis presented in Section 5.8.2(c) of the FEIS clearly shows that air emissions associated with operation of the proposed replacement passenger terminal project are clearly de minimus. Pursuant to 40 CFR Section 51.853, project emissions that have been demonstrated to be below de minimus levels are presumed to conform to the State Implementation Plan. Consequently, a conformity determination pursuant to Section 176(c) of the Clean Air Act is not required. It is important to note that the proposed project is the acquisition of approximately 140 acres of land, construction of a replacement passenger terminal complex and demolition of the existing terminal building.

However, after the replacement passenger terminal is operational, overall aircraft emissions are expected to be lower than those in the No Action Alternative due to reduced ground based delay times resulting from various measures specified in Section 5.8.3(b) of the FEIS including the use of central power and preconditioned air for use by aircraft at the gates. This is intended to help reduce the amount of time that on-board auxiliary power units are operating. The Southern California Association of Governments concurred with the air quality analysis presented in the preliminary FEIS.

Prior to the U.S. EPA's promulgation of 40 CFR Section 51.853, effective on January 31, 1994, the Southern California Association of Governments (SCAG) (the Metropolitan Planning Organization in Southern California) reviewed and commented on the conformity analysis presented in the Preliminary Final EIS/Final EIR for the proposed project, dated March 1993. SCAG stated in a letter to the FAA, dated July 22, 1993 that they had reviewed the Preliminary FEIS/FEIR and determined that the proposed project conforms with the 1979 California State Implementation Plan, the 1989 Regional Mobility Plan and the 1991 Air Quality Management Plan. SCAG further noted six specific findings in their letter that support the FAA's determination that the proposed project conforms to the SIP. SCAG concurs with air quality analysis presented in the FEIS. The SCAG letter concurs with the FAA that the implementation of the proposed action:

1. Does not cause or contribute to any new air quality violation,
2. Does not increase the frequency or severity of any existing air quality violation, and
3. Does not delay timely attainment of the National Ambient Air Quality Standards.

SCAG notes "if the No-Build alternative were to be adopted, only two of the ten existing 8-hour violations would be eliminated. Thus the No-Build alternative, in this case, would delay timely attainment, not the proposed preferred alternative."

The various efficiencies of the proposed project will improve the overall air quality of the area by reducing emissions that occur using the existing terminal building. The FAA will place appropriate language in a special condition in the grant-in-aid agreement for construction of the replacement terminal building to require the BGPAA to use central power and pre-conditioned air at each gate to reduce emissions from auxiliary power units. Emissions reduction due to the use of central power and pre-conditioned air are generally favorable. Further quantification of these emissions reductions would demonstrate that the proposed replacement passenger terminal project is still below de minimus levels specified in 40 CFR 51.853 than is described in the FEIS. As

documented in Section 5.22.1(a) of the FEIS, construction activities are considered to be short-term and temporary in nature and duration. The FAA believes that the air quality emission reductions of operation of the replacement passenger terminal at Burbank-Glendale-Pasadena Airport far outweigh the temporary emissions due to construction related activities.

VII. DECISIONS AND ORDERS

Alternative 1, Acquisition of approximately 140 acres of land and construction is the proposed project and the FAA's environmentally preferred alternative. It includes the acquisition of approximately 140 acres of land, construction of the replacement passenger terminal building, aircraft parking apron, connecting taxiways, surface automobile parking and an automobile parking structure, new airport access road, and local surface road improvements. The FAA must select one of the following choices.

- A. Approve agency actions necessary to implement the proposed project, or
- B. Disapprove agency actions to implement the proposed project.

Approval would signify that applicable federal requirements relating to airport development and planning have been met, and would permit the Burbank-Glendale-Pasadena Airport Authority to implement the proposed eligible development with Federal funds or a Passenger Facility Charge (PFC). Not approving these agency actions would prevent the Burbank-Glendale-Pasadena Airport Authority from proceeding with Federally supported development in a timely manner.

I have carefully considered the FAA's goals and objectives in relation to the various aeronautical aspects of the proposed master plan update improvements at Burbank-Glendale-Pasadena Airport as discussed in the Final EIS. The review included the purposes and needs to be served by this project, the alternative means of achieving them, the environmental impacts of these alternatives, the mitigation necessary to preserve and enhance the human environment, and the costs and benefits of achieving these purposes and needs in terms of an effective and fiscally responsible expenditure of Federal funds.

Under the authority delegated to me by the Administrator of the Federal Aviation Administration, I find that the project is reasonably supported, and I therefore direct that action be taken to carry out the agency actions discussed more fully in the Purpose and Need section of this Record including:

- A. Environmental approval of the project pursuant to 42 U.S.C. 4321 et. seq. and 40 CFR 1500 et. seq.
- B. Unconditional approval of the Airport Layout Plan pursuant to 49 U.S.C 47107(a)(16) and 40103(b), submitted by the Burbank-Glendale-Pasadena Airport Authority for the Burbank-Glendale-Pasadena Airport depicting the proposed development.
- C. Approval to proceed with the processing for eligible funding for those projects described within the Final EIS and this Record of Decision, where such funding is requested by the sponsor under the Airport and Airway Improvement Act of 1982, as amended, or the PFC Program. The FEIS will satisfy the environmental documentation needs for the collection and use of a Passenger Facility Charge application, submitted by the Burbank-Glendale-Pasadena Airport Authority and processed pursuant to Federal Aviation Regulation Part 158 for those projects identified in the FEIS. Prior to any funding decision concerning the proposed development, a determination must be made under 49 U.S.C. 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense pursuant to 49 U.S.C. 44502(b).

D. Continued close coordination with the Burbank-Glendale-Pasadena Airport Authority and appropriate FAA program offices, as required, for safety during construction. (FAR Part 139) (49 U.S.C. 44706).

E. Approval of the appropriate amendments to the Burbank-Glendale-Pasadena Airport Certification Manual, pursuant to 14 CFR Part 139; and to the Airport Security Plan pursuant to 14 CFR Part 107. (49 U.S.C. 44706).

F. Appropriate amendments to air carrier operations specifications pursuant to 49 U.S.C. 44705.

G. A special condition will be placed in the grant-in-aid agreement for land acquisition for the proposed replacement passenger terminal which will direct the Burbank-Glendale-Pasadena Airport Authority to take the necessary and appropriate steps to ensure that all parties involved in demolition/construction work or in transportation, storage or disposal of asbestos containing materials, and any polychlorinated biphenyls (PCBs) located on the site be made aware of the U.S. Environmental Protection Agency's controlling requirements for these substances.

