



CITY OF LONG BEACH

LONG BEACH AIRPORT

4100 East Donald Douglas Drive • Long Beach, CA 90808 • (562) 570-2619 • Fax (562) 570-2601

October 16, 2017

Robert C. Land
Senior Vice President Government Affairs and
Associate General Counsel
27-01 Queens Plaza North
Long Island City, NY 11101

Subject: October 6, 2017, Administrative Hearing – Airport Director Decision

Dear Mr. Land:

On October 6, 2017, and pursuant to JetBlue Airways' ("JetBlue") August 25, 2017 written request, an administrative hearing was held at Long Beach Airport ("Airport" or "LGB") pursuant to the requirements of Chapter 16.43 of the City of Long Beach Municipal Code, Airport Noise Compatibility Ordinance ("Noise Ordinance") to consider JetBlue's request for an exemption for curfew flights at the Airport during the second quarter of 2017 (April 1, 2017, through June 30, 2017). This letter provides a summary of the October 6, 2017, administrative hearing, the correspondence leading up to the administrative hearing, and my written decision, based on the record of the proceeding consistent with the requirements of Section 16.43.110 of the Airport's Noise Ordinance. As discussed in detail below, based on the record of proceedings, I have determined that JetBlue's curfew operations during the second quarter of 2017 are not exempt from the Noise Ordinance because the curfew operations were a result of air traffic control delays at other airports nationwide, and not to air traffic control delays for JetBlue flights directly departing or arriving at the Airport.

As background, on July 7, 2017, JetBlue Airways requested exemptions from the Noise Ordinance for some of Jet Blue's curfew operations at the Airport during the second quarter of 2017 (April 1, 2017, through June 30, 2017). On July 18, 2017, and in response to JetBlue's July 7, 2017, letter, I sent a letter to JetBlue clarifying the applicability of the exemptions provided in Section 16.43 of the Noise Ordinance and indicating that the curfew exemptions only apply to air traffic control directions that relate directly to operations at the Airport, not to other airports nationwide throughout the day.

On July 28, 2017, JetBlue requested further clarification regarding the exemptions from Chapter 16.43.¹ On August 17, 2017, I further clarified the applicability of curfew

¹ Specifically, and according to your July 28, letter, although JetBlue does not deny that the curfew violations occurred at the Airport, JetBlue continues to believe that some of its operations fall within the Section 16.43.070 general exemptions for curfew operations and should not be counted toward the tally of late flights for purposes of the JetBlue/City Prosecutor negotiated Consent Decree of May 30, 2003.

exemptions and indicated that because the majority of JetBlue curfew violations in question occurred due to air traffic control delays earlier in the day at other airports nationwide, and not to air traffic control delays at the Airport, the Noise Ordinance exemption did not apply. Specifically, I explained that Section 16.43.070 of the Noise Ordinance provides categories of aircraft that are exempt from the noise, curfew and related requirements of the Ordinance, as follows: “[a]ircraft operating pursuant to *explicit air traffic control direction* in a manner which would otherwise not comply with the terms of this Chapter” are exempt from the provisions of the Noise Ordinance (emphasis added). As indicated in my August 17, 2017, letter, although this exemption applies directly to operations at the Airport (*i.e.*, an air traffic control delay at the Airport which results in a late departure or arrival from the Airport outside of JetBlue’s control), it does *not* apply to other nationwide airports or circumstances occurring throughout the day.

I also clarified in my August 17, 2017, letter that the Ordinance does provide the Airport Director with the discretionary authority to provide an air carrier with the ability to conduct operations outside of the curfew hours if a flight is delayed by not more than one hour beyond the curfew (*i.e.*, between ten p.m. and eleven p.m.) as a result of delays substantially beyond the control of the operator. See, Section 16.43.040(B). However, prior to waiving any curfew violation during this time period, the operator is required to present evidence satisfactory to the Airport Director relating to the circumstances surrounding the operation and nothing in the Noise Ordinance establishes a “right” or privilege of any person to conduct air operations outside of the curfew.

On August 25, 2017, JetBlue requested an administrative hearing regarding exemptions for curfew flights at the Airport pursuant to Section 16.43.110 of the Noise Ordinance. In response to this request, and on September 11, 2017, I notified you that an administrative hearing had been set for October 6, 2017.² Consistent with this notification, the requested informal administrative hearing was held on October 6, 2017, at the Airport administrative offices where written statements were taken and oral testimony was presented. The hearing was also recorded. I attended the hearing as the hearing officer. Other attendees included yourself and James Hnat representing JetBlue, and Ron Reeves, Noise and Environmental Affairs Officer, Lori Ballance, outside counsel for the Airport, and Ryan McMullan representing the Airport.

After I provided my introductory remarks, a summary of the administrative hearing process, the purposes of the hearing and a brief description of how the hearing would take place (consistent with Section 16.43.110 of the Noise Ordinance), JetBlue was invited to provide written and oral information to support its appeal. JetBlue provided a number of introductory remarks and two exemplary presentations relating to JetBlue Flight 1635 from San Francisco International Airport (SFO) to the Airport and JetBlue Flight 14 from the Airport to John F. Kennedy International Airport (JFK). Copies of the introductory remarks by JetBlue and the presentations provided by JetBlue are included as Attachments 6 and 7 respectively to this letter.

² Copies of all correspondence referenced above have been included as attachments to this letter.

After JetBlue's remarks and presentations, the Airport provided a copy of a spreadsheet for the record of proceedings summarizing JetBlue's late night operations from January 1, 2016, through June 30, 2017. During the administrative hearing, an error was noted in the spreadsheet regarding the total exempt late night operations for the second quarter of 2017. The spreadsheet has since been revised to correct this error and a copy of the revised spreadsheet is provided as Attachment 8 to this letter.

Consistent with the requirements of Section 16.43.110 of the Noise Ordinance, and based on the record of the proceeding at the October 6, 2017, administrative hearing, including all written materials received and oral testimony presented, I have determined that air traffic control delays at other airports, except those air traffic control delays that directly impact a scheduled flight into or out of the Airport, do *not* qualify as Section 16.43.070 exemptions from the Noise Ordinance at LGB. Importantly, however, in the limited one hour window after curfew the Airport will continue to consider a request for a curfew exemption based on the specific circumstances which caused the curfew violation, such as that the operation was delayed by emergency, mechanical, air traffic control, or weather delays substantially beyond the control of the operator. See, Section 16.43.040(B).

In response to JetBlue's assertion at the administrative hearing that this interpretation of the Noise Ordinance is a "new and discriminatory interpretation," It is important to note that the Airport has consistently applied the "exemption provisions" of the Noise Ordinance relative to JetBlue's curfew violations in this manner since the inception of the Consent Decree in 2003, and until JetBlue's recent correspondence, JetBlue had not objected to the application or interpretation of the Ordinance by the Airport Director or Airport staff. In fact, JetBlue routinely self-reports late night curfew violations. Therefore, this interpretation of the Noise Ordinance is certainly not "new." Rather, it continues in a consistent manner the important enforcement of the curfew provisions of the Noise Ordinance.

In addition, this interpretation of the Noise Ordinance is consistent with the manner in which other curfew airports (including John Wayne Airport, Orange County and San Diego International Airport (departure curfew)) enforce important curfew provisions. It is important to also emphasize that failure to interpret the exemption provisions in this manner would essentially render the curfew provisions of the Noise Ordinance meaningless because flights would be able to depart and arrive at the Airport subject to air traffic control and related delays throughout the country on a daily basis irrespective of the curfew provisions at the Airport. Certainly, this was not the intent of the curfew provisions when approved.

In response to JetBlue's assertions that the Federal Aviation Administration (FAA) has exclusive control over airspace, certainly the Airport recognizes the FAA's jurisdictional responsibilities; however, as indicated in previous correspondence, it is also important to recognize that JetBlue continues to have a number of options relating to any FAA air traffic control delays that may impact flights operating to or from the Airport, including, but not limited to substituting aircraft, providing alternative operations during non-curfew hours, accommodating passengers by alternative transit, providing sleeping accommodations for the delayed passengers until the aircraft can depart or arrive consistent with the curfew requirements at the Airport or operating during curfew hours (which will necessarily result

in curfew violations and administrative and alternative enforcement procedures). These are business decisions that all incumbent air carriers must make at this Airport and at other curfew airports in the region.

With respect to JetBlue's example relating to Flight 1635 from SFO to the Airport, the presentation indicates that the JetBlue arrival was delayed into the Airport due to three (3) earlier flights impacted by two (2) separate FAA issued ground delay programs. Similarly, JetBlue's example relating to Flight 14 from the Airport to JFK was delayed due to the late arrival of a flight from Boston to the Airport. Neither of these examples falls within the exemption provided in the Noise Ordinance. As indicated above, the exemption provided in the Noise Ordinance applies *only* to FAA air traffic control delays that relate directly to flights departing and arriving at the Airport, not to flight delays earlier in the day at Airports outside of the direct arrival/departure curfew flights at the Airport.

Finally, and importantly, my decision and interpretation of the curfew provisions of the Noise Ordinance reflects the experience of the City in the management and operation of the Airport – and the public controversies resulting from operation of the Airport - since approval of the Noise Ordinance; including extensive experience in many forums with the views and interests of the federal government, commercial aviation operators, general aviation operators, the Long Beach business community, local public entities, and the residents of areas in the general vicinity of the Airport. I believe that this decision continues to balance the needs of the Long Beach community for adequate commercial air transportation facilities, and the desire of the local community for environmentally responsible air transportation operations at the Airport.

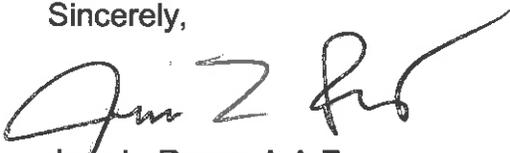
My decision will be final unless appealed to the City Manager as provided in Section 16.43.110(B) of the Noise Ordinance. Specifically, Section 16.43.110(B) of the Noise Ordinance provides that any final decision pursuant to Chapter 16.43 shall be appealable to the City Manager by giving written notice to the Manager within fifteen (15) days following the mailing of a notice of final decision by the Airport Director. The City Manager shall provide any person appealing the Airport Director's decision at least fifteen (15) days written notice specifying the time and place of the hearing of the appeal, and inviting such person or entity to present any additional arguments deemed appropriate in determining whether a violation occurred. The notice shall be served by U.S. mail, with service being complete upon mailing. Consistent with the provisions of Section 16.43.110(B), the hearing may be held before a hearing officer designated by the City Manager, with certain limited exceptions. In the alternative, the City Manager may appoint an administrative hearing board consisting of not less than three (3) members of the City's administrative staff.

