ZUCKERT SCOUTT & RASENBERGER, L.L.P.

ATTORNEYS AT LAW

888 Seventeenth Street, NW, Washington, DC 20006-3309
Telephone [202] 298-8660 Fax [202] 342-0683
www.zsrlaw.com

November 27, 2007

The Honorable Richard Bloom, Mayor
City of Santa Monica, &
City Council Members
1685 Main Street, Room 209
Santa Monica, California 90401

Re: November 27, 2007 Agenda Item 7-C; Ordinance Requiring that Aircraft Operations at Santa Monica Airport Conform with FAA Design Standard Standards for Category A and B Aircraft

Dear Mayor Bloom and Members of the Council:

I write on behalf of the National Business Aviation Association, Inc. (NBAA). NBAA and its more than 8,000 members strongly object to adoption of the captioned resolution.

The restriction proposed in the resolution first was proposed as the "Airport Conformance Program" (ACP) in 2002. The FAA tentatively found the ACP to be in violation of federal law, the grant assurances and the 1984 settlement agreement and, accordingly, docketed a Notice of Investigation. Nothing has happened in the interim to make the ACP any less lawless. NBAA continues to be concerned with what we perceive to be anti-aviation bias on the part of the city.

The illegality aside, what concerns NBAA the most is the implication that current operations at the airport are not conducted in a safe manner. We believe it is not responsible for anyone to suggest that current operations are not safe. Please remember that many of these pilots and their passengers are not strangers to Santa Monica. They are your neighbors. Safety is their overriding concern.

Aviation safety does not begin at an airport or at the FAA. It begins in the cockpit with the pilot-in-command. The aircraft that are flown to and from KSMO are aircraft whose FAA-approved manuals tell the pilot that KSMO as an airport that may be safely utilized. The pilots follow FAA-approved instrument approach procedures to assure safety. The Airport Reference Code (ARC) that the proposed restriction purports to rely upon is *not* a safety standard. It is an FAA coding system relating to airport design. The FAA made this clear in its Notice of Investigation:

> The Airport Reference Code design category of an airport is not intended, and cannot be used, to limit operations of an airport. While the design category and geometry of an airport are useful in airport planning, the FAA does not consider it inherently unsafe for an aircraft of a larger design category to utilize an airport that has been designed to accommodate a lesser design category of aircraft. It is incorrect to assume that aircraft operating at SMO that are larger or faster than B-II aircraft are not compatible with the airports Airport Reference Code.

We are concerned that the city is misrepresenting to the public what the ARC actually is. NBAA deeply regrets that the debate over the future of KSMO has descended to the level where demonstrably incorrect statements about safety may reach the level of public concern. The airport, and the community it serves, deserve better.

Sincerely,

Frank J. Costello

Frank J. Costello
Counsel for the National Business Aviation Association, Inc.