/s/____

**William C. Withycombe, Regional Administrator
Western-Pacific Region, Federal Aviation Administration**

3/16/96

Date

These decisions, including any subsequent actions approving a grant of Federal funds to the Burbank-Glendale-Pasadena Airport Authority, Burbank, California, are taken pursuant to 49 U.S.C 40101 et. seq. and 49 U.S.C. 47101 et. seq., and constitute orders of the Administrator which are subject to review by the Courts of Appeals of the United States in accordance with the provisions of Section 1006 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. Section 46110.

APPENDIX A - Response to Comments received after publication of the Final EIS.

The following is the FAA's response to comments received concerning the Final Environmental Impact Statement. The comments are addressed in chronological order.

California Regional Water Quality Control Board, Letter, dated October 20, 1995.

Comment: The California Regional Water Quality Control Board (CRWQCB), requests that the BGPAA complete and submit an environmental assessment (site audit), that would describe in detail, the soil and/or groundwater impacts of the demolition of the existing terminal building. An environmental assessment is generally required for sites which have used various chemicals through the history of their operation. The CRWQCB requested that this site audit be submitted no later than December 31, 1995. The CRWQCB states that they are available to assist the BGPAA and the FAA in preparing the environmental assessment and a work plan for demolition of the existing terminal building. In a subsequent letter, dated November 1, 1995, from the CRWQCB, the deadline for submission of the environmental assessment, was extended to July 1, 1996 to provide the BGPAA with sufficient time to collect all the requested data and other pertinent information.

Response: The FAA will ensure that the requested environmental assessment is prepared and submitted to the CRWQCB on or before the July 1, 1996 deadline. Demolition of the existing terminal will not occur until the replacement terminal becomes operational. Depending on the amount of time necessary for the U.S. Department of Defense and Lockheed-Martin Corporation to adequately remediate the various areas on Site B, demolition of the existing structures may not occur for several years.

The FEIS notes in Section 5.7.3(d) that the Airport Authority is obligated to remove any asbestos containing materials discovered during the demolition process of the existing terminal complex.

Los Angeles City Department of Transportation, letter dated November 7, 1995.

Comment No. 1. The City of Los Angeles Department of Transportation (LADOT) believes that the FEIS document did not adequately assess potential impacts of the proposed project on the City of Los Angeles Roadway System. The assumption of the "no action" scenario is misleading and inconsistent with the procedures promulgated under the National Environmental Policy Act (NEPA). Under the "no action" scenario, the FEIS continues to assume land uses for Site B in 2010 build out consistent with the City of Burbank's proposed Golden State Redevelopment Program (4.4 million square feet of commercial/industrial development as opposed to its present condition (a site consisting of vacant buildings). The LADOT previously expressed their disagreement with these land use assumptions under the "no action" scenario to the Burbank-Glendale-Pasadena Airport Authority in a letter concerning the Draft Supplement to the Final EIR.

Response: Alternative 6 - No Action is described in Section 3.7 of the FEIS. The specific definition of this alternative is that the BGPAA would take no action to either develop a replacement facility or expand the existing terminal in its present location. The proposed action is the acquisition of approximately 140 acres of land and the construction and operation of a replacement passenger terminal on that land. The inclusion and subsequent environmental impact analysis of the "no action" alternative has been properly performed in the FEIS in accordance with CEQ Section 1502.14 [40 CFR Part 1502.14]. It is not realistic or appropriate to assume that the real property proposed for acquisition will remain "unused" in perpetuity. If the land is not acquired by the BGPAA, then the private land owner is expected to sell the property to other interests. If this situation were to occur, orderly development or "redevelopment" of this property must conform to the City of Burbank's Golden State Redevelopment Program.

Comment No. 2. LADOT considers the "no action or "no project" alternatives to mean that the proposed site for the replacement terminal will be maintained in its present condition.

Site B has been vacant for a number of years and has been found to be contaminated with hazardous substance. LADOT considers this land use to be a "no project" or "no action" alternative.

If the site were to redevelop to commercial/light manufacturing facility as intent (sic) by the City of Burbank as part of the Golden State Redevelopment Program, this redevelopment represents an action in itself and generates environmental impacts that would require mitigation measures. The FEIS, as well as DEIS/DEIR, assumed for the "no action" alternative, an estimated 4,388,000 square feet of gross floor area on Site B would be redevelop (sic) for commercial development by others but did not indicate who would mitigate the impacts associated with this development. If the City of Burbank and/or "others" are willing to assess the impacts and provide mitigation measures for this redevelopment, the use of "no action" would then be considered appropriate.

Comparisons of project alternatives with the FEIS' interpretation of the "no action" alternative would not accurately reveal the impacts on the roadway system as a result of the proposed

project. Therefore, LADOT is unable to accurately assess potential impacts of the proposed project and comment on the adequacy of the proposed improvements.

Response: The FAA believes that the description of the No action alternative in the FEIS is appropriate. It is not realistic or appropriate to assume that the real property proposed for acquisition will remain "un used" in perpetuity. Since the property proposed for acquisition is not owned by the BGPAA, it is not possible for the authority to ensure that the property remains in its present condition if the replacement passenger terminal is not constructed. See Response to Comment No. 1 above.

Comment No. 3 LADOT had requested the submittal of the Airport Terminal Relocation Study Traffic Model Description, October 1991 for review and we have as yet not received this report. Our recent experience shows that traffic model outputs tend to understate traffic generated from special generators such as airports and regional malls. Thus, potential impacts identified in the FEIS may also be understated.

Response: The FAA has reviewed its files on the EIS and cannot locate any correspondence from the LADOT that indicates any request for this study. The Burbank-Glendale-Pasadena Airport Authority provided the LADOT with a copy of the report by letter dated September 19, 1994. In addition, the Model Description documents were included in the administrative record prepared for the Environmental Impact Report for this project pursuant to the California Environmental Quality Act and made available to and copied by attorneys representing the City of Los Angeles in August 1993. The FAA is satisfied that the surface traffic analysis presented in Section 5.4 of the FEIS is adequate and does not understate the impacts to the roadway system in the City of Los Angeles or the City of Burbank.

Comment No. 4. If a Notice of Preparation (NOP) for the Draft Supplemental EIR had been prepared and distributed after April 1993, then the project would be required to comply with procedures outlined in the CMP.

Response: Comment Noted. The preparation of the Supplemental EIR was required as a result of litigation brought by the city of Los Angeles against the BGPAA pursuant to the California Environmental Quality Act of 1970.

United States Environmental Protection Agency, letter, dated November 9, 1995.

Comment No. 1. Air Quality. The Final Environmental Impact Statement (FEIS) appears to misinterpret the EPA's rule on general conformity. The FAA needs to undertake a formal conformity determination for the proposed action and include that determination in the ROD.