Any appeal will be decided based on the submissions of the Airport Director, his summary of the evidence presented, and the arguments presented to the City Manager. The City Manager shall not be required to accept additional evidence. A written notice of decision is required to be issued within fifteen (15) days following the hearing on appeal. The final decision of the City Manager shall be final unless appealed to the City Council within fifteen (15) days after the mailing of notice by the City Manager. Any appeal of the final decision of the City Manager under Chapter 16.43 must be conducted as provided in Chapter 2.93 of the City's Municipal Code.

It is important to emphasize that the pendency of this proceeding shall not affect or excuse any violation of Chapter 16.43 of the Noise Ordinance occurring during the pendency of this proceeding. (See, Section 16.43.110(D)). Therefore, JetBlue must continue to comply strictly with the curfew requirements at the Airport irrespective of air traffic control delays to its operations at other airports nationwide throughout the day during the pendency of this proceeding.

Please do not hesitate to contact me if you have any questions regarding this final decision or if you have any questions regarding the appeals process outlined above.

Sincerely,



Jess L. Romo, A.A.E.
Airport Director

JR:LB:RR:km

Attachments:

- (1) JetBlue correspondence dated July 7, 2017
- (2) Long Beach Airport correspondence dated July 18, 2017
- (3) JetBlue correspondence dated July 28, 2017
- (4) Long Beach Airport correspondence dated August 17, 2017
- (5) JetBlue correspondence dated August 25, 2017
- (6) JetBlue Exemplary Presentation Flight 1635
- (7) JetBlue Exemplary Presentation Flight 14
- (8) Long Beach Airport Summary of JetBlue Late Operations January 1, 2016 – June 30, 2017

cc: Ron Reeves, Long Beach Airport
Michael J. Mais, Assistant City Attorney
Lori Ballance, Outside Counsel



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T: 1-800-JETBLUE
jetblue.com

July 7, 2017

Mr. Jess Romo, A.A.E., Director
Long Beach Municipal Airport
4100 Donald Douglas Drive
Long Beach, CA 90808

Dear Mr. Romo:

I am writing with regard to JetBlue's operations during the second quarter of 2017 (starting on April 1, 2017 and extending through June 30, 2017).

JetBlue schedules all of its operations at Long Beach in full compliance with the restrictions on flights which limits scheduled operations to the hours of 7 a.m. until 10 p.m. In our review of our operations for the second quarter of 2017, JetBlue believes that some of its late night operations are exempt from the Airport Noise Compatibility provision of Chapter 16.43 of the Long Beach Municipal Code (16.43.070 General Exemptions), section G. The applicable section states:

“Aircraft operating pursuant to explicit air traffic control direction in a manner which would otherwise not comply with the terms of this Chapter.”

As the attached spread sheet demonstrates, the operations of JetBlue which are listed all operated beyond the airport curfew hours due to explicit air traffic control direction. As such, it is JetBlue's belief that these flights should not be counted towards our tally of late flights for purposes of the governing Consent Decree of May 30, 2003, in effect with the Office of the City Prosecutor.

Your consideration of this request for exemptions is appreciated and I look forward to discussing this matter with you.

Sincerely,

Robert C. Land
Senior Vice President Government Affairs and
Associate General Counsel

JetBlue Airways

LGB Station Curfew Report

Date	Vio?	Flight #	A/C On	A/C Out	A/C Off	2300-0700	Delay	Description
04/01/17	YES	1635	22:13			NO	ATC	N640 operated F1436 LGB-SFO earlier this evening that was captured on the SFO GDP program that was issued due to runway construction. Total delay was 65 minutes. This delayed down line flying and resulted in F1635 breaking curfew.
04/02/17	YES	1635	22:19			NO	ATC	F1436 was originally delayed in LGB 66 minutes due to a GDP to SFO for RWY-Taxi construction. This delayed the a/c line and caused F1635 to arrive late, breaking soft curfew.
4/6/2017	YES	2132		22:34	22:48	NO	WX/CREW	F2136 was on a GDP to SFO for weather/winds. See ADVZY 034. Due to the extensive delay, the inflight crew timed out and F2136/2135 were cancelled which moved up the departure time of F2132 but not enough to not break curfew.
4/7/2017	YES	2135	22:38			NO	ATC	N562 operated F2136 LGB-SFO earlier this afternoon that was captured on an SFO GDP program that was issued due to weather/winds. This delayed down line flying and resulted in F2135 breaking curfew.
4/9/2017	YES	504		22:03	22:14	NO	ATC	N821 WAS ON ITS WAY TO BOS BUT WAS HAD A LONGER THAN SCHEDULED FLIGHT TIME TO BOS. THEN WAS FURTHER DELAYED OUT OF BOS DUE TO ATC HAVING REROUTE THE A/C LEAVING BOS. THIS RESULTED IN THE A/C ARRIVING LGB 44 MIN LATE. DUE TO THE LATE ARRIVAL OF INBOUND 405 FROM BOS F504 TO BOS BROKE CURFEW.
4/13/2017	YES	1635	22:40			NO	ATC	N636 operated F1436 LGB-SFO earlier this afternoon and was captured on an SFO GS/GDP list that was issued for weather/winds. This delayed down line flying and resulted in F1635 breaking curfew.
4/21/2017	YES	1635	22:07			NO	ATC	N564 operated F1436 LGB-SFO earlier this afternoon and was captured on an SFO GDP list that was issued for runway construction. This delayed down line flying and resulted in F1635 breaking curfew.
4/22/2017	YES	504		22:12	22:20	NO	ATC	F504 LGB-BOS had to hold for their connecting Inflight Crewmembers that arrived late off of N594, that was delayed inbound due to an extensive SFO GDP that was issued for runway construction.
4/22/2017	YES	1635	22:37			NO	ATC	N565 operated F1436 LGB-SFO earlier this afternoon and was captured on an SFO GDP list that was issued for runway construction. This delayed down line flying and resulted in F1635 breaking curfew.
4/24/2017	YES	1635	22:20			NO	ATC	F1436 (LGB-SFO) was on GDP to SFO for runway construction and took a 69 min delay in LGB. See ADVZY: 079. This delayed the a/c line and caused F1635 to break soft curfew.
4/26/2017	YES	1635	22:30			NO	ATC	F1436 was delayed 60 minutes in LGB due to a GDP to SFO for low ceilings. See ADVZY: 060. This delayed the a/c line and caused F1635 to break soft curfew.
4/28/2017	YES	504		22:33	22:44	NO	ATC	N806 operated segments DFW-BOS-LGB-BOS, F1214 DFW-BOS was issued a revised flight plan which resulted in a much longer flight time. This delayed all down line flying and led F504 LGB-BOS to break curfew.

JetBlue Airways**LGB Station Curfew Report**

Date	Vio?	Flight #	A/C On	A/C Out	A/C Off	2300-0700	Delay	Description
4/7/2017	YES	1635	23:05			YES	ATC	N615 operated F1436 LGB-SFO earlier this afternoon that was captured on an SFO GDP program that was issued due to weather/winds. This delayed down line flying and resulted in F1635 breaking curfew.
4/11/2017	YES	1635	23:08			YES	ATC	N639 operated F1436 LGB-SFO earlier this afternoon and was captured on an SFO GS/GDP list that was issued for weather/winds. This delayed down line flying and resulted in F1635 breaking curfew.
4/12/2017	YES	1635	23:13			YES	ATC	N570 operated F1436 LGB-SFO earlier this afternoon and was captured on an SFO GS/GDP list that was issued for weather/winds. This delayed down line flying and resulted in F1635 breaking curfew.
4/13/2017	YES	1013	23:36			YES	ATC	N585 operated F1222 NAS-JFK earlier this afternoon and was delayed due to holiday volume, coupled with an ATC labor action in NAS which resulted in a 90 minute taxi time. This delayed down line flying and led F1013 to break curfew.

JetBlue Airways

LGB Station Curfew Report

Date	Vio?	Flight #	A/C On	A/C Out	A/C Off	2300-0700	Delay	Description
5/6/2017	YES	2079	22:41			NO	ATC	N644 operated F680 LGB-LAS earlier this afternoon and was captured on a LAS GDP list that was issued for winds. This delayed down line flying and resulted in F2079 breaking curfew.
5/7/2017	YES	14		22:38	22:47	NO	ATC/CREW	CREW WORKING FLT 14 WAS ALSO WORKING DELAYED INBOUND F2079. F2079 WAS DELAYED DUE TO ATC GDP DUE TO WINDS IN LAS. NO AVAILABLE CREWS TO RECOVER F14.
5/11/2017	YES	1635	22:19			NO	WX/ATC	A/C 554 arrived 35 minutes late into LGB. Then F1436 was delayed 41 minutes in LGB due to a GS and then a GDP to SFO for low ceilings. See ADVZY: 005 & 015. This delayed the a/c line and caused F1635 to break soft curfew.
5/13/2017	YES	2079	22:20			NO	ATC	DUE TO EXTENSIVE ATC DELAYS IN SFO F2079 WAS DELAYED. A/C ROUTING WAS DELAYED OUT OF LAS-SFO-LAS-LGB-LAS-LGB. BECAUSE OF THE EXTENSIVE DELAY A/C WAS NOT ABLE TO RECOVER
5/21/2017	YES	2132		22:30	22:44	NO	ATC	F2136 (LGB-SFO) was caught in a GDP to SFO due to construction and delayed 135 minutes. See ADVZY: 020. This delayed the a/c line and caused F2135 (SFO-LGB) to arrive late and caused F2132 to break soft curfew.
2/25/2017	YES	405	23:01			NO	ATC	F405 had to tech stop in PHX for fuel due to being given a longer route by ATC and with the payload, would not make it to LGB. This tech stop delayed F405 and caused it to break hard curfew.
5/26/2017	YES	2132		22:08	22:17	NO	ATC/CREW	The operating flight crews for F2132 were connecting off of an aircraft line that was involved in an extensive SFO GDP. No crew replacements were available.
5/27/2017	YES	504		22:09	22:18	NO	ATC	F365-SMF was previously delayed due to SFO GDP, A/C N554JB, earlier in the day and impacted downline flight segments. There were 86 customers connecting from F365-SMF.
5/27/2017	YES	944		22:26	22:36	NO	ATC	N554JB operated F1936 LGB-SFO earlier this morning and was captured on an SFO GDP list that was issued for runway construction. This delay impacted all downline flights.
5/29/2017	YES	405	22:23			NO	ATC	F822 (PBI-BOS) was delayed 79 minutes due to a GDP to BOS due to construction/winds. See ADVZY: 058. This delayed the a/c line and caused F405 to break soft curfew.
5/30/2017	YES	405	22:33			NO	ATC	F822 (PBI-BOS) was delayed 104 minutes due to a GDP to BOS due to construction/low ceilings. See ADVZY: 061. This delayed the a/c line and caused F405 to break soft curfew.

