

REPORT OF THE CHIEF LEGISLATIVE ANALYST

January 25, 2007

TO: Honorable Members,
Intergovernmental Relations Committee

FROM: Gerry F. Miller *GFM*
Chief Legislative Analyst

C.F. 07-0002-S9
Assignment No.07-01-0038

HR 6285: Transfer Funds to Lennox and Inglewood School Districts for Soundproofing

CLA RECOMMENDATION:

Adopt Resolution (Rosendahl - Reyes) to include in the City's 2007-2008 Federal Legislative Program, SUPPORT of legislation similar to HR 6285 (Harman), that would permit Los Angeles World Airports to transfer funds to the Lennox and Inglewood Unified School Districts to pay for soundproofing and other noise mitigation efforts. HR 6285 was introduced in the last Congressional session (2005-2006), but was not enacted.

SUMMARY:

HR 6285 was introduced on September 29, 2006 by Representative Jane Harman. HR 6285 sought to amend the federal transportation law to allow funds from the passenger facility fee (imposed at large hub airports) to be used for eligible project costs, including noise mitigation for certain school buildings in the noise impacted areas surrounding the airport. To qualify for these funds the buildings must be adversely affected by airport noise and meet certain other requirements, as listed in the bill.

Schools in these districts were unable to receive funds previously because the Lennox School District signed an agreement in 1980 with Los Angeles World Airports (LAWA) in which the District forfeited rights for future noise mitigation funds in exchange for a cash payout. However, due to an increase in air traffic, noise has also increased at LAX. Thus, in 2005 the Lennox and Inglewood Unified School Districts and LAWA reached a second agreement, which is part of the Community Benefits Agreement passed in 2005, and LAWA agreed to pay up to \$111 million to the Lennox School District and up to \$118.5 million to the Inglewood Unified School District over 10 years to be used for noise mitigation. However, the Federal Aviation Administration refused to allow the agreements to go forward because of the 1980 agreement. Introduction of legislation, like HR 6285, would be the only way to resolve this matter, as it would enable LAWA to get out of its previous agreement. HR 6285 included the Inglewood Unified School District, even though it was not part of the previous agreement, because it is in the same position as the Lennox School District.

In 2004, LAWA worked with the LAX Coalition for Economic, Environmental, and Educational Justice (LAX Coalition) to develop a program to ensure that communities impacted by the LAX Master Plan Program would receive benefits. The LAX Coalition included community groups, environmental organizations and labor unions. LAWA and the LAX Coalition met over a 10- month period and negotiated the Community Benefits Agreement (CBA). The CBA is comprised of several documents as follows:

1. **Cooperation Agreement** - sets out the legal framework of the CBA
2. **Community Benefits Agreement (CBA)** - details the various proposals of mitigation and benefit; the various proposals are:
 - Noise Mitigation - allows for increased funding for the Airport Noise Mitigation Program and end-of-block soundproofing.
 - Economic Development Benefits - including a job training program, first source hiring program, small business attraction and retention program, etc.
 - Community Environmental/Health Studies - involves a health study of the upper respiratory system and hearing loss impacts and environmental justice community-based research studies.
 - Air Quality/Emission Reductions and Control - including provision of alternative fuel and electrification of passenger gates.
 - Environmental Mitigations/Commitments for Construction - including diversion of traffic from residential streets.
3. **Settlement Agreement with Inglewood Unified School District** - includes the conditions, commitments, obligations, enforcement, etc., of both LAWA and the Inglewood Unified School District and also included the following provisions: 1) LAWA would provide funding for certain District Mitigation Measures (not to exceed \$118,500,000 for noise abatement); 2) LAWA would address security-related items (e.g., emergency preparedness during airport emergencies); and 3) LAWA to support a variety of community programs.
4. **Settlement Agreement with Lennox School District** - includes the conditions, commitments, obligations, enforcement, etc., of both LAWA and the Lennox School District and also included the following provisions : 1) LAWA would provide funding for certain District Mitigation Measures (not to exceed \$111,000,000 for noise abatement); 2) LAWA would address security-related items (e.g., emergency preparedness during airport emergencies); and 3) LAWA to support a variety of community programs.

The cost of the agreements covering the communities and two school systems is estimated at \$500 million. City Council approved the CBA in February of 2005.

