



KAPLAN KIRSCH ROCKWELL

Hollywood Burbank Airport

For nearly 25 years, the Firm has represented the City of Burbank in its relationship with the Burbank-Glendale-Pasadena Airport Authority, the entity that operates the Burbank-Hollywood Airport in southern California. The City and the airport sponsor had been in battle since the late 1960s over noise and other impacts, which resulted in the seminal U.S. Supreme Court case that defined the proprietary powers of airports in the United States. Since that time, the ownership of the airport changed from a private entity to a three-city authority, but that shift did little to reduce the historically tense relationship between the airport and its neighbors.

Kaplan Kirsch & Rockwell was first retained to advise and assist the City in its opposition to a proposed expansion of the airport's terminal. This initial work involved participating in federal and state environmental reviews and more than a dozen lawsuits over 10 years, including precedent-setting cases in federal and state court concerning the relationship between an airport and its host jurisdiction and two trial-type administrative hearings on the airport sponsor's obligations to address noise impacts. It also involved many of the Firm's practices in addition to litigation, including airport law, legislative advocacy, local government law, election law, and environmental law. In the late 1990s, the Firm led negotiations for a 7-year standstill in litigation and a Development Agreement that allowed terminal improvements to meet contemporary design and security needs. The principle was that a standstill or *détente* might reduce tensions and pave the way for a long-term peace between the airport and its neighbors.

The standstill proved to be remarkably successful. Most recently, Kaplan Kirsch & Rockwell led the City in negotiations for a final resolution of the 45-year dispute. This comprehensive and complex agreement changes the governance of the Airport Authority to give City appointees greater influence over major airport decisions, provides for a development agreement for the replacement of the airport terminal on a new site, enables the use of adjacent property for airport-oriented commercial development, and approves the replacement terminal. The final set of agreements was approved by the voters in a referendum in November 2016. The Airport Authority is in the midst of planning and environmental reviews for the new terminal and is working closely with the City and property owners on adjacent development that may include a station for the proposed California High-Speed Rail project.

Related Practices

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