To determine whether the proposed action exceeds the de minimis levels in 40 CFR Section 93.153(b)(1), the FAA compares the emissions from no build and build alternatives, which is incorrect. This type of comparison is only authorized under the rule when an agency must actually make a conformity determination (see Section 93.158(a)(5)(iv)). To make the applicability determination, the FAA must compare the emissions from the baseline (current condition or "current" no build alternative) with the future build alternative.

The FAA did not include construction emissions in calculating emissions and calculated total particulate matter (PM) instead of PM10 emissions. Once the construction emissions are included, the de minimis emission levels may be exceeded.

In making the conformity determination, the FAA would be permitted to use the baseline comparison for ozone precursors (NO2 and PM 10). Carbon monoxide (CO) is considered to be a

localized problem. The FAA was urged to consult the South Coast Air Quality Management District (SCAQMD) before making an assessment of the CO air quality problem in this area.

The FAA calculated baseline emission levels in the FEIS in a manner different than authorized under the final rule. The FAA assumed a certain level of growth rather than using historic activity levels defined in 40 CFR Section 93.158(a)(5)(iv)(A).

In light of these requirements, as well as those in Sections 93.158, 93.155, and 93.156 relating to criteria for making conformity determinations, reporting requirements, and public participation requirements, the FAA should reassess the applicability of the conformity requirements to this project.

Response: The FAA has carefully examined the EPA concerns and has discussed the air quality issues with EPA officials. As a result of this consultation process, and based upon BGPAA's agreement, even though this project conforms with the State Implementation Plan as required under Section 176(c) of the Clean Air Act, the FAA has agreed to condition the approval of this project in this Record of Decision upon the inclusion of central power and /or preconditioned air in the design of the replacement passenger terminal. See, Section VI. K of this Record of Decision. These measures would reduce the use of fuel-burning auxiliary power units (APUs) on aircraft at each gate and reduce emissions of these APUs in comparison to the no build alternative. This mitigation commitment will be enforceable through a special condition included in the Federal grant agreements or approval to use passenger facility charges for the project.

A. The Project Qualifies for Grandfathering

The final EPA General Conformity Regulations contain transition (or grandfathering) provisions for projects that had commenced planning activities, including environmental assessments, before the effective date of the final regulation (January 31, 1994). Title 40 CFR 93.150 provides that the specific rules in the final regulation do not apply to proposed Federal actions where the environmental analysis was commenced before the effective date of the regulation, sufficient environmental analysis was completed, and a conformity determination was completed by March 15, 1994. (See, Preamble to the EPA Final General Conformity Regulation, 58 Fed. Reg. 63215-16.) The Burbank Terminal Replacement Project qualifies for grandfathering because the EIS and environmental analysis were initiated in January 1991 and sufficient environmental analysis was completed to support a final determination in March 1993 that the project conformed pursuant to Section 176(c) of the Clean Air Act, as amended in 1990.

Planning for the replacement terminal, including an EIS, was ongoing while the EPA was developing regulations to implement the statutory conformity requirement. The FAA and the BGPAA commenced planning the replacement terminal in January 1990. In November 1990, Congress amended Section 176(c) of the Clean Air Act, the general conformity provision, and directed the EPA to issue implementing regulations. The FAA issued the Notice of Intent (NOI) to Prepare this EIS in January 1991 and a draft EIS/EIR for public comment in July 1992. On March 26, 1993, 13 days after the EPA issued proposed regulations, the BGPAA made the preliminary Final EIS/ Final EIR available for public review for thirty days. The preliminary FEIS/Final EIR included a final air quality conformity determination and analysis. See, Section 5.8.2, page 5-224 of the PFEIS/Final EIR.

By letter dated July 13, 1993, the Southern California Association of Governments (SCAG), the state metropolitan planning organization, concurred in the FAA's determination that the proposed action conforms with the 1979 California State Implementation Plan, the 1989 Regional Mobility Plan, and the 1991 Air Quality Management Plan. SCAG found that the proposed project would not cause or contribute to any new air quality violation, increase the frequency or severity of any existing air quality violation, and would not delay timely attainment of the National Ambient Air

Quality Standards. SCAG relied upon, among other things, the fact that the project included aviation related transportation control measures from the 1979 State Implementation Plan. As to timely attainment, SCAG stated "The preferred alternative eliminates all of the existing air quality violations in the area. If the No-Build alternative were to be adopted, only two of the ten existing eight-hour violations [of the carbon monoxide National Ambient Air Quality Standards (NAAQS)] would be eliminated. Thus the No-Build alternative, in this case, would delay timely attainment, not the proposed alternatives." SCAG also noted that its finding was predicated upon the assumption of 6.9 million annual passengers in 2010. Activities beyond 6.9 MAP would require a mitigation program and modification of aviation related transportation control measures. See, FEIS Section 5.8.2, at 5-177, Vol 1, and Appendix G of Vol. 2.

On November 30, 1993, the EPA issued final regulations, effective January 31, 1994, which included a grandfathering provision for projects that were being planned while the regulations were being finalized. In September 1995, the FAA issued the Final EIS for this project. Since the FAA made a conformity determination for the proposed action in accordance with the statutory requirement, the project qualifies for grandfathering. See, Section 5.8.2, page 5-224 of the PFEIS/Final EIR and Section 5.8.2, page 5-168 of the FEIS. In discussions with the FAA, EPA officials have agreed that the project qualifies for grandfathering.

Alternatively, the other issues raised by the EPA relating to compliance with the specifics of the final regulations are addressed below.

B. FAA Was Authorized To Compare Future Build and No Build Alternatives In Determining That De Minimis Levels Were Not Exceeded The EPA has, upon reconsideration, determined that the FAA has not misinterpreted the general conformity regulation and is authorized to compare the emissions of the future build and no build alternatives to determine applicability. See, EPA Letter dated January 29, 1996.

The comparison of build and no build alternatives is consistent with the plain meaning of the statute and 40 CFR 93.153(b). Under Section 176(c), Federal agencies are only responsible for the emissions activities that they engage in, support, fund, license, permit or approve. Title 40 CFR Section 93.153(b) similarly refers to the "emissions caused by a Federal action." "Caused by" is defined under Section 93.152 as "emissions that would not otherwise occur in the absence of the Federal action." As explained below, growth in passenger activity levels is expected to be realized whether or not the terminal is replaced and enlarged in size. EPA agrees that the comparison it proposed would incorrectly attribute the impacts of the growth in passenger activity by 2010 to the build alternative. This would not be incorrect because these impacts will not be caused by the build alternative within the meaning of the statute or the regulation.

