

RICHARD K. SIMON, ESQ.
1131 Camino San Acacio
Santa Fe, New Mexico 87505
310-503-7286
rsimon3@verizon.net

January 8, 2020

By Email

Brian Armstrong, Manager
Airport Safety & Standards
Western Pacific Region
Federal Aviation Administration
15000 Aviation Boulevard
Lawndale, CA 90261

Re: Santa Monica Municipal Airport Part 13

Dear Mr. Armstrong,

As you may recall from our meetings prior to the signing of the 2017 FAA-Santa Monica Settlement Agreement, I represent tenants and users of Santa Monica Municipal Airport in various matters relating to the Airport, and am also co-counsel of record in the Part 16 action, Smith et al. v. City of Santa Monica, now on appeal to the Associate Administrator. Additionally, while I did not formally appear as counsel in the recent Part 13 proceeding in the Western-Pacific Region, I participated with the three complainants in the preparation of their initial letter to the FAA and on their subsequent briefs.

I am writing as a follow-up to your November 5, 2019 response to Jol Silversmith's November 4, 2019 email request that Airport stakeholders have an opportunity to participate in any Region-organized discussions or meetings concerning the City's future collection and use of Airport revenues. You indicated your appreciation of those stakeholders' interests, and expressed a willingness to inform them of opportunities for their engagement.

First, I will be the contact person and participant on behalf of the Airport tenants and users in any such discussions. Accordingly, I would appreciate being advised of any planned meetings or other discussion formats, would expect to participate in those and also to receive any communications between FAA and the City concerning the matters outlined in your Part 13 determination.

Second, as counsel in the Smith Part 16, whose complainants include Airport tenants, it is particularly important that I and my clients be fully involved should this matter proceed. As you may be aware, past and future Airport finances and the use of Airport revenues are significant components of the Smith Part 16, both in terms of the City's purported loans to the Airport and the interconnection of the Airport's extraordinarily high landing fees and its large and growing surplus. Notwithstanding the pendency of these issues before the Associate Administrator, the City has taken the position, in a motion for an extension of time to file an appeal and in subsequent filings, that it may (or may not) agree to engage in the discussions your determination contemplates, but that if it does so engage, any agreement reached

“... could render moot the two central issues the City would otherwise raise in its appeal from the November 8, 2019 Director's Determination in this case: whether City should recalculate the landing fee at SMO (and, if so, on what basis), and how much of City's interdepartmental loan balance SMO must repay to City's General Fund.”

Without here debating the accuracy of this assertion, it is obvious, at least from the City's perspective, that the proposed Region-organized Airport finance discussions and the Smith Part 16 would be inextricably intertwined. I note this, without conceding the appropriateness of such discussions during the pendency of the Part 16 appeal, to emphasize the importance of our full participation. If the discussions do occur, they would involve the interests of directly-impacted tenants and users in the future operation of the Airport, and also the interests of those tenants and users who have pursued and obtained significant remedies through the Part 16 process and whose remaining claims and legal rights cannot be disregarded.

I look forward to hearing from you regarding the status of this matter and any plans for next steps.

Thank you.



Richard K. Simon

Cc: David Cushing
Scott Lewis