JetBlue Airways

LGB Station Curfew Report

Date	Vio?	Flight #	A/C On	A/C Out	A/C Off	2300-0700	Delay	Description
5/13/2017	YES	1635	1:12			YES	ATC/CREW	DUE TO EXTENSIVE GDP IN SFO FOR CONSTRUCTION FLT WAS DELAYED LEAVING LGB. SINCE THE FLIGHT WAS SEVERALLY DELAYED OUT OF LGB THE ORIGINAL PILOTS TIMED OUT AND HAD TO BE REPLACED. PILOTS HAVE A 2 HOUR CALL TO ARRIVE TO THE AIRCRAFT AFTER BEING NOTIFIED. THIS FURTHER DELAYED THE FLIGHT RESULTING IN IT BREAKING HARD CURFEW
5/21/2017	YES	1635	23:10			YES	ATC	F1436 (LGB-SFO) was caught in a GDP to SFO for construction and delayed 116 minutes. See ADVZY: 020. This delayed the a/c line and caused F1635 to break soft curfew.
5/25/2017	YES	14		23:53	0:00	YES	ATC	F405 had to tech stop in PHX for fuel due to being given a longer route by ATC and with the payload, would not make it to LGB. This tech stop delayed F14 and caused it to break hard curfew.
5/26/2017	YES	1635	23:58			YES	ATC	N580 operated F1436 LGB-SFO earlier this afternoon and was captured on a SFO GDP list that was issued for low ceilings. This delayed down line flying and resulted in F1635 breaking curfew.

JetBlue Airways

LGB Station Curfew Report

Date	Vio?	Flight #	A/C On	A/C Out	A/C Off	2300-0700	Delay	Description
6/5/2017	YES	405	22:29			NO	ATC	F822 (PBI-BOS) was delayed 70 minutes due to a GDP for rwy construction. See ADVZY 77. This delayed the a/c line and caused F405 to break soft curfew.
6/8/2017	YES	179	22:34			NO	ATC	F2589 (LAS-SFO) was delayed 109 minutes due to a GDP to SFO for weather/low ceilings. See ADVZY 049. Then F188 was delayed 79 minutes waiting for connecting flight crew off F2136 which was also delayed by the SFO GDP. This delayed the a/c line and caused F179 to break soft curfew.
6/16/2017	YES	405	22:50			NO	ATC	F880 (LAS-BOS) was delayed 81 minutes in LAS due to a GDP into BOS. This delayed the a/c line and caused F405 to break soft curfew.
6/17/2017	YES	1013	22:41			NO	ATC	F1190 (MCO-JFK) was delayed due to a GDP into JFK due to low ceilings. See ADVZY: 117. This delayed the a/c and caused F1013 to break soft curfew.
6/18/2017	YES	1013	22:17			NO	ATC	F1190 (MCO-JFK) WAS DELAYED DUE TO A GDP INTO JFK DUE TO WX AND WINDS. THIS DELAYED THE A/C AND CAUSED F1013 TO BREAK CURFEW.
6/29/2017	YES	1013	22:37			NO	ATC/WX	F242 (HAV-JFK) got a reroute enroute to JFK which made their flight time a little longer. Then F1013 encountered weather over the Midwest which slowed the flight down. These two items caused F1013 to break soft curfew.
6/29/2017	YES	1436		22:28	22:51	NO	ATC	SFO GDP EDCT 2318 DUE TO LOW CEILINGS IN SFO AREA. FLIGHT GOT RELEASED EARLIER THAN ORIGINAL EDCT. ADVY 010
6/30/2017	YES	405	22:22			NO	ATC/WX	F405 was delayed 35 min at the gate by ATC due to thunderstorms in the area. Then F405 had a 37 minute taxi time. These two items delayed F405 and caused it break soft curfew.

JetBlue Airways

LGB Station Curfew Report

Date	Vio?	Flight #	A/C On	A/C Out	A/C Off	2300-0700	Delay	Description
6/7/2017	YES	405	23:08			YES	ATC	F404 (ATL-BOS) on 6/6 was delayed 88 minutes in ATL on a GDP due to construction/weather. See ADVZY 74. Then later on that night, F796 (ATL-BOS) was delayed 70 minutes on a GDP due to construction/weather. See ADVZY 74. These two GDP's delayed the a/c in into today and caused F405 to break hard curfew.
6/7/2017	YES	943	23:52			YES	ATC	F1379 (DCA-FLL) was delayed 135 minutes due to a AFP for flights going to Florida. See ADVZY 91. This issue caused F943 to break hard curfew.
6/8/2017	YES	1635	23:39			YES	ATC	F1436 (LGB-SFO) was caught in a GDP to SFO for weather/low ceilings and delayed 137 minutes which included 50 late arrival from SEA due to a GDP to SEA. See ADVZY: 049. These two GDP's delayed the a/c line and caused F1635 to break hard curfew.
6/11/2017	YES	1635	23:27			YES	ATC	A/C WAS RUNNING ON TIME UNTIL IT WAS CAUGHT IN A SFO GDP AT THE LAST MIN FOR A FEW HOURS THAT RESULTED IN IT RETURNING AFTER CURFEW
6/13/2017	YES	1013	23:16			YES	WX/ATC	F1013 was delayed 17 minutes at the gate due to a Time Surface Management program. Then the a/c then taxied for 128 minutes due to weather-driven route closures. This delayed the flight which caused it to break hard curfew.
6/16/2017	YES	1013	23:42			YES	ATC	F1190 (MCO-JFK) was delayed 147 due to a GDP into JFK due to weather/low ceilings. See ADVZY: 097. This delayed the a/c and caused F1013 to break hard curfew.
6/19/2017	YES	405	1:21			YES	ATC	F992 (TPA-BOS) GOT CAUGHT IN A GDP AND WAS DELAYED AND RESULTED IN F405 BREAKING CURFEW.
6/19/2017	YES	1013	2:16			YES	ATC	F1190 (MCO-JFK) GOT CAUGHT IN A GDP AND WAS DELAYED AND RESULTED IN F1013 BREAKING CURFEW.



long beach
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where the going is easy®

July 18, 2017

Robert C. Land
Senior Vice President Government Affairs and Associate General Counsel
JetBlue Airways Corporation
27-01 Queens Plaza North
Long Island City, NY 11101

Subject: Request for Exemption for Curfew Flights at Long Beach Airport

Dear Mr. ^{Rob}Land:

This letter is in response to your letter dated July 7, 2017, in which you request exemptions from Chapter 16.43 of the Long Beach Municipal Code, Airport Noise Compatibility, for some of JetBlue's curfew operations at Long Beach Airport ("Airport") during the second quarter of 2017 (April 1, 2017, through June 30, 2017). Specifically, and according to your recent letter, although JetBlue does not deny that the curfew violations occurred at the Airport, you believe that some of JetBlue's operations fall within the Section 16.43.070 general exemptions for curfew operations.

Section 16.43.070 of the Airport Noise Compatibility Ordinance provides categories of aircraft that are exempt from the noise, curfew and related requirements of the Ordinance. Specifically, Section 16.43.070(G) provides: "[a]ircraft operating pursuant to explicit air traffic control direction in a manner which would otherwise not comply with the terms of this Chapter" are exempt from the provisions of the Noise Ordinance. It is important to recognize, however, that these "explicit air traffic control direction[s]" must necessarily relate directly to operations at Long Beach Airport (i.e., an air traffic control delay at LGB which results in a late departure from the Airport outside JetBlue's control), not to other airports nationwide throughout the day.

According to the spreadsheet provided as an attachment to your July 7, 2017, letter, it appears that the curfew violations at the Airport during the second quarter of 2017 occurred due to air traffic control delays earlier in the day at San Francisco International Airport, Boston International Airport, and other airports nationwide, and not to air traffic control delays at Long Beach Airport. It is important for JetBlue

Request for Exemption for Curfew Flights at Long Beach Airport

July 18, 2017

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to recognize that it is the airline's responsibility to comply strictly with the curfew requirements at Long Beach Airport irrespective of air traffic control delays to its operations at other airports nationwide throughout the day. Air traffic control delays at other airports do not qualify as Section 16.43.070 exemptions from the Noise Ordinance at LGB.

I hope this letter clarifies the applicability of Section 16.43.070 to air traffic control delays and that this information will assist JetBlue in its strict compliance with the curfew requirements at the Airport in the future. Please feel free to contact me if you have any additional questions regarding this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jess L. Romo". The signature is fluid and cursive, with the first name "Jess" and last name "Romo" clearly distinguishable.

Jess L. Romo, A.A.E.
Director

JR:RR:km

cc: Douglas P. Haubert, City Prosecutor
Michael Mais, Assistant City Attorney
Ron Reeves, Noise and Environmental Affairs Officer
Lori Ballance, Outside Counsel



27-01 Queens Plaza North
Long Island City, NY 11101
T: 1-800-JETBLUE
jetblue.com

July 28, 2017

Mr. Jess Romo, A.A.E., Director
Long Beach Municipal Airport
4100 Donald Douglas Drive
Long Beach, CA 90808

Dear Mr. Romo,

This is in response to your July 18, 2017 letter, which asserts that the Long Beach Airport Noise Compatibility Ordinance's exception for "explicit air traffic control direction" extends only to air traffic control (ATC) direction "relate[d] directly to operations at Long Beach Airport." JetBlue respectfully disagrees with this narrow interpretation, which is contrary to the plain meaning of the ordinance language¹ and is inconsistent with federal statutes granting the Federal Aviation Administration (FAA) exclusive control over the national airspace system.² JetBlue again requests that the flights listed in the July 8, 2017 spreadsheet not be counted towards the tally of late flights for purposes of the government Consent Decree of May 30, 2003.

Any air carrier that operates scheduled service at Long Beach Airport must comply with the FAA's explicit ATC direction. JetBlue, like other certificated air carriers, is required to operate in strict compliance with express ATC direction from the FAA.³ To assert that the ATC exception in the governing ordinance only applies to Long Beach Airport's local operations ignores that the airport is merely one of many components of a large, complex and integrated national airspace system that has many interdependent pieces. It is impossible to separate Long Beach Airport operations from the rest of the national airspace system as they operate as part of a common

¹ See *U.S. v. Lehman*, 225 F. 3d 426 (4th Circ. 2000) ("A fundamental canon of statutory construction requires that 'unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.'").

² See 49 U.S.C. § 40103 ("The United States Government has exclusive sovereignty of airspace of the United States... The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace.").