Comparison of the future build and no build alternatives is also consistent with the exclusive definition of indirect emissions that EPA adopted in the final regulation. See, 40 CFR 93.152. EPA determined that Federal agencies should not be required to consider emissions that are not practicably within their control. "As a result of the EPA adopting the exclusive approach, a Federal agency will need to address the "caused by" issue only with respect to those activities which the Federal agency controls." Preamble to the Final Regulation, 58 Fed. Reg. at 63224. The fact that the regulation only explicitly authorizes the comparison of build and no build alternatives in determining conformity under 40 CFR 93.158(a)(5)(iv) is not dispositive. EPA did not address the distinction between emissions caused by an airport development project and those resulting from expected growth in the applicability section or the preamble to the final regulation because was not raised during the rulemaking process.

This comparison is suitable because it accurately describes project-related impacts. This project is largely replacement in nature. It is primarily needed to eliminate an adverse safety condition and to assure better quality and conditions of service for passengers at the terminal. Growth in passenger activity levels to approximately 2.7 million enplaned passengers in 1998 and up to 5

million in 2010 is expected to be realized whether the replacement terminal is built or not. Based on FAA's experience, providing a replacement terminal with 27 aircraft parking/passenger gates (13 additional) and 12,000 automobile parking spaces (9,000 additional) is unlikely to induce additional demand for air travel. FEIS Section 2.1.1, p. 2-2.

The EPA further advised that in comparing the build and no build alternatives to determine whether a project is de minimis, Federal agencies should comply with 40 CFR 93.159(d). But see, 40 CFR 91.153(c)(1)[The other requirements of Subpart B of Part 93 do not apply to actions where total emissions are below the de minimis levels]. In the FEIS, the FAA selected the future years 1998 and 2010 for purposes of comparing the build and no build alternatives. 2010 represents phase 2 of the project, when reasonably foreseeable emissions would be greatest. The EPA agrees that, if the year 2010 represents the year during which the reasonably foreseeable emissions would be the greatest, then the analytic requirements of 40 CFR 93.159(d) have been satisfied here. Emissions would also of necessity be de minimis under the other scenarios. See, EPA Letter dated January 29, 1996.

C. Construction Emissions Do Not Cause the Project To Exceed De Minimis Levels

FAA did not include construction emissions because, as indicated in Section 5.22.1(a) of the FEIS, construction activities are considered to be short-term and temporary in nature and duration. However, to address EPA's concerns, the BGPAA agreed in the FEIS to require that all construction contracts include a construction emissions mitigation plan. (See, FEIS Section 5.22.3, Appendix 2, Response to Comment F-A-20, p. 6 of 7. The FAA also agreed to require the use of central power and pre-conditioned air at each gate, as described in Section VI.K of this Record of Decision.

The FAA believes that these measures should assure that the project is neutral or results in a net improvement in emissions relative to the no action alternative. The long term reductions stemming from these measures, in addition to the overall air quality benefits resulting from the project itself, are likely to offset any temporary short term emission increases resulting from construction activities.

The analysis in Appendix B of this Record of Decision confirms that, even when construction emissions are added, the project emission levels remain below de minimis levels.

EPA's concern that the FAA may have calculated particulate matter instead of PM 10 emissions appears to be based on Tables 5-35 and 5-35a of the FEIS. The reference in these tables to "PM" is a typographical error; the reference should have been to PM 10 emissions. Review of the air quality analysis confirms that the FAA calculated PM 10 emissions.

C. Carbon Monoxide (CO) Impacts

EPA recommended that SCAQMD be consulted concerning CO impacts in reassessing the applicability of the conformity requirements. The FEIS analysis in Section 5.8.2 and Table 5-35, indicates that the proposed action (Alternative 1) is below de minimis levels for CO emissions relative to the no action alternative (Alternative 6). The emissions associated with the proposed action are also below the levels considered to be "potentially significant" by the South Coast AQMD. (See, FEIS page 5-176).

E. Applicability Was Properly Determined Without Considering Baseline Emission Levels

The FAA has properly determined that this project conforms under the statutory criteria. The requirement to calculate baseline emission levels using historic activity levels defined in 40 CFR 93.158(a)(5)(iv)(A) does not apply to this project because it is grandfathered. In any event, this

specific requirement governs the conformity determination, not the applicability determination. The other requirements of Subpart B of Part 93 do not apply to actions where total emissions are below the de minimis levels in accordance with 40 CFR 93.153(c)(1). In calculating applicability under Section 93.153(b) EPA has authorized Federal agencies to compare the future build and no build alternatives. F. Reporting and Public Participation Requirements Have Been Satisfied

Finally, the EPA suggested that the FAA should reassess the applicability of the conformity requirements to this project in light of the requirements relating to calculation of applicability and baseline activity levels, as well as those in 40 CFR Sections 93.158, 93.155, and 93.156 relating to criteria for making conformity determinations, reporting requirements, and public participation requirements.

For the reasons discussed above, the proposed project qualifies for “grandfathering” and these specific requirements of the final regulation do not apply. Assuming, arguendo, without conceding, that Section 176(c), as amended, implicitly imposes reporting and public participation requirements, those requirements have been satisfied here. The EPA and state and local air quality agencies were afforded 30 days to comment on the FAA’s draft conformity determination in the Draft EIS/Draft EIR, as well as on the final conformity determination in the preliminary Final EIS/Final EIR. (See, EPA Letter dated April 2, 1993).

Most importantly, conformity will be assured because BGPAA can be assumed to comply with applicable laws, including its obligations under existing grant agreements with the Federal Government. These obligate BGPAA, as long as the airport is operated as such, to do so in compliance with applicable air and water quality standards. Consistent with those obligations, the airport sponsor would be obligated to adopt appropriate mitigation measures within its authority, including those specifically described in Section 5.8.3 on page 5-177 of the FEIS, to assure that the airport conforms with the requirements of the applicable state implementation plan.

Comment No. 2: Hazardous Air Pollutants - Asbestos. We recommend that the NEPA ROD reference the need to comply with EPA’s asbestos NESHAP and the SCAQMD’s asbestos rules. We further recommend that asbestos control requirements be made known to all parties (e.g., airport personnel, private contractors) involved in demolition/construction work or in ACM transportation, storage or disposal.

Response: In order to ensure the safe and proper handling, storage and disposal of Asbestos Containing Materials (ACM) by all parties involved, the FAA will place a special condition in the grant-in-aid agreement or approval of an application to use Passenger Facility Charge revenues for land acquisition that requires the BGPAA to ensure that all parties involved in demolition/construction will be made aware of the U.S. EPA’s and SCAQMD’s control requirement(s) for ACM (Please see Section VII G. of this ROD).

Comment No. 3. Toxic Substances - Polychlorinated Biphenyls (PCBs) We believe that the FEIS misinterpreted our comment in terms of providing information on polychlorinated biphenyls (PCBs) at the project site. Our comment on the DEIS requested information on PCBs that were in use or in storage at the project site rather than PCBs which have been discharged into the environment.