The City has historically shown its support for soundproofing neighborhoods affected by noise from the airports. When the Federal Aviation Administration denied the Lennox and Inglewood Unified School Districts funding for soundproofing because of the previous agreement in 1980, the City did support measures to work with LAWA to reverse this decision. In addition, the City did support the Community Benefits Agreement. Supporting legislation that is similar to HR 6285 is consistent with previous City positions. HR 6285 and any other legislation that is introduced and is similar to it, will help the schools surrounding the airport receive funds for soundproofing.


Cheryl A. Banares
Analyst

- Attachments: 1) Resolution
2) Text of H.R. 6285
3) Overview of the Community Benefits Agreement

**INTERGOVERNMENTAL
RELATIONS**

**RESOLUTION ON
~~TECHNOLOGY & GENERAL SERVICES~~**

JAN 10 2007

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Lennox School District is situated in the unincorporated area of Los Angeles County along the Century Corridor. Most of the Lennox School District schools lie directly beneath the flight path for flights landing at LAX. As a result, most of its schools are built without windows and look like bunkers. The District also has portable units that it wants to replace with permanent structures. It has money from the state to do this, but it wants to use modern technology to include windows that allow in light but block out sound; and

WHEREAS, the District signed an agreement with Los Angeles World Airports (LAWA) in 1980, in which it forfeited rights for future noise mitigation funds in exchange for a cash payout; and

WHEREAS, since 1980 the amount of air traffic and resulting noise has increased at LAX and in 2005, the District and LAWA reached a second agreement (after a brief litigation), in which LAWA agreed to pay Lennox up to \$110 million over 10 years in noise mitigation funds. These funds could pay for improved soundproofing of current schools and the soundproofing budget to construct the new schools; and

WHEREAS, the Federal Aviation Administration refused to allow the agreement to go forward, citing the 1980 agreement; and

WHEREAS, it was determined that the only way to resolve this matter was through legislation that would enable LAWA to get out of its previous agreement with Lennox; and

WHEREAS, in the last, 109th Congress, legislation was introduced, HR 6285 by Representative Jane Harman, to allow for the transfer of LAWA funds despite the 1980 agreement and the bill also included the Inglewood School District which was in the same situation; and

WHEREAS, this legislation did not pass during the last Congress but is expected to be re-introduced during the new, 110th Congress;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2007-2008 Federal Legislative Program SUPPORT of legislation, similar to HR 6285 introduced but not enacted in the previous, 109th Congress, which would permit Los Angeles World Airports to transfer funds to the Lennox and Inglewood School Districts to pay for soundproofing and other noise mitigation related efforts at the Lennox and Inglewood school districts.

PRESENTED BY: Bill Rosendaahl
BILL ROSENDAHL
Councilman, 11th District

SECONDED BY: Ed P. Reyes

07-0002-59

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HR 6285 IH

109th CONGRESS

2d Session

H. R. 6285

To amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects.

IN THE HOUSE OF REPRESENTATIVES

September 29, 2006

Ms. HARMAN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

` (7) NOISE MITIGATION FOR CERTAIN SCHOOLS-

` (A) IN GENERAL- In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) at a large hub airport (as defined in section 47102) that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport where such building is used primarily for educational

purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if--

` (i) the Secretary determines the building is adversely affected by airport noise;

` (ii) the building is owned or chartered by the school district that was the plaintiff in Case No. 986,442 or Case No. 986,446 that was resolved by such judgment and final order;

` (iii) the project is for a school identified in the settlement agreements effective February 16, 2005, between the airport and the school districts;

` (iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

` (v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

` (B) ELIGIBLE PROJECT COSTS- In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.'

END



Tue., Jan. 23, 2007

LAWA LAX ONT
VNY PMD HOME[overview](#)[about the program](#)[LAX master plan stipulated settlement](#)[community benefits](#)[stakeholder liaison](#)[publications](#)[LAX master plan traffic](#)[news](#)[South Airfield Construction](#)

Community Benefits

LAWA worked in partnership with the LAX Coalition for Economic, Environmental and Educational Justice (LAX Coalition) to develop a program to ensure that communities impacted by the LAX Master Plan Program also receive benefits as a result of the implementation of the Program.

The **LAX Coalition** LAX Coalition, which includes community groups, environmental organizations and labor unions, had expressed legal and policy concerns regarding the proposal LAX Master Plan Program. LAWA and the LAX Coalition agreed that it was in their mutual interest to resolve the concerns of the Coalition through cooperation and settlement, rather than through litigation. Over a period of 10 months, LAWA and the Coalition met regularly to resolve these concerns and negotiate a community benefits agreement.