³ See 14 C.F.R. Part 91.123 "Compliance with ATC clearances and instructions" ("(a)When an ATC clearance has been obtained, no pilot in command may deviate from that clearance unless an amended clearance is obtained, an emergency exists, or the deviation is in response to a traffic alert and collision avoidance system resolution advisory. However, except in Class A airspace, a pilot may cancel an IFR flight plan if the operation is being conducted in VFR weather conditions. When a pilot is uncertain of an ATC clearance, that pilot shall immediately request clarification from ATC.

(b) Except in an emergency, no person may operate an aircraft contrary to an ATC instruction in an area in which air traffic control is exercised.").

network, administered by the FAA. As you know, the FAA often imposes ground stops at particular airports or shuts down busy airway routes leading into or out of Long Beach Airport. Because of JetBlue's legal obligation to adhere to the express ATC direction of the FAA, these situations sometimes create delays for flights operating at Long Beach Airport. However, JetBlue has no ability to deviate from the FAA's instructions at Long Beach Airport or elsewhere.

Against this backdrop, the interpretation in your letter belies the plain language meaning of the ordinance. By its very definition, "explicit air traffic control" direction from the FAA necessarily refers to and involves direction that results from events outside of Long Beach Airport. It is impossible to classify some FAA directions as Long Beach-specific and others as non-Long Beach-specific. Because of the FAA's sole authority over the national airspace system, there is simply no feasible way to define or parse which FAA "explicit air traffic control directions" would be covered under your recent interpretation of the ordinance and which would not be covered. Such an interpretation would be impermissibly narrow, arbitrary and capricious, and obviate the plain-language meaning of the ordinance.

Further, any ATC delay that impacts a flight operating to or from Long Beach Airport necessarily "relate[s] directly to operations at Long Beach Airport." If an aircraft cannot take off at Long Beach Airport due to a FAA ground stop at San Francisco International Airport or John F. Kennedy International Airport, the FAA has essentially made a *de facto* decision that aircraft at Long Beach should not be allowed to take off from Long Beach for San Francisco or JFK. In other words, all flights operating to or from Long Beach Airport are subject to explicit FAA direction and all are covered under the plain meaning language of the exception in the ordinance.

JetBlue reiterates that some of its late night operations are rightfully exempt from the Airport Noise Compatibility provision of Chapter 16.43 of the Long Beach Municipal Code due to its obligation to adhere to ATC directions from the FAA. The spread sheet included in the July 7, 2017 letter clearly demonstrated that all JetBlue operations that occurred beyond the airport curfew hours were due to explicit ATC direction, which, as noted above, is clearly covered by the language in the exception. Therefore, JetBlue respectfully reiterates its request that the flights listed in the July 8, 2017 spreadsheet not be counted towards the tally of late flights for purposes of the Consent Decree of May 30, 2003.

I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Land". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Robert C. Land
Senior Vice President Government Affairs and
Associate General Counsel



long beach
airport

where the going is easy®

August 17, 2017

Robert C. Land
Senior Vice President Government Affairs and Associate General Counsel
JetBlue Airways Corporation
27-01 Queens Plaza North
Long Island City, NY 11101

Subject: Request for Exemption for Curfew Flights at Long Beach Airport

Dear Mr. Land:

This letter is in response to your letter dated July 28, 2017, in which you request further clarification regarding the exemptions from Chapter 16.43 of the Long Beach Municipal Code, Airport Noise Compatibility, for some of Jet Blue's curfew operations at Long Beach Airport ("Airport") during the second quarter of 2017 (April 1, 2017, through June 30, 2017). Specifically, and according to your most recent letter, although JetBlue does not deny that the curfew violations occurred at the Airport, you continue to believe that some of JetBlue's operations fall within the Section 16.43.070 general exemptions for curfew operations and should not be counted toward the tally of late flights for purposes of the JetBlue/City Prosecutor negotiated Consent Decree of May 30, 2003.

As indicated in my July 18, 2017, letter, Section 16.43.070 of the Airport Noise Compatibility Ordinance ("Ordinance") provides categories of aircraft that are exempt from the noise, curfew and related requirements of the Ordinance. Specifically, Section 16.43.070(G) provides: "[a]ircraft operating pursuant to explicit air traffic control direction in a manner which would otherwise not comply with the terms of this Chapter" (emphasis added) are exempt from the provisions of the Noise Ordinance. Although this exemption applies directly to operations at Long Beach Airport (i.e., an air traffic control delay at LGB which results in a late departure or arrival from the Airport outside of JetBlue's control), it does not apply to other nationwide airports or circumstances occurring throughout the day.

The Ordinance does provide the Airport Director with the discretionary authority to provide an air carrier with the ability to conduct operations outside of the curfew hours if a flight is delayed by not more than one hour beyond the curfew (i.e.,

between 10 p.m. and 11 p.m.) as a result of delays substantially beyond the control of the operator. See Section 16.43.040(B). However, prior to waiving any curfew violation during this time period, the operator is required to present evidence satisfactory to the Airport Director relating to the circumstances surrounding the operation. In addition, it is important to emphasize that nothing in the Noise Ordinance establishes a “right” or privilege of any person to conduct air operations outside of the curfew.

According to the spreadsheet provided as an attachment to your July 7, 2017, letter, and as previously indicated, it appears that the majority of curfew violations at the Airport during the second quarter of 2017 occurred due to air traffic control delays earlier in the day at other airports nationwide, and not to air traffic control delays at Long Beach Airport.

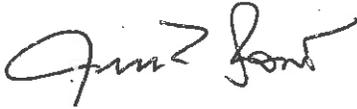
It is important for JetBlue to recognize that it is the Airline’s responsibility to comply strictly with the curfew requirements at Long Beach Airport, irrespective of air traffic control delays to its operations at other airports nationwide throughout the day. As previously indicated, air traffic control delays at other airports do not qualify as Section 16.43.070 exemptions from the Noise Ordinance at LGB. Only in the limited one hour window after curfew will the Airport consider a request for a curfew exemption based on the specific circumstances which caused the curfew violation, such as that the operation was delayed by emergency, mechanical, air traffic control, or weather delays substantially beyond the control of the operator. It is also important to note that the Airport has consistently applied the “exemption provisions” of the Ordinance relative to JetBlue’s curfew violations since the inception of the Consent Decree in 2003, and until JetBlue’s recent correspondence, JetBlue has not objected to the application or interpretation of the Ordinance by the Airport Director or Airport staff. In fact, JetBlue routinely self-reports late night curfew violations.

In response to JetBlue’s assertions that the FAA has exclusive control over airspace, certainly the Airport recognizes the FAA’s jurisdictional responsibilities; however, it is also important to recognize that JetBlue continues to have a number of options relating to any FAA ATC delay that may impact flights operating to or from the Airport, including, but not limited to substituting aircraft, providing alternative operations during non-curfew hours, accommodating passengers by alternative transit, providing sleeping accommodations for the delayed passengers until the aircraft can depart or arrive consistent with the curfew requirements at the Airport or operating during curfew hours (which will necessarily result in curfew violations and administrative and alternative enforcement procedures). These are business decisions that all incumbent air carriers must make at this Airport and at other curfew airports in the region.

Request for Exemption for Curfew Flights at Long Beach Airport
August 17, 2017
Page 3

I hope this letter clarifies the applicability of Section 16.43.070 to air traffic control delays and that this information will continue to assist JetBlue in its strict compliance with the curfew requirements at the Airport in the future. Please feel free to contact me if you have any additional questions regarding this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jess L. Romo". The signature is stylized with a large initial "J" and a long horizontal stroke.

Jess L. Romo, A.A.E.
Director

JR:MM:RR:km

cc: Michael Mais, Assistant City Attorney
Douglas P. Haubert, City Prosecutor
Lori Ballance, Gatzke Dillon & Ballance LLP
Ron Reeves, Long Beach Airport

AIRPORT ADMIN

RCUD AW010

AUG 29 2017

jetBlue

27-01 Queens Plaza North
Long Island City, NY 11101
T: 1-800-JETBLUE
jetblue.com

August 25, 2017

Mr. Jess Romo, A.A.E., Director
Long Beach Municipal Airport
4100 Donald Douglas Drive
Long Beach, CA 90808

Dear Mr. Romo,

In accordance with Section 16.43.110 of the Long Beach Municipal Code, JetBlue Airways Corporation (JetBlue) hereby timely requests an administrative hearing in response to the August 17, 2017 letter from Jess L. Romo to Robert C. Land regarding exemptions for curfew flights at Long Beach Airport. The decision in the August 17, 2017 letter regarding the applicability of the "explicit air traffic control" exemption in Section 16.43.070 is erroneous and unjustified.

In accordance with Section 16.43.110, please provide notice regarding the date of the administrative hearing.

Sincerely,



Robert C. Land
Senior Vice President Government Affairs and
Associate General Counsel

LGB Curfew

JetBlue Flight 1635 SFO LGB

June 8, 2017

jetBlue

JetBlue System Operations Manual Guidance

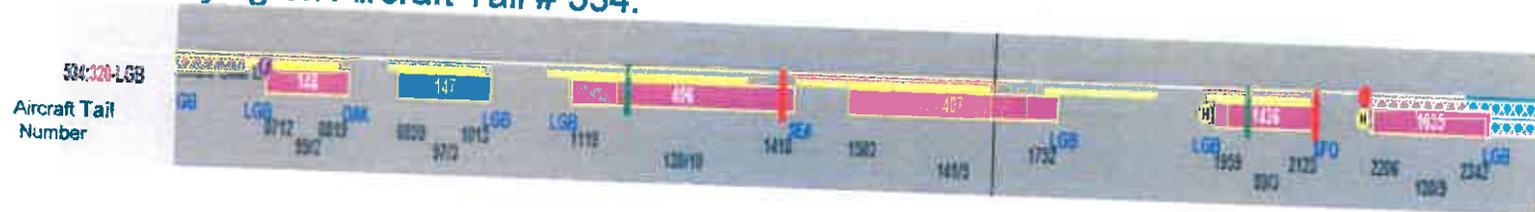
SYSTEM OPERATIONS MANUAL

jetBlue

JETBLUE CURFEW CITY INFORMATION				
Cities	Operating Hours	Soft Curfew**	Hard Curfew	Fines
LGB	0700-2200	2200-2300	2300-0700	\$3000 for the first 6 per quarter.
				\$5000 for each violation after 6 per quarter.
				Additional \$245.66 fee for any flights that land after 2200 which is based on our landing weight.
				If we divert to avoid busting the curfew the city will reimburse us for some of our expenses.

Overview: Flight 1635 SFO-LGB June 8, 2017 (121 Customers) arrives 149 minutes delayed into LGB due to three earlier flights impacted by two separate FAA issued Ground Delay Programs.