We recommend that the NEPA ROD reference the need to comply with EPA’s PCB regulations for any activity involving PCB removal, disturbance, disposal or storage. As with our ACM comment above, we recommend that PCB requirements are clearly made known to all parties involved in demolition/construction work that may result in the discharge of PCBs, as well as parties involved in PCB transportation, storage or disposal.

Response: The FAA's response to the U.S. EPA's comment on the DEIS noted that "Any hazardous materials found on the proposed site will be cleaned up in accordance with the Consent Decree signed by Lockheed on March 25, 1993." This statement applies to any PCBs that have been discharged into the environment and PCBs that are still located within any transformers or otherwise stored at the site. In order to ensure the safe and proper handling, storage and disposal of BCBs by all parties involved, the FAA will place a special condition in the grant agreement for land acquisition that requires the BGPAA to ensure that all parties involved in demolition/construction will be made aware of the U.S. EPA's control requirements for PCBs. (Please see Section VII G. of this ROD).

Los Angeles City Attorney, Letter dated November 9, 1995.

The city of Los Angeles submitted formal comments on the FEIS in a large bound volume including many exhibits which are copies of various documents, including other environmental documents prepared by the City of Los Angeles Department of Airports. These comments, including the examples, were considered too voluminous to include them in their entirety in this Record. The majority of the comments submitted by the city of Los Angeles duplicate and in many instances are identical to the comments the city of Los Angeles submitted on the Supplemental Final Environmental Impact Report. In these instances the only change is the substitution of the name "FEIS" in place of "FEIR and Supplemental EIR". The FAA has independently evaluated these comments and the responses to these comments provided by the BGPAA. The FAA has determined that the responses provided by the BGPAA are adequate and the FAA concurs with these responses. Other comments on the FEIS made by the City of Los Angeles that are not substantially similar to those previously provided are responded to below:

Comment No. 1: We initially note that although the City Attorney provided extensive comments upon the 1993 draft EIS for this project, this Office did not receive a copy of the FEIS until October 18, 1995, when we requested it from FAA immediately after first learning of the existence of the document. Why did the FAA not provide a notice of availability of the FEIS to the City Attorney at the commencement of the comment period?

Response. The City Attorney supplied comments on the DEIS on the behalf of the city of Los Angeles, California. The FAA provided nine (9) copies of the FEIS to the city of Los Angeles government prior to the publication of the Notice of Availability in the Federal Register. It is not the responsibility of the FAA to track the internal routing of copies of the FEIS document within the city of Los Angeles' offices.

Comment No. 2: A Single comprehensive EIS must be prepared for all presently planned airport growth projects.

Response: The primary purpose of the proposed action is to remedy the safety related issue of the existing terminal building not meeting minimum FAA design standards. This issue has remained in need of resolution since the airport was acquired by the BGPAA from the private land owner. The proposed replacement passenger terminal project is not intended to induce growth or somehow attract additional aircraft activity at the airport. Further, the replacement passenger terminal project cannot, in and of itself, increase overall airfield capacity. This can only be achieved with additional runway capacity.

It is not unusual for an airport sponsor in the State of California to prepare an Environmental Impact Report, pursuant to the California Environmental Quality Act of 1970, that addresses all projects contained in 20-year Airport Master Plans in order for the sponsor to adopt and implement a master plan. The FEIS was not prepared to support the adoption of an airport master plan by the BGPAA, pursuant to California legislation. There is no requirement under NEPA to prepare an environmental document of this type. It is not reasonable for the FAA to prepare an

EIS that would encompass projects that may or may not be constructed or implemented by an airport sponsor.

Comment No. 3: Representations were made that the Airport would not be expanded upon public acquisition. The commentator has paraphrased various portions of the 1977 FEIS and the City of Burbank Resolution 17390 to indicate that the airport sponsor made a commitment not to expand the airport in any way.

Response: The commentator has omitted some significant portions of the City of Burbank's resolution. The resolution stated that the objectives of the City of Burbank in its sponsorship of the proposed action (acquisition of the airport) are:

- To maintain the existing levels at Hollywood-Burbank Airport
- To establish, as an absolute ceiling, the existing noise exposure levels in the area surrounding the Airport.
- To undertake no capital improvements that would result in an increase in passenger volume or number of flights until such time as a determination could be made that such an increase attributable to capital improvements would be environmentally acceptable and would not increase existing noise exposure levels.
- To establish consistency between airport operations and surrounding land use as it now exists or is planned for the future.

The assurances section of the FAA's Decision Paper for the 1977 EIS clearly indicates that "the City of Burbank has committed itself by Resolution 17390 and 17971 not to permit increased noise exposure through either increased aircraft activity or capital improvements and to implement Case 9A to the extent of its ability consistent with safety of aircraft in flight. In addition, the section states that "approval of the decision paper includes the condition that appropriate language will be included in a grant agreement for the proposed acquisition reflecting the commitments not to increase noise exposure and to implement Case 9A conditions consistent with aircraft flight safety."

The "representations" that were made was that noise exposure would not be increased or actions that would directly result in increased noise exposure over that in 1977. The replacement passenger terminal building will not result in increased noise exposure.

The FAA has reviewed the noise contours in the 1977 EIS and those in the current EIS and have determined that the overall size of the current and future 65 CNEL noise contour is significantly smaller than the 1977 65 CNEL contour as shown on Figure III-7 of the 1977 EIS.

Comment No. 4. There is a history of segmentation of airport expansion projects to avoid preparation of an EIS.

Response: There has been no effort on the part of the FAA to avoid preparation of an EIS for this project. As described in Section 1.1 of the FEIS, the current document is the third EIS that addresses the proposed replacement passenger terminal building. For reasons described in Section 1.1 of the FEIS and beyond the control of the BGPAA, the private land owner decided not to sell the property at the time when the previous two EIS documents were prepared. The statement that there is a "history of segmentation" by the FAA at Burbank-Glendale-Pasadena Airport is not accurate.

Comment No. 5 The project definition in the FEIS is incomplete. The commentator lists 23 various proposed actions depicted on the Airport Layout Plan that they believe are connected to the proposed replacement passenger terminal project.

Response: The proposed project is clearly defined in Section 2 of the FEIS. The identification of the various parcels of land proposed for acquisition are shown on Exhibit 5-20. The commentator has not provided adequate supporting evidence that indicates the various proposed items they have identified are part of the proposed replacement passenger terminal project.

Comment No. 6: The project description should include each of the projects identified on the 1994 ALP.

Response. See response to Comment Nos. 2 and 5 above.

Comment No. 7: Two additional airport expansion projects should be included in the FEIS's project description.

