



**OFFICE OF THE CHIEF COUNSEL
AGC-600 - AIRPORTS AND ENVIRONMENTAL LAW
FEDERAL AVIATION ADMINISTRATION
800 INDEPENDENCE AVENUE, S.W.
WASHINGTON, D.C. 20591
202-267-3199 (VOICE) 202-267-5769 (FAX)**

FACSIMILE TRANSMITTAL SHEET

| | |
|--|-------------------------------------|
| TO: | FROM: |
| Martin Tachiki | Beth Weir |
| COMPANY: | DATE: |
| Deputy City Attorney, Santa Monica | 06/09/2005 05:10:33 PM |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| (310) 395-6727 | 3 |
| PHONE NUMBER: | SENDER'S PHONE NUMBER: |
| (310) 458-8340 | 267-5880 |
| RE: | YOUR REFERENCE NUMBER: |
| Bombardier Aerospace & Dassault Falcon Jet v. City of Santa Monica, FAA No. 16-03-11 | |
| <input type="checkbox"/> URGENT <input checked="" type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECYCLE | |

NOTES/COMMENTS:

Courtesy copy, see attachment.

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

NBAA, Bombardier, and Dassault)

COMPLAINANTS)

v:)

City of Santa Monica)

RESPONDENT.)

Docket No. 16-03-11

NOTICE OF CONDITIONAL ACCEPTANCE OF CORRECTIVE ACTION PLAN

The Federal Aviation Administration (FAA) is responsible for confirming that compliance issues identified in the Director's Determination (DD) NBAA, Bombardier, and Dassault v. City of Santa Monica, Part 16 Docket No. 16-03-11, dated January 4, 2005 have been resolved.

As explained in the DD, the FAA concluded that by implementing certain landing fees and its associated Airside Surfaces Maintenance Program (ASMP), the City of Santa Monica violated its Federal obligations because it did not make the Santa Monica Municipal Airport (SMO) available to the public on reasonable terms and without unjust discrimination, and granted exclusive rights for the use of the airport.

Subsequent to the DD, the City submitted a corrective action plan. The "*Proposed Corrective Action Plan to Resolve Part 16 Proceeding Involving Santa Monica Airport and Request for an Extension*," dated August May 25, 2005 and declaration of Mr. Robert Trimborn outline the City's proposed corrective action to resolve this Part 16 complaint. Specifically, as part of the Corrective Action Plan, the City commits to rescind the existing ASMP, suspend the associated landing fees, and replace it with an entirely new fee structure under a new methodology.

On the basis of our review of the City's proposed corrective action plan, we conclude that the corrective actions planned by the City are acceptable and satisfactorily address our concerns for resolving this Complaint.

The FAA appreciates the efforts of the City to take corrective action in this matter. It is our understanding that the City will, in the next few weeks, repeal the existing landing fees and its associated ASMP, and adopt a new fee structure under a new methodology.

In conclusion, we find the City's corrective action, as detailed in the documents listed above, acceptable. Consequently, the proceeding under FAA Docket No. 16-03-11 will be terminated and the docket closed and the City will be deemed to be in compliance with its Federal obligations and eligible to receive Federal Financial Assistance upon receipt of a final plan approved by the City Council rescinding the ASMP, suspending associated landing fees, and adopting a new fee structure under a new methodology. We encourage the City to consult with airport users in the finalization of the actual fees.



David L. Bennett
Director, Office of Airport
Safety and Standards

June 9, 2005

Date