Sequence of flying on Aircraft Tail # 534:



- F406 LGB-SEA delayed 20 minutes due to SEA GDP for WX.
 - Standard Time Departure (STD) 1759Z (1059L); Actual Time of Departure 1819Z (1119L)
- F407 SEA LGB delayed 43 minutes as a result of F406 late arrival due to FAA issued delay.
 - Standard Time Departure (STD) 2120Z (1420L); Actual Time of Departure 2203Z (1503L)
- F1436 LGB SFO delayed 137 minutes due to SFO FAA issued delays.
 - Standard Time Departure (STD) 0042Z (1742L); Actual Time of Departure 0259Z (1959L)
- F1635 SFO LGB delayed on June 8, 2017 arrives 149 minutes late as a result of F1436 late arrival and a 35 minute taxi time in SFO due to surface congestion in SFO.
 - Standard Time Departure (STD) 0251Z (1951L); Actual Time of Departure out of SFO at 0506Z (2206L) - Actual Time of Arrival in LGB at 0642Z (2342L)

SEA Weather and ATC

SP 08/06/2017 16:30-> **SPECI KSEA 081630Z 18008KT 6SM -RA BR SCT003 BKN047 OVC085
13/13 A2969 RMK AO2 P0002 T01330128=**

SA 08/06/2017 15:53-> **METAR KSEA 081553Z 20007KT 2SM -RA BR SCT003 SCT009 OVC030
13/12 A2967 RMK AO2 SFC VIS 5 SLP052 P0003 T01280122=**

SEA Weather - 2 miles visibility, light rain, fog, cloud layers at 300 feet , 900 feet and 3,000 feet.

Weather Key:

"SA" – Surface Analysis

"SP" – Special Report – Issued when precip begins and when cloud levels increase or decrease.

- SEA Ground delay program was issued by the FAA Command Center due to reduced visibility in Seattle. All flights for all airlines originating in Canada or CONUS 48 were subjected to 47 minute average delays.

SEA

GDP

Air + CZY

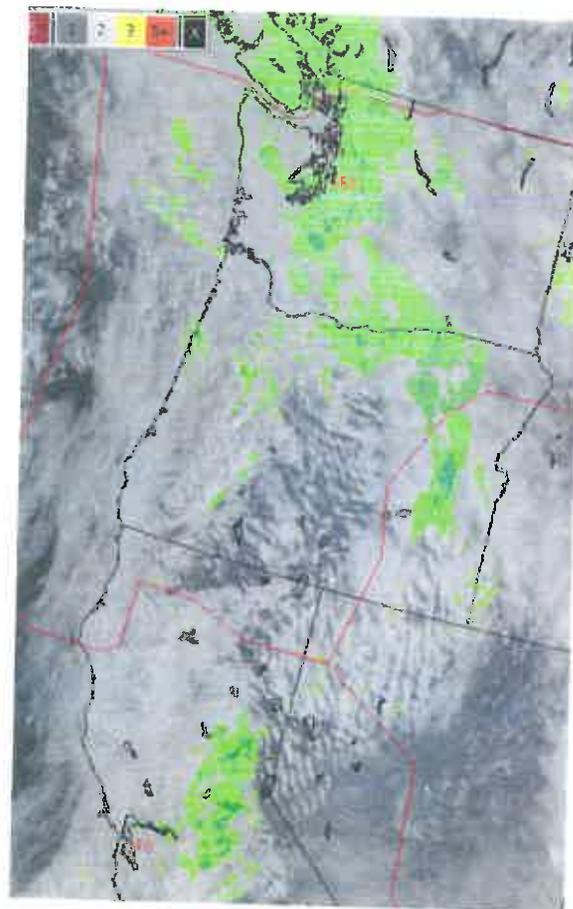
1

47

Low ceilings

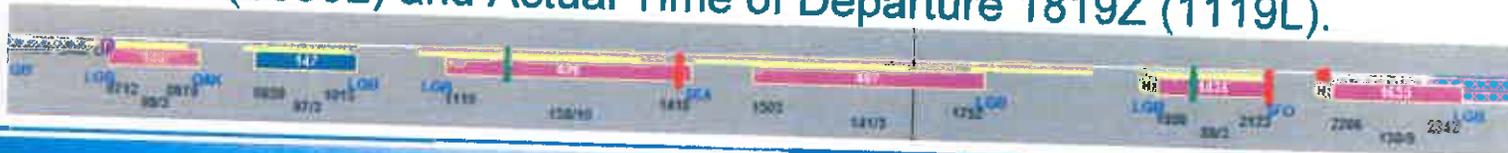
Parameters for SEA Ground Delay Program were for arrivals between 1500Z (0800L) and 1859Z (1159L) - 4 Hours Total.

Above information was obtained through FAA historical data provided to all airlines (ATCSCC Logs)



Flight 406 LGB SEA – Delayed 20 min due to ATC Destination EDCT Controlled GDP STD- 1759Z (1059L) and Actual Time of Departure 1819Z (1119L).

534-320-LGB



Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (LT/Sea)	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	406	06JUN17	08 10	LGB	1759	SEA	2039	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Fit Plan

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City	LGB
Terminal	Gate BR
Date	06JUN17
Variance	-0700
STB	0011
Dly Code	S10
DCR	
GuT	1819
ETD	1831
OFF	1856

Arrival (UTC)

City	SEA
Terminal	Gate AS
Date	06JUN17
Variance	-0700
STB	0010
Dly Code	
ETE	0209
EGN	2115
OR	2108
ETA	2118
N	2118

Block Time

Scheduled	Actual
02:40	02:59

Flight Time

Scheduled	Actual
02:19	02:12

Hub

Hub	Seat	Status	Std Equip	Conf Equip	Act Equip	SOB	Lead Plan	Dest	Tail Before Cancel
	00	SC05	300		320	0			

Customer

Customer	Contract Number	Log Page	QA Tail Number	Aircraft Version

Table of valid Aircraft C

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (LT/Sea)	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	406	06JUN17	08 10	LGB	1759	SEA	2039	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Fit Plan

Departure Total: 20, Departure Left: 0, Arrival Total: 19, Arrival Left: 19

NOTE: First delay determines overall delay

Type	Time	Date/Time (Code)	Reason	Updated Date/Time (utc)
STD	06JUN17	1831	S10 DLY DUE ATC DEST EDCT CONTROLLED GDP	08JUN17 1636

Type	Amount	Code	Reason
DEP	20	S10	DLY DUE ATC DEST EDCT CONTROLLED GDP ETC

Flight 407 SEA LGB Delayed 43 min due to Late Arriving Equipment STD- 2120Z (1420L) and Actual Time of Departure 2203Z (1503L).

Flight Information

View Options

Identification

ALC	Flight	ATC	Depart (UTC)	City (LD)	Seq	Depart	STD (UTC)	Arrive	ETA (UTC)	Tail
JBU	407		09JUN17	SEA	10	SEA	2120	LGB	2356	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Fit Plan <>

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City SEA

Terminal

Date 09JUN17

STD 0019

DCN

ETD 2155

ETD 2238

Gate 15

Variance -0700

City Code S16

OUT 2209

Taxi

OFF 2228

Arrival (UTC)

City LGB

Terminal

Date 09JUN17

STD 0003

EDN 0050

ETA 0052

Gate 7

Variance -0700

City Code

ON 0049

IN 0052

Block Time

Scheduled Actual

02:15 02:49

Flight Time

Scheduled Actual

02:14 02:21

Leg Information

Hub	Desk	Status	Skt Equip	Config	Act Equip	DOB	Load Plan	Desk	Tail	Before Cancel
Custom		SC06	320		320	Q				

Contract Number Log Page OA Tail Number Aircraft Version Table of valid Aircraft C

Flight Information

View Options

Identification

ALC	Flight	ATC	Depart (UTC)	City (LD)	Seq	Depart	STD (UTC)	Arrive	ETA (UTC)	Tail
JBU	407		09JUN17	SEA	10	SEA	2120	LGB	2356	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Fit Plan

Departure Total	Departure Left	Arrival Total	Arrival Left
43	0	13	13

NOTE: First delay determines overall delay

Type	Time (Date/Time)	Code	Reason	Updated Date/Time (UTC)
ETD	09JUN17 2152	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	09JUN17 2038

SFO Weather and ATC

SP 08/06/2017 18:49-> *SPECI KSFO 081849Z 03004KT 4SM -RA FEW018 BKN030 OVC050 15/12
A3002 RMK AO2 RAB01 P0003 T01500122=*

SFO Weather- 4 Miles visibility , light rain, cloud layers at 1,800 feet , 3,000 feet and 5,000 feet.

Weather Key:
"SP" – Special Report – Issued when precip begins and when cloud levels increase or decrease.

- SFO Ground delay program was issued by the FAA Command Center due to reduced visibility in San Francisco. All flights for all airlines originating in Canada or CONUS 48 were subjected to 152 minute average delays.

SFO	GDP	All + CZY	15	152	Low ceilings
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Parameters for SFO Ground Delay Program were for arrivals between 1400Z (0700L) and 0659Z (2359L) - 17 hours total.

Above information was obtained through FAA historical data provided to all airlines (ATCSCC Logs)

Flight 1436 LGB SFO: STD -0042Z (1742L) – Flight 1436 Actual Departure at 0259Z (1959L)

Delays Attributed to Late Arrival of Equipment & ATC Destination EDCT Controlled GDP

Flight Information

View Options

Identification

ALC	Flight #	ATC	Depart (UTC)	Orig (L) Day	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
16U	1436		09JUN17	08 10	LGB	0042	SFO	0210	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>>

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City	Terminal	Date	STD	DCN	ETD	ETO
LGB	Gate 8	09JUN17	0012	0259	0250	0328

Arrival (UTC)

City	Terminal	Date	STD	DCN	ETA
SFO	Gate A11A	09JUN17	0009	0417	0426

Flight Time

Scheduled	Actual
01:07	00:59

Completion Information

Hub	Desk	Status	Std Equip	Comp	Act Equip	DOB	Load Plan	Dest	Tail	Before	Cancel
		SC05	320		320	0					

Customer Contract Number Log Page DA Tail Number Aircraft Version

Table of valid Aircraft C

Flight Information

View Options

Identification

ALC	Flight #	ATC	Depart (UTC)	Orig (L) Day	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
16U	1436		09JUN17	08 10	LGB	0042	SFO	0210	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>>