Response:.. The two proposed projects are the removal and relocation of five general aviation aircraft hangar buildings and demolition and reconstruction of a Fixed Base Operator's (FBO) Hangar complex. The existing hangar buildings located south of Runway 8/26 penetrate the FAR Part 77 Transition surface for this runway and are considered obstructions to air navigation pursuant to FAR Part 77. The BGPAA, as an airport sponsor is required to clear obstructions to air navigation when feasible in accordance with various grant-in-aid assurances. These hangars are being relocated to a site on the west side of the airport such that they will not penetrate the FAR Part 77 imaginary surfaces.

The FBO hangar project consists of the demolition and replacement of existing structures that are outdated. The project will replace these structures with modern up-to-date facilities to accommodate existing tenants.

The FAA has determined that these projects have separate and independent utility with respect to the construction of a replacement passenger terminal building. Consequently inclusion of these projects into the FEIS for the replacement passenger terminal is not required or appropriate.

Comment No. 8: Information not disclosed in the FEIS indicates that a larger program is being carried out which should have been disclosed and discussed as part of the NEPA project.

Response: There is no "larger program" that is being carried out at the airport. Consequently there are no additional projects that should be included.

Comment No. 9: The approval of, and acquiescence in, additional operations should be acknowledged as part of the NEPA project.

Response: The commentator has suggested that the FAA include the addition of airlines that do not now provide service to Burbank-Glendale-Pasadena Airport to the project description in the Final EIS. The purpose and need for the replacement passenger terminal, as described in Section 2.1 of the FEIS is to correct the problem that the present terminal building and does not meet the minimum FAA design standards specified in FAA Advisory Circular 150/5300-13. A portion of the existing terminal building is located within the runway safety area for Runway 15/33. The terminal building and aircraft parked at the gate also violate the runway safety area and object free area for Runway 15/33. In addition, concerning Runway 8/26, the terminal building penetrates the FAR Part 77 primary surface, the Runway Safety Area, and the inner transitional Obstacle Free Zone.

The purpose of the proposed project is not intended to “attract” new airlines not presently serving Burbank-Glendale-Pasadena Airport. Section 5.1.4 of the FEIS states that neither the runway use patterns nor the level of aircraft operations are expected to change as a result of the relocation and replacement of the terminal, regardless of the alternative selected. No significant impacts on aircraft noise exposure as related to overflights are anticipated as a result of the acquisition of land and construction of the replacement passenger terminal.

Therefore, it is not appropriate for the FAA to include unnamed potential new airline operations and a specific number of aircraft operations that are expected to increase with or without the proposed land acquisition and replacement passenger terminal building.

Comment No. 10: LADOT was unable to prepare complete comments on the traffic analysis because the FEIS consultants failed to provide a copy of the Traffic Model to LADOT.

Response: See response to LADOT’s comment No. 3 above. The Burbank-Glendale-Pasadena Airport Authority provided the LADOT with a copy of the report by letter dated September 19, 1994. In addition, the Model Description documents were included in the administrative record prepared for the Environmental Impact Report for this project pursuant to the California Environmental Quality Act and made available to and copied by attorneys representing the City of Los Angeles in August 1993.

Comment No. 11: The FEIS improperly understates project impacts by assuming that development will occur under the no project condition.

Response: Section 5 of the FEIS describes the impacts of the various alternatives including the No Action Alternative. This alternative is identified in the FEIS as Alternative 6. The FAA has determined that the environmental impacts associated with the No Action Alternative have been adequately addressed in accordance with FAA Order 5050.4A Airport Environmental Handbook and Section 1502.14 of the Council on Environmental Quality Regulations (40 CFR 1500-1508).

Comment No. 12: The FEIS fails to include the updated traffic analysis from the EIR supplement which indicates the project will cause additional significant traffic impacts.

Response: The Supplemental FEIR was prepared as a result of a Court decision pursuant to the California Environmental Quality Act of 1970 and not the National Environmental Policy Act of 1969. The two alternatives analyzed in the SFEIR are hypothetical scenarios. The FAA has evaluated the traffic analysis and has determined that the analysis presented in the FEIS is adequate for the purposes of the EIS.

Comment No. 13: The City respectfully urges that the FAA reject the current FEIS. Instead the FAA should direct the preparation of a new draft EIS, which addresses and cures each of the deficiencies, to be released for public comment. The City further urges that the FAA not approve the expansion project without preparation of such an adequate EIS.

Response: The FAA has determined that the FEIS is adequate and meets the requirements of NEPA and FAA Order 5050.4A. Throughout the FEIS process, the FAA has conducted detailed and independent review of the environmental documentation to ensure that the document has been properly prepared. The independent review included coordination of the FEIS document with the FAA Western-Pacific Region and Washington, D.C. Headquarters staff, other Federal and State governmental agencies and the public. Therefore FAA has determined that there is no need to reject the current FEIS and prepare a new document.

City of Burbank Community Development Department, Letter, dated November 9, 1995

Comment: Please note that the City of Burbank commented on the Draft EIR/EIS in 1992. As a result of this time lapse, a considerable amount of information has not been included in the FEIS. For a complete history of Burbank's involvement in this document, please see the attached staff report (Exhibit A) for the Burbank City Council meeting of November 7, 1995. To summarize that staff report, Burbank has a chance to update the EIR document since the courts required a Supplemental DEIR which Burbank commented on in a letter of August 11, 1994. Since the EIS was not recirculated, Burbank has not had an opportunity to share with the FAA comments raised in our August 11, 1994 letter on the Supplemental DEIR. Please consider the attached August 11, 1994, letter (Exhibit B) as our comments on the FEIS and include it in your official record on that project. I have also attached the response from the BGP Airport Authority to the 1994 letter for your reference.

In order to deal with the impacts anticipated as a result of the airport terminal relocation, the City of Burbank on September 19, 1995, adopted Resolution No. 24578 (Exhibit G) which sets forth a policy statement regarding the airport and the issues affecting development of a replacement commercial passenger terminal. This resolution states that no action on terminal relocation should be taken until there is a satisfactory solution of these issues.

In effect, this resolution calls for mitigation measures which the City believes should be imposed on the terminal relocation. To mitigate noise impacts, the resolution calls for a mandatory curfew on all flights between 10:00 p.m. and 7:00 a.m. through the FAA Part 161 process. As additional noise mitigation, the resolution calls for the pursuit of all feasible methods for capping the total number of flights, the use of a simple noise measurement system, changes in mitigation program requirements and evaluation of the impact of general aviation and air cargo operations. To deal with land use impacts, the City of Burbank recommends development of a comprehensive master plan for the airport (including an identified number of gates). And to deal with fiscal impacts, the Burbank resolution calls for a method of ensuring that the city will not lose property tax proceeds as a result of terminal relocation.

