

Airport Land Use Commission



***AIRPORT ENVIRONS
LAND USE PLAN
for
HELIPORTS***

Amended: June 19, 2008

AIRPORT ENVIRONS LAND USE PLAN

June 19, 2008

Text of Plan	Adopted – April 17, 1975
Marine Corps Air Station, El Toro	Adopted – April 17, 1975
Orange County Airport	Adopted – May 15, 1975
Fullerton Municipal Airport	Adopted – June 5, 1975
First Revised Edition	Adopted – June 30, 1983
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Second Revised Edition	Adopted – September 15, 1988
1990 Airport Environs Land Use Plan Amendment	Adopted – November 29, 1990
1994 Airport Environs Land Use Plan Amendment	Adopted – December 15, 1994
1995 Airport Environs Land Use Plan Amendment	Adopted – November 16, 1995
2002 Airport Environs Land Use Plan