Departure Total Departure Left Arrival Total Arrival Left FTDelay Logvet

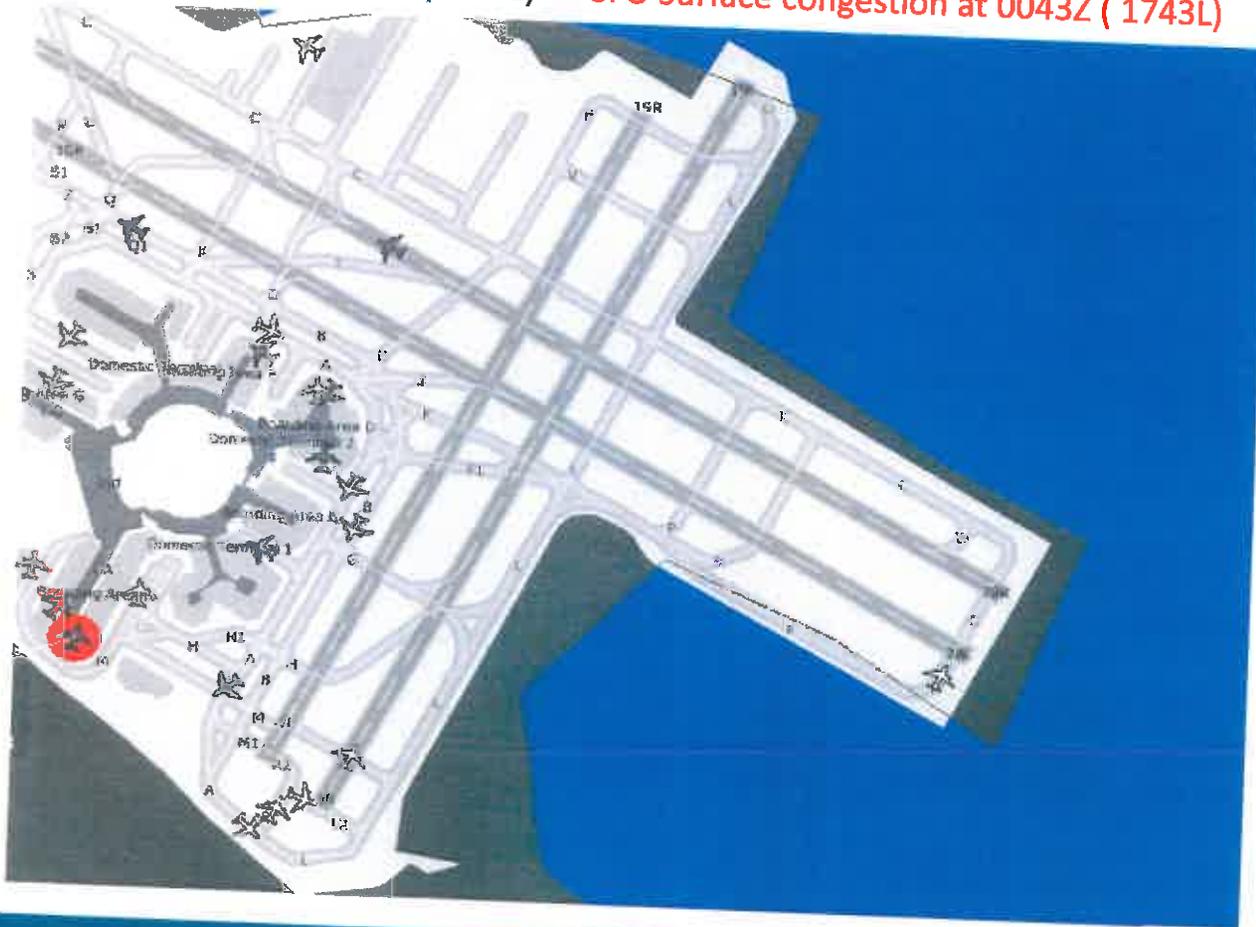
137	0	0	0	
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NOTE: First delay determines overall delay

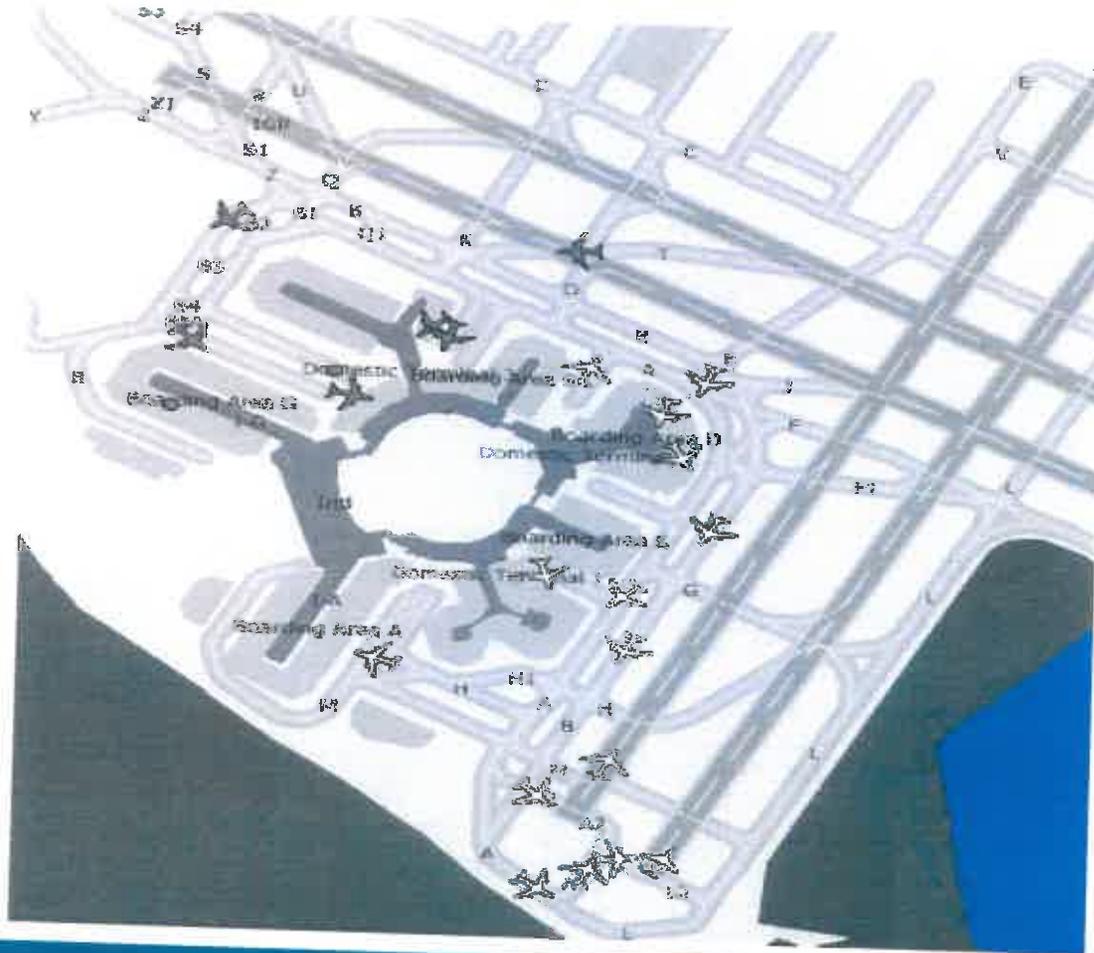
Type	Time	Date/Time (UTC)	Code	Reason	Updated Date/Time (utc)
ETD	09JUN17 0123	0123	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIP	08JUN17 2209
ETD	09JUN17 0121	0121	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIP	08JUN17 2247
ETD	09JUN17 0245	0245	S10	DLY DUE ATC DEST EDCT CONTROLLED GDP	08JUN17 2318
ETD	09JUN17 0145	0145	S10	DLY DUE ATC DEST EDCT CONTROLLED GDP	08JUN17 2319

Type	Amount	Code	Reason
DEP	67	S10	DLY DUE ATC DEST EDCT CONTROLLED GDP ETC
DEP	58	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIP

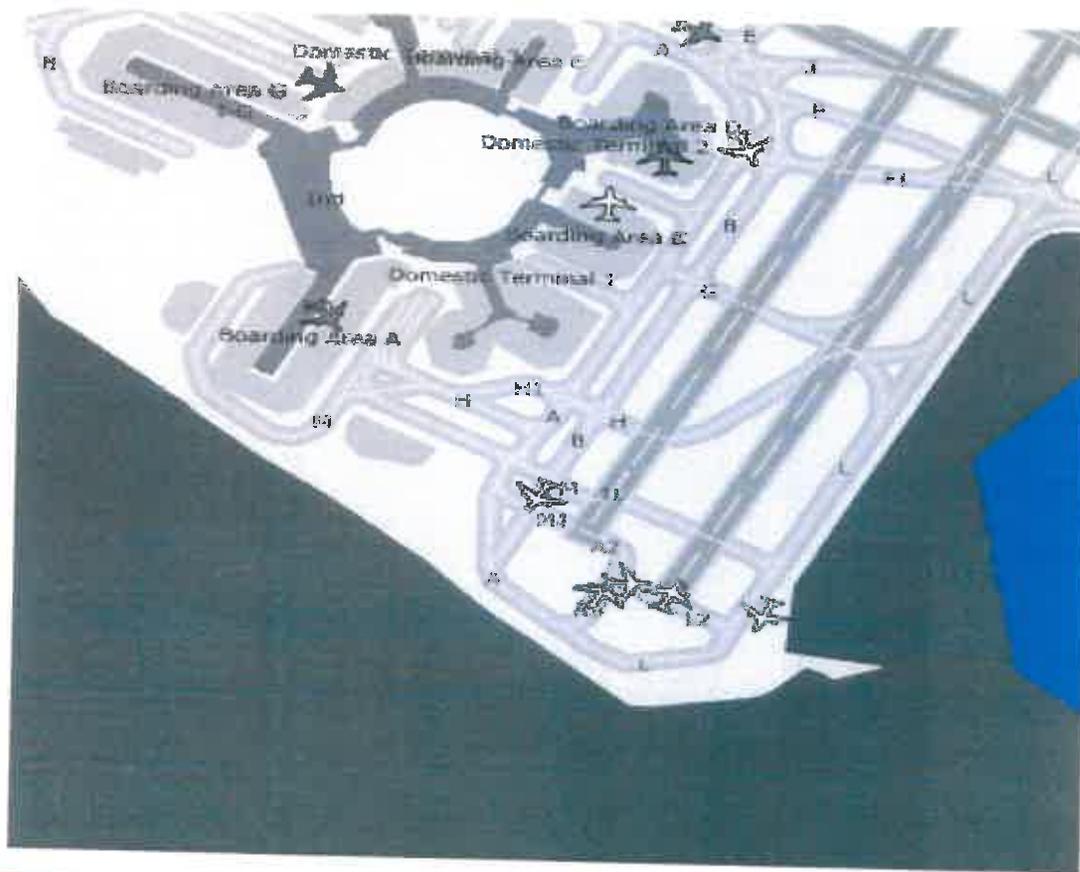
Flight 1436 LGB SFO: STD -0042Z (1742L) - SFO Surface congestion at 0043Z (1743L)



Flight 1436 LGB SFO: STD -0042Z (1742L) - SFO Surface congestion at 0143Z (1843L)



Flight 1436 LGB SFO: STD - 0042Z (1742L) - **SFO Surface congestion at 0243Z (1943L)**
Aircraft being staged for departure metering. Flight 1436 Actual departure at 0259Z (1959L)



Flight 1635 SFO-LGB June 8, 2017 arrives 149 minutes late as a result of Flight 1436 late arrival and a 35 minute taxi time in SFO due to surface congestion (GDP) in SFO.