In conclusion, the city of Burbank believes the mitigation measures contained in Resolution No. 24,578 are necessary to mitigate the impacts of the proposed project.

Response. The Supplemental EIR was prepared pursuant to a court action under the California Environmental Quality Act of 1970 and not the National Environmental Policy Act of 1969. The majority of the comments submitted by the city of Burbank consist of specific comments made by the city of Burbank concerning analysis conducted in the Supplemental FEIR. The FAA has independently evaluated these comments and the responses to these comments provided by the BGPAA. The FAA has determined that the responses provided by the BGPAA are adequate and the FAA concurs with these responses

Section 5.1.4 of the FEIS states that neither the runway use patterns nor the level of aircraft operations are expected to change as a result of the relocation and replacement of the terminal, regardless of the alternative selected. Therefore, no significant impacts due to aircraft noise exposure as related to overflights are anticipated.

Mitigation of the noise impacts at Burbank-Glendale-Pasadena Airport was established during the preparation of the FAR Part 150 Noise Compatibility Program, approved by the FAA on July 27, 1989. The BGPAA intends to update its FAR Part 150 Study prior to construction of the replacement passenger terminal. As part of the update, the BGPAA is committed to identifying and evaluating various potential mitigation measures, such as noise berms or noise walls or other measures that could reasonably be implemented to abate or mitigate ground-based aircraft noise on residential land uses in the vicinity of the terminal building.

Preparation of documentation pursuant to FAR Part 161 by the BGPAA is beyond the scope of the EIS and this Record. Similarly, the preparation of an airport master plan is voluntary on the part of the BGPAA and is also beyond the scope of the EIS and this Record.

Mrs. Margie A. Gee, Letter dated November 10, 1995

Comment: In the FEIS for the Burbank-Glendale-Pasadena Airport, I did not see my letter to the Airport Authority represented. From my recollection, my letter (see the attached) was in response to an announced deadline by which public comment should be received in order to be included in the EIR/EIS process. (Due to the 1/14/94 Superior Court decision which required additional analysis and redistribution for the EIR for public review and comment?)

Could you please let me know how my letter to the Authority should have been processed in order to have been represented in the evaluation of the adequacy of the EIR/EIS?

Response: The copy of the letter provided by the commentator was addressed to the BGPAA and stated that the information in the Supplemental Final Environmental Impact Report (SFEIR) prepared by the BGPAA pursuant to the California Environmental Quality Act of 1970 was not adequate and the Supplemental FEIR should not be certified by the BGPAA.

The FAA has determined that the FEIS, prepared pursuant to the National Environmental Policy Act of 1969, has been properly prepared in accordance with FAA Order 5050.4A Airport Environmental Handbook. The FAA has also determined that the FEIS has adequately analyzed the potential environmental impacts of the proposed replacement passenger terminal project in accordance with President's Council on Environmental Quality Regulations (Sections 1500-1508).

Section 5 of the FEIS describes the potential impacts of the proposed project on the various environmental impact categories. Section 5.1 of the FEIS specifically addresses aircraft noise impacts as a result of this proposed project. Section 5.1.4 of the FEIS states that neither the runway use patterns nor the level of aircraft operations are expected to change as a result of the relocation and replacement of the terminal, regardless of the alternative selected. Therefore, no significant impacts due to aircraft noise exposure as related to overflights are anticipated as a result of the construction of a replacement passenger terminal building. The mitigation program of overall aircraft related noise impacts at Burbank-Glendale-Pasadena Airport was established during the preparation of the FAR Part 150 Noise Compatibility Program, approved by the FAA on July 27, 1989. Section 5.1.2(b) of the FEIS clearly states that the BGPAA intends to update its Part 150 Noise Compatibility Study prior to construction of the replacement passenger terminal.

CBS, Inc. Television City, Letter, Dated November 13, 1995.

Comment No. 1: CBS Inc. and Radford Studio Center Inc., join in the comments of the City of Los Angeles to the Final Environmental Impact Statement with respect to the Burbank/Glendale/Pasadena Airport - Land Acquisition and Replacement Terminal Project which were filed on November 10, 1995. Please accept the enclosed copy of the Opposition of the Amici Curiae and the Declaration of Joseph Soukup in support thereof as additional comments with respect to the Final Environmental Impact Statement.

Response: Please see the response to comments to the City of Los Angeles City Attorney's Office. The FAA notes that the Court denied, from the bench, CBS, Inc. and Radford Studio Center Inc.'s attempt to oppose the BGPAA's return to the Peremptory Writ.

Comment No. 2: Although Studio Center is currently located in the 60 CNEL contour, the Supplemental Environmental Impact Report projects that the expansion will cause the area in which Studio Center is located to be incorporated in the 65 CNEL contour by the year 2010.

Response. The comment is directed at the noise exposure maps presented in the Supplemental EIR document and not the FEIS. The FAA disagrees with the commentator that their location will be included within the 65 CNEL noise contour for the year 2010 as shown on Exhibit 5-3 Aircraft Noise Exposure Map for the No Action and Other Alternatives for the year 2010. The 65 CNEL noise contour slightly crosses the Southern Pacific Railroad to the southwest of the airport. This is a considerable distance from the Studio Center. Aircraft operations are expected to increase at the Burbank-Glendale-Pasadena Airport as demand for air transportation services increases with or without construction of the replacement passenger terminal project. The commentator does not offer any documentation to support their claim that they will experience adverse economic impacts as a result of construction and operation of a replacement passenger terminal.

State of California, Air Resources Board, Letter, dated, November 13, 1995.

Comment No. 1: As the designated lead agency for determining general conformity, the FAA has concluded that the proposed project does not require a conformity determination. However, it appears that the general conformity analysis in the Final EIS may not be consistent with the requirements of the federal general conformity rule (40 CFR Sections 51.850 through 51.860). The rule requires that 1990 baseline activity data rather than future year baseline data be used in the analysis. If that data were used, it is possible that a conformity determination would be needed.

Response: See Response to US EPA Comment No. 1 above.

Comment No. 2. We recognize that some modifications may be needed to improve the federal general conformity rule. Nonetheless, we encourage the FAA to work with the South Coast Air Quality Management District, the Southern California Association of Governments, and other appropriate agencies to ensure that general conformity requirements are met.

Response: Comment Noted.

APPENDIX B - Construction Emissions

I. BACKGROUND:

At the request of the U.S. Environmental Protection Agency, the Federal Aviation Administration (FAA) is including the following information to support the FAA's various determinations concerning applicability of the air quality conformity rules. This is pursuant to Section 176(c) of the Clean Air Act Amendments of 1990.

The following tables identify the various specific work tasks that are to be performed during the construction of the replacement passenger terminal complex. The various work items include construction of taxiways, aircraft parking aprons, the terminal building itself, access roadway system, automobile parking structures and surface parking lots, and demolition of the existing terminal building.

