

MICHAEL N. FEUER
CITY ATTORNEY

March 11, 2022

Via US Mail & Electronic Mail

Burbank-Glendale-Pasadena Airport Authority
c/o Frank R. Miller, Executive Director
2627 N. Hollywood Way
Burbank, CA 91505
commission@bur.org

Re: Burbank Airport Terminal Replacement Project

Dear Mr. Miller:

As you are aware, the City of Los Angeles has filed a federal lawsuit challenging the FAA's environmental approval of the Burbank Airport Terminal Replacement Project (Project). (*City of Los Angeles v. FAA*, Ninth Circuit Case No. 21-71170). The Burbank-Glendale-Pasadena Airport Authority (Authority) is an intervenor in that action and the Authority's and the FAA's counsel are copied on this letter. We are writing to convey that the Authority should refrain from awarding contracts or committing funds relating to the Project during the pendency of the City of Los Angeles' legal challenge.

As the City of Los Angeles' court filings describe, the FAA's environmental review of the Project failed to comply with federal law in a number of significant ways. In particular, the FAA reviewed only the environmental impacts of the Authority's preferred and current terminal replacement design and did not, as the law requires, review a range of proposed project alternatives. Other project designs could have lesser impacts on the public, but the FAA did not consider them. The FAA's failure to consider Project alternatives is fatal to the Authority's current terminal project.

The briefing in the case, including from the Authority, is scheduled to be completed within a short time -- by May 11, 2022. Thereafter, the Court will make its determination. However, it appears that the Authority is moving forward to award

Burbank-Glendale-Pasadena Airport Authority

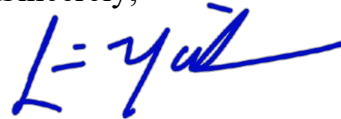
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contracts and commit funds to the design and construction of the Project. For example, on February 16, 2022, the Airport Authority held an “Industry Day” to encourage companies to submit bids to design and build the Project.

The City of Los Angeles’ lawsuit seeks a new and proper environmental analysis, and that review could result in approval of an entirely different terminal replacement project, or none at all. Therefore, the Authority should not enter into contracts or commit funds before the Court rules on the lawsuit. If the Authority persists with awarding and funding contracts to design and construct the Project, and the Court rules that the FAA failed to comply with federal environmental law, the City will seek an order halting all activities aimed at implementing the Project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy McWilliams".

Timothy McWilliams
Assistant City Attorney

TM:zra

cc: Terrance Boga, Authority General Counsel (tboga@rwglaw.com)
Thomas Ryan, McDermott Will & Emery, LLP (tryan@mwe.com)
Andee Leisy, Remy Moose Manley, LLP (aleisy@rmmenvirolaw.com)
Justin Heminger, US Department of Justice (justin.heminger@usdoj.gov)