Flight 1635 arrives to LGB Gate at 0642Z (2342L) – 42 Minutes after Curfew.

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (L):	Seq	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	1635	09JUN17	08	10	SFO	0251	LGB	0413	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan << >>

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City: SFO

Terminal: I

Date: 09JUN17

STD: 0014

DCN

ETD: 0503

ETD: 0548

Gate: 229

Variance: -0700

Code: S16

OUT: 0506

Taxi

OFF: 0541

Arrival (UTC)

City: LGB

Terminal

Date: 09JUN17

STD: 0009

ETE: 0103

EDI

ETA: 0642

Gate: 10

Variance: -0700

Dly Code

On: 0639

Off: 0642

APIS

Go Message Sent

Alt Message Sent

Alt Message Sent

Block Time

Scheduled	Actual
01:22	01:36

Flight Time

Scheduled	Actual
01:05	00:56

Leg Information

Hub	Desk	Status	Std Equip	Config	Act Equip	SDB	Load Plan	Desk	Tail	Before Cancel
Customer		SC05	320		320	0				

Contract Number

Log Page

OA Tail Number

Aircraft Version

Table of valid Aircraft C

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (L):	Seq	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	1635	09JUN17	08	10	SFO	0251	LGB	0413	534

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan << >>

Departure Total: 135
 Departure Left: 0
 Arrival Total: 14
 Arrival Left: 14

FDew: Locked

NOTE: First delay determines overall delay

Type	Time	Date/Time (UTC)	Code	Reason	Updated Date/Time (UTC)
ETD	09JUN17 0321	0321	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	08JUN17 2209
ETD	09JUN17 0445	0445	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	09JUN17 0018

Type	Amount	Code	Reason
DEP	302	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIPT
DEP	3	A11	LATE LOADING OF CUSTOMERS CUSTOMER IRREGULARITIES

LGB Curfew

JetBlue Flight 14 LGB JFK

May 25, 2017

JetBlue Manual Guidance

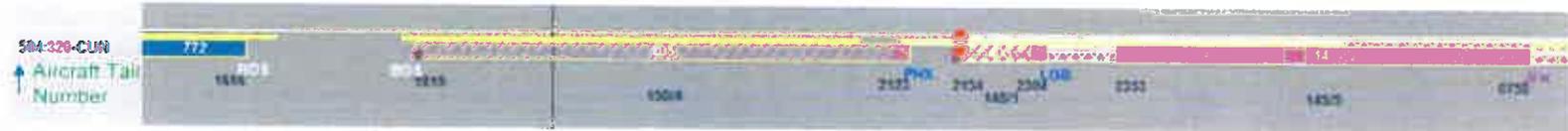
SYSTEM OPERATIONS MANUAL



JETBLUE CURFEW CITY INFORMATION				
Cities	Operating Hours	Soft Curfew**	Hard Curfew	Fines
LGB	0700-2200	2200-2300	2300-0700	\$3000 for the first 6 per quarter.
				\$5000 for each violation after 6 per quarter.
				Additional \$245.66 fee for any flights that land after 2200 which is based on our landing weight.
				If we divert to avoid busting the curfew the city will reimburse us for some of our expenses.

Flight 14 LGB-JFK delayed 157 minutes due late arrival of F405 BOS-LGB on 05/25/17

Flight 405 BOS LGB (148 CUs) - Scheduled Time Departure: 2210Z, (1810L), Actual Time Departure: 2219Z (1819L) - Tech Stop in PHX.
 Flight 14 LGB JFK (145 CUs) - Scheduled Time Departure: 0416Z, (2116L), Actual Time Departure: 0653Z, (2353L).



F405 BOS-LGB required a fuel stop in Phoenix Arizona due to the lengthy required route issued by the FAA. The required route was issued by the command center in Advisory #86 on ATCSCC logs and FAA OIS Advisory thread. This route added an additional 102 minutes of flight which exceeded structural range of our Airbus 320 aircraft. Therefore JetBlue elected to fuel stop in Phoenix.

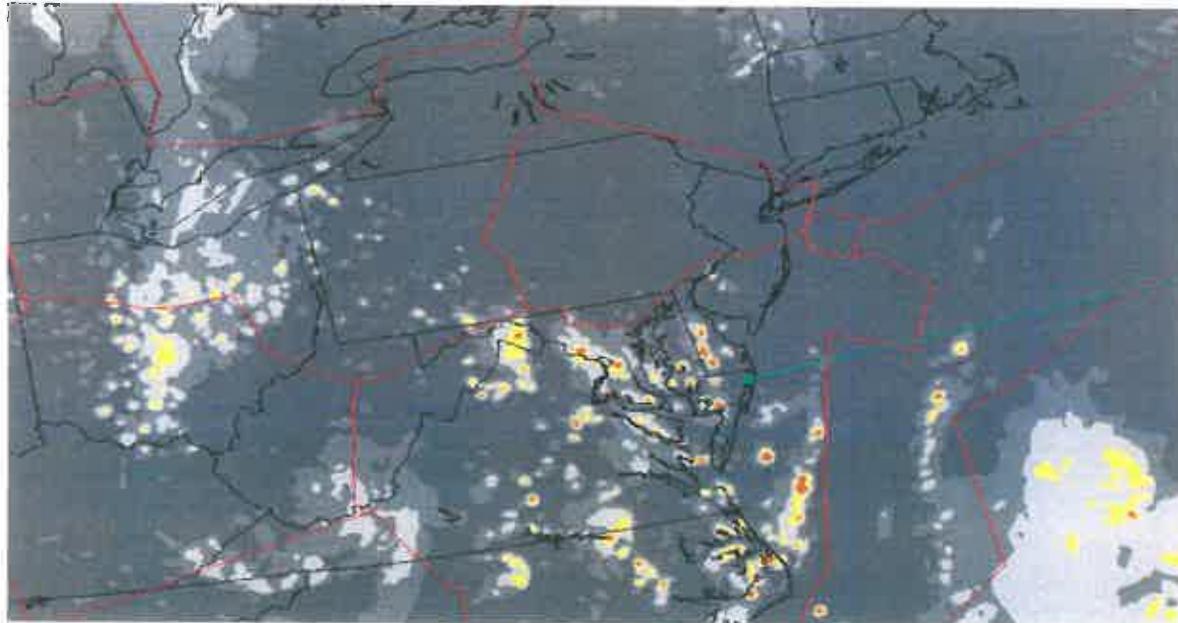
86 1900z – 0200z CAN_NOSIK_WEST_2 Thunderstorms



Actual Route Flown

If F405 BOS-LGB were able to fly on a normal route (next slide) we would have arrived on time and Flight 14 LGB-JFK would have departed prior to curfew.

The FAA for the day issued 21 required routes all mainly stemming from weather in DC Center Airspace causing volume issues.



DC Center (Yellow areas depict thunderstorms)

Optimal Route



Required Route



BOS Flight 405 Departure - Aircraft staged not departing due to no departure routes.
Aircraft awaiting on the surface for new routing instructions at 2200Z (1800L).



Flight 405 BOS LGB – Original STD 2210Z (1810L), STA 0435Z (2135L)



Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org Lft Sec	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	405	25MAY17	25 10	BOS	2210	LGB	0435	-J5504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City: BOS

Terminal: Gate: **C**

Date: 25MAY17 Variance: -0400

STD: Day Code: A24

DCN: OUT: 2219

ETD: 2210 TAXI

ETD: 2251 OFF: 2242

Arrival (UTC)

City: LGB

Terminal: Gate: **B**

Date: 26MAY17 Variance: -0700

STD: Day Code:

ETA: 0503

POA: 0500 ON

ETA: 0503 IN

APIS

US Message Sent

MX Message Sent

CA Message Sent

Block Time

Scheduled	Actual
06:25	

Flight Time

Scheduled	Actual
06:15	

Leg Information

Hub	Desk	Sliver	Sub Desk	Config	Hot Equip	JOB	Load Plan Desk	Tail Before Cancel
		X112	220		S2T	0		504

Customer	Contract Number	Log Page	QA Tail Number	Aircraft Version
				Table of valid Aircraft C

Flight Information

View Delays

Identification

ALC	Flight / ATC	Depart (UTC)	Org Lft Sec	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	405	25MAY17	25 14	BOS	2210	PHX	0345	304

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>

Departure Total: 9 | Departure Left: 0 | Arrival Total: 29 | Arrival Left: 28 | FTDelay Lock:

NOTE: First delay determines overall delay

Type: Amount: Code: Reason: Updated Date/Time (UTC)

Type	Amount	Code	Reason
DEP	1	A24	GATE UNAVAILABLE FOR REPOSITION

Sabre Movement Control – Flight Following

Flight 405 – BOS Tech Stop in PHX – 0423Z (2123L) Arrives at Gate

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (L) Seq	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	405	25MAY17	25 14	BOS	2210	PHX	0345	504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City: BOS

Terminal: C Gate: **C18**

Date: 25MAY17 Variance: -0400

STD: 0018 Dly Code: A24

DCN: DVT 2219

FTD: 2210

ETD: OFF 2242

Arrival (UTC)

City: PHX

Terminal: Gate:

Date: 26MAY17 Variance: -0700

STI: 0007 Dly Code:

ETE:

EDN: ON 0415

ETA: 0423 **PH 0423**

APIS

Message Set

Message Set

Message Set

Block Time

Scheduled	Actual
05:25	05:04

Flight Time

Scheduled	Actual
05:10	05:54

Leg Information

Hub	Desk	Status	Skd Equip	Config	Act Equip	SQB	Load Plan	Desk	Tail Before	Cancel
	18	X112	320		320	0				

Customer Contract Number Log Page ICA Tail Number Aircraft Version

Table of valid Aircraft C

Sabre Movement Control – Flight Following

Flight 405 PHX – LGB 0604Z (2304L) Arrives at Gate Violation – 4 minutes past LGB Curfew

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (Lk) Seq	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	405	26MAY17	25 18	PHX	0420	LGB	0535	504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>