The first phase of development is the 19-gate terminal building and associated aircraft parking apron, taxiways and automobile parking structures and access roadway system. For the purposes of calculating air emissions, the Final Environmental Impact Statement (FEIS) described an aggressive schedule for construction of the first phase of development. As stated in Section 5.7.3(a) of the FEIS, the Burbank-Glendale-Pasadena Airport Authority (BGPAA) would not begin construction of the replacement passenger terminal until the land proposed for

acquisition has been appropriately remediated of hazardous materials to the satisfaction of the appropriate regulatory agencies and the BGPAA. It is likely that remediation of this land will occur in stages rather than all at once. Consequently, the BGPAA would take ownership of portions of land for the replacement terminal after they have been satisfactorily remediated. The remediation, which will occur in accordance with the Consent Decree signed by Lockheed Corporation (now known as Lockheed-Martin Corporation) will take longer than the construction schedule assumed in the FEIS, therefore a new phased construction schedule has been developed for the purpose of calculating construction emissions.

The various work tasks and the estimated time for completion of these tasks have been incorporated into the following tables:

Table 1, Basis for Estimating Contaminants Using Total Fuel Consumption, describes the types of construction crews, the quantity of crews that is anticipated to be used to build the particular work item and the amount of fuel consumed during a normal 8-hour work day. This table also provides the approximate amount of work that can be accomplished by the work crew during the 8-hour work day. It is important to note that this table uses assumptions regarding the number and size of the construction crews that will be used during construction. However, these assumptions are considered to be reasonable and are comparable to other construction projects of this size.

Table 2 provides a summary of the air emissions by year for the first phase of development (19-gate terminal building). The construction time is expected to begin in July 1997 and run through the end of 2002. When the new terminal is operational, the existing terminal facilities will be demolished by the end of 2003. This table clearly indicates the total emissions due to construction related activities and further describes the total emissions by calendar year.

Table 3 provides the various specifics of the construction work items including the beginning and ending time, dimensions of the work item area, volume of material to be moved and the rate of pollutants emitted for that work item.

Tables 4 and 5 provide a summary of emissions by year and construction activity summary, respectively for phase II (Expansion to a 27-gate terminal building).

II. CONCLUSION

Using the information contained in the various tables in this appendix and tables 5-35 and 5-35a of the FEIS, the FAA has concluded that the air emissions resulting from construction related activities together with the emissions projected by operation of the airport still do not exceed the de minimus levels described in 40 CFR Section 93.153. Consequently, no air quality conformity determination is necessary since projects that do not exceed the prescribed levels are presumed to conform.

III. CONSTRUCTION EMISSION CALCULATION METHODOLOGY

The following methodology presents a rational approach to estimating the amount of Carbon Monoxide (CO), Hydrocarbons (HC), Oxides of Nitrogen (NOx) and Particulates (PM-10) which are released from fuel burning as part of the proposed project.

The attached sheets show the calculations performed to estimate the emissions released, by year, for both Phase I (the so-called PAL I) which was a 19-gate terminal, and Phase II (so called PAL II) which is expansion to a 27-gate terminal.

A sample calculation is performed below, showing how the NOx emissions for earthwork for the construction of Taxiway AA were developed. The same type of procedure was performed for each component of the project, and summarized by year.

A. Sample calculation for NOx emissions for earthwork for Taxiway AA construction.

1. Determine emissions for earthwork operation.

A crew consisting of three (3) 21-cubic yard scrapers and one each of a blade, compactor, dozer, roller and water truck are able to move and compact approximately 5,000 cubic yards of soil in an eight (8) hour shift. Different types of equipment have different emissions factors per gallon of fuel used. The chart entitled "Basis for Estimating Contaminants Using Total Fuel Consumption" shows each of the factors used. These factors were taken from the U.S. Environmental Protection Agency's (USEPA) Compendium of Emission Factors, AP-42.

For example, to determine NOx emissions, for scraper crew performing earthwork on a 5,000 cubic yard basis the following calculation is performed:

$$3 \text{ scrapers} \times 45 \text{ gallons of fuel} \times 258.6 \text{ Lbs. NOx} \div 5000 \text{ C.Y.} = 34.9 \text{ Lbs. of NOx/ 5000 C.Y.}$$

The chart for each of these pieces of equipment adds together these numbers to arrive at a total of 95.8 pounds of NOx for each 5,000 cubic yards of earthwork.

For on-road trucks, the emission factors are based on grams per mile, assuming four (4) trips each, of trucks to and from the aggregate source in the city of Irwindale (approximately 45-miles one way from Burbank-Glendale-Pasadena Airport). This corresponds to approximately 360 miles traveled per 5,000 cubic yards of earthwork.

B. Determine NOx emissions for Taxiway AA construction (PAL I)

The construction of a new parallel taxiway AA is estimated to occur from July 1997 to July 1998, a period of 13 months. The total NOx emissions from this activity for earthwork are computed as shown on the chart labeled "FEIS Construction Activity Summary (PAL - I). They are computed by taking the cubic yards of construction for each element of work, and multiplying them by the appropriate emission factors per cubic yard, to determine the requisite emissions.

For taxiway A, the estimated size of area to be worked and paved is approximately 150 feet wide by 4,000 feet long, with an average thickness of soil either removed or added of approximately seven (7) feet. This results in approximately 155,556 cubic yards of soil to be moved. Using the factors computed above:

$$155,556 \text{ CY} \times 95.8 \text{ Lbs of NOx} \div 2000 \text{ Lbs/ton} = 1.49 \text{ Tons of NOx}$$

Similar calculations are made for Adding Base Rock, and installing Concrete Pavement.

Adding the total emissions, in tons, for all three of the work components yields a total of 2.23 tons of NOx for this taxiway construction during the entire 13 months the work will take.

C. Distributing the emissions on an annual basis.

The chart "Summary of Emissions by Year (PAL I)" prorates the emissions on a year by year basis. This chart takes the 2.23 tons of NOx for Taxiway AA construction and prorates them as follows:

For the year 1997: 6 months 2.23 Tons X ----- = 1.03 Tons in 1997 13 months

For the year 1998: 7 months 2.23 Tons X ----- = 1.20 Tons in 1998 13 months

Similar calculations are prepared for each work item in both PAL I and PAL II, and summarizes the various emissions for each of the contaminants.

Table 6 entitled "Fugitive Dust Emissions" has been prepared to estimate the amount of fugitive dust releases from earth moving operations. The basis for this chart is the "CEQA Air Quality Handbook." Dust emissions use the worst case factor of 21.8 pounds/hour for bulldozer operations, and reduce these emissions by 68% for mitigation techniques including watering.