The community benefits agreement is comprised of several documents.

1. **Cooperation Agreement.** The Cooperation Agreement sets out the legal framework of the Agreement, including conditions, commitments, obligations, enforcement, etc.,
2. **Community Benefits Agreement (CBA).** The CBA details the various proposals of mitigation and benefit, and is an attachment to the Cooperation Agreement. The various proposals include:

Noise Mitigation

- Increased funding for Airport Noise Mitigation Program
- End-of-Block Soundproofing
- Suspension of Avigation Easement
- FAR Part 161 Study for Limitations on Nighttime Departures

Economic Development Benefits

- Job Training Program
- Work Experience Programs
- First Source Hiring Program
- Small Business Attraction and Retention Program
- Application of City Living Wage and Worker Retention Ordinances

Community Environmental/Health Studies

- LAX Air Quality and Source Apportionment Study
- Health Study of Upper Respiratory System

and Hearing Loss Impacts

- Environmental Justice Community-Based Research Studies

Air Quality/Emission Reductions and Control

- Electrification of Passenger Gates
- Electrification of Cargo Operations Areas
- Electrification of Hangars
- Emission Reductions from Ground Service Equipment
- Emission Reductions from On-Road Trucks, Buses and Shuttles
- Conversion of On-site Trucks, Shuttles and Buses to Alternative Fuel
- Limits on Diesel Idling
- Assessment and Mitigation of Particulate Matter
- Provision of Alternative Fuel
- Hydrogen Fuel Cell Infrastructure at LAX

Environmental Mitigations/Commitments for Construction

- Construction-related Diesel Emission Reduction Requirements
- Rock Crushing Operations/Materials Stockpiles Away from Residential Areas
- Application of Green Building Principles
- Diversion of Construction Traffic from Residential Streets

3. **Settlement Agreement with Inglewood Unified School District.** This Agreement includes the conditions, commitments, obligations, enforcement, etc., of both LAWA and the Inglewood Unified School District in the provision of the following:

LAWA Funding of Certain District Mitigation Measures.

LAWA will fund certain mitigation measures for the Inglewood Unified School District not to exceed \$118,500,000 for noise abatement. Mitigation measures include replacement of HVAC equipment with pollution abatement, double-paned windows and/or sound reduction windows and doors, roofing upgrades, replacement of relocatable classrooms, and temporary housing during construction.

Security-Related Items. LAWA will assist the Inglewood Unified School District in the coordination and dissemination of appropriate information related to emergency preparedness and response of local law enforcement agencies, emergency response groups and the local communities in the event of an airport-related emergency.

Community Programs. LAWA will work collaboratively with the Inglewood Unified School

District to support a variety of community programs, such as job training and academic programs.

4. **Settlement Agreement with Lennox School District.** Likewise, this Agreement includes the conditions, commitments, obligations, enforcement, etc., of both LAWA and the Lennox School District in the provision of the following:

LAWA Funding of Certain District Mitigation Measures. LAWA will fund certain mitigation measures for the Lennox School District not to exceed \$111,000,000 for noise abatement. Mitigation measures include replacement of HVAC equipment with pollution abatement, double-paned windows and/or sound reduction windows and doors, roofing upgrades, replacement of relocatable classrooms, and temporary housing during construction.

Security-Related Items. LAWA will assist the Lennox School District in the coordination and dissemination of appropriate information related to emergency preparedness and response of local law enforcement agencies, emergency response groups and the local communities in the event of an airport-related emergency.

Community Programs. LAWA will work collaboratively with the Lennox School District to support a variety of community programs, such as job training and academic programs.

The execution of the specified elements of the Agreements is tied to final City Council and FAA approval of the LAX Master Plan Program. As described in each Agreement, LAWA's obligations are conditioned upon FAA approval of these expenditures and use of airport revenues for these specific purposes. Under no circumstance will any of LAWA's obligations under these Agreements require any expenditure from the City's General Fund or any other City-Controlled source of funds.

The combined value of these community benefits agreements is approximately \$500 million.

LAWA commits to taking all action required by the Agreements and will not take any action regarding the LAX Master Plan Program that conflicts with the terms of the Agreements.

With these Agreements, LAWA confirms its partnership and commitment to the community and ensures continued dialogue and community participation throughout the implementation of the LAX Master Plan Program.