Progress | Crew | Miscellaneous | ATC/Routing/IDs | Additions

Departure (UTC)

City **PHX**

Terminal

Date **26MAY17** Variance **-0700**

STD **0015** Day Code **S16**

OSR

ETD **0505** TAXI

ETO **0507** OFF **0505**

Arrival (UTC)

City **LGB**

Terminal

Date **26MAY17** Variance **-0700**

STT **0003** Day Code

ETE **0058**

EDI

ETA **0604** IN **0604**

APIS

QP Message Sent

Message Sent

Message Sent

Block Time

Scheduled	Actual
01:15	01:10

Flight Time

Scheduled	Actual
00:57	00:56

Leg Information

Hub	Desk	Status	Svc Equip	Contg	Ref Equip	SOB	Load Plan	Desk	Trk	Equip	Cancel
		X112	320		32T	0					

Customer Contract Number Log Page 04 Tail Number Aircraft Version Table of valid Aircraft

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (Lk) Seq	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	405	26MAY17	25 18	PHX	0420	LGB	0535	504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>

Departure Total Departure Lat Arrival Total Arrival Lat

34	24	0	0
----	----	---	---

FT Delay Lock:

NOTE: First delay determines overall delay

Type	Time Delta/Time	Code	Reason	Updated Date/Time (etc)
ETD	26MAY17 0505	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 0450

Type Amount Code Reason

Sabre Movement Control – Flight Following

Flight 14 LGB JFK 0653Z (2353L) OUT From Gate Violation: Departure 53 minutes past LGB Curfew

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (LI) / Seg	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	14	26MAY17	25 10 LGB	0416		JFK	0940	504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Fit Plan << >>

Progress | Crew | Miscellaneous | ATC/Routing/Id's | Additional

Departure (UTC)

City	LGB
Terminal	Gate <input type="text" value="5"/>
Date	26MAY17 Variance -0700
STD	0011 City Code S16
BDT	0653
STD	0655 Taxi
ETD	0704 OFF 0700

Arrival (UTC)

City	JFK
Terminal	Gate 25
Date	26MAY17 Variance -0400
STD	0006 City Code
ETE	0446
BDT	091146
ETA	1152 IN 1155

APIS

US Message Sent

MX Message Sent

CA Message Sent

Block Time

Scheduled	Actual
05:24	05:05

Flight Time

Scheduled	Actual
05:07	04:46

Leg Information

Hub	Desk	Status	Old Equip	Config	Act Equip	DOB	Load Plan	Desk	Tail	Before	Cancel
		SC03	320		327	0					

Customer Control Number

Log Page

Doc Tail Number

Aircraft Version

Table of Valid Aircraft C

Flight Information

View Options

Identification

ALC	Flight / ATC	Depart (UTC)	Org (LI) / Seg	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JBU	14	26MAY17	25 10 LGB	0416		JFK	0940	504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Fit Plan << >>

Help

Departure Total: 157

Departure Left: 0

Arrival Total: 0

Arrival Left: 0

NOTE: First delay determines 04:21:00/05:16

Type	Time	Date/Time	Code	Reason	Updated Date/Time (UTC)
ETD	26MAY17	0516	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 01:01
ETD	26MAY17	0506	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 01:01
ETD	26MAY17	0610	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 03:53
ETD	26MAY17	0615	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 03:56

Type	Amount	Code	Reason
DEP	89	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIPT
DEP	68	S05	FLIGHT DELAY DUE TO INSUFFICIENT GROUND

Sabre Movement Control – Flight Following

157 min delay of Flight 14 LGB JFK - Caused by Upline Delays on Aircraft 504

Flight Information

View Options

Sabre Airlines

Identification:

ALC	Flight / ATC	Depart (UTC)	Org (L) Seq	Depart	STD (UTC)	Arrive	STA (UTC)	Tail
JSU	14	26MAY17	25 10	LGB	0415	JFK	0840	504

General | SI | Delays | Crew | Pax | Fuel | Load | Dep Notes | Arr Notes | Messages | Riders | Flt Plan <>

Departure Total: 157 | Departure Est: 0 | Arrival Total: 0 | Arrival Est: 0 | FTDelay Locker

NOTE: First delay determines overall delay

Type	Time Data/Time	Code	Reason	Updated Data/Time (utc)
ETD	26MAY17 0815	S15	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 0121
ETD	26MAY17 0836	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 0121
ETD	26MAY17 0810	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 0328
ETD	26MAY17 0810	S16	LATE DEPARTURE DUE TO LATE ARRIVAL OF	26MAY17 0328

Type	Amount	Code	Reason
DEP	89	S15	LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIPT
DEP	68	S05	FLIGHT DELAY DUE TO INSUFFICIENT GROUND

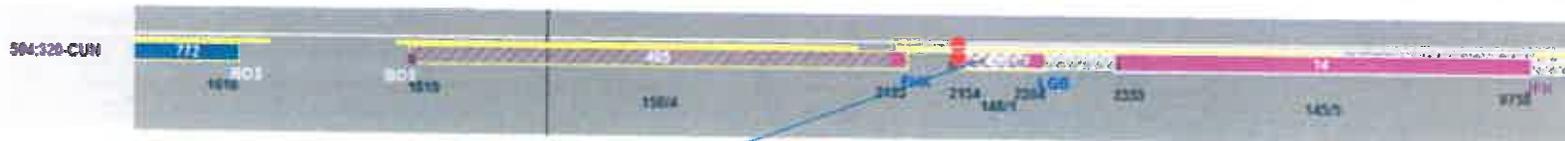
Four departure delays posted on Flight 14 due to Late Arriving Equipment and insufficient turn time.

Type: DEP | Amount: 89 | Code: S15 | Reason: LATE DEPARTURE DUE TO LATE ARRIVAL OF EQUIPT

Buttons: Enter, Delete

Sabre Movement Control – Flight Following

Tower Restriction Information – JetBlue SOC User Display



Tower Restriction Information

Identification

Airport
LBS

OK

Help

Tower Restriction

Start Date/Time (Utc)	End Date/Time (Utc)
28MAY17 0500	28MAY17 1400
Severity	Departure
HLST	Arrival

Exclusions

Service Type

Flight Number

Remarks

Sabre Movement Control – Flight Following

Long Beach Airport
JetBlue Airways Late Night Operations Summary (1 Jan 16 - 30 Jun 17)

JetBlue 1Q16 Late Night Operations Summary

Category	Time Period					
	10 pm -11 pm		11 pm - 7 am		Total	
Late Night Operations	81		49		130	
Late Night Violations	3		45		48	
Administrative Fine	3		0		3	
Consent Decree	0		45		45	
Category	Operations	Exempt	Operations	Exempt	Operations	Exempt
5-min Grace Period	13	13	4	4	17	17
Maintenance	16	16	10	0	26	16
Weather	8	8	4	0	12	8
Air Traffic Control	13	13	8	0	21	13
Other (Crew, Passenger, etc.)	5	4	2	0	7	4
Unreported by carrier	26	24	21	0	47	24
Total	81	78	49	4	130	82

JetBlue 2Q16 Late Night Operations Summary

Category	Time Period					
	10 pm -11 pm		11 pm - 7 am		Total	
Late Night Operations	44		13		57	
Late Night Violations	8		12		20	
Administrative Fine	8		0		8	
Consent Decree	0		12		12	
Category	Operations	Exempt	Operations	Exempt	Operations	Exempt
5-min Grace Period	6	6	1	1	7	7
Maintenance	9	6	4	0	13	6
Weather	5	5	1	0	6	5
Air Traffic Control	2	2	1	0	3	2
Other (Crew, Passenger, etc.)	1	1	0	0	1	1
Unreported by carrier	21	16	6	0	27	16
Total	44	36	13	1	57	37

JetBlue 3Q16 Late Night Operations Summary

Category	Time Period					
	10 pm -11 pm		11 pm - 7 am		Total	
Late Night Operations	51		43		94	
Late Night Violations	1		26		27	
Administrative Fine	1		0		1	
Consent Decree	0		26		26	
Category	Operations	Exempt	Operations	Exempt	Operations	Exempt
5-min Grace Period	7	7	8	8	15	15
Maintenance	13	13	4	0	17	13
Weather	4	4	6	0	10	4
Air Traffic Control	4	4	4	1	8	5
Other (Crew, Passenger, etc.)	5	5	8	8	13	13
Unreported by carrier	18	17	13	0	31	17
Total	51	50	43	17	94	67

Long Beach Airport
JetBlue Airways Late Night Operations Summary (1 Jan 16 - 30 Jun 17)

JetBlue 4Q16 Late Night Operations Summary

Category	Time Period					
	10 pm -11 pm		11 pm - 7 am		Total	
Late Night Operations	62		29		91	
Late Night Violations	2		29		31	
Administrative Fine	2		0		2	
Consent Decree	0		29		29	
Category	Operations	Exempt	Operations	Exempt	Operations	Exempt
5-min Grace Period	10	10	0	0	10	10
Maintenance	11	11	8	0	19	11
Weather	8	8	6	0	14	8
Air Traffic Control	5	5	0	0	5	5
Other (Crew, Passenger, etc.)	2	2	2	0	4	2
Unreported by carrier	26	24	13	0	39	24
Total	62	60	29	0	91	60

JetBlue 1Q17 Late Night Operations Summary

Category	Time Period					
	10 pm -11 pm		11 pm - 7 am		Total	
Late Night Operations	110		61		171	
Late Night Violations	3		54		57	
Administrative Fine	3		0		3	
Consent Decree	0		54		54	
Category	Operations	Exempt	Operations	Exempt	Operations	Exempt
5-min Grace Period	21	21	7	7	28	28
Maintenance	28	27	16	0	44	27
Weather	27	27	15	0	42	27
Air Traffic Control	19	19	11	0	30	19
Other (Crew, Passenger, etc.)	9	7	8	0	17	7
Unreported by carrier	6	6	4	0	10	6
Total	110	107	61	7	171	114

JetBlue 2Q17 Late Night Operations Summary

Category	Time Period					
	10 pm -11 pm		11 pm - 7 am		Total	
Late Night Operations	114		63		177	
Late Night Violations	10		58		68	
Administrative Fine	10		0		10	
Consent Decree	0		58		58	
Category	Operations	Exempt	Operations	Exempt	Operations	Exempt
5-min Grace Period	12	12	5	5	17	17
Maintenance	46	46	21	0	67	46
Weather	23	23	20	0	43	23
Air Traffic Control	21	21	13	0	34	21
Other (Crew, Passenger, etc.)	12	2	4	0	16	2
Unreported by carrier	0	0	0	0	0	0
Total	114	104	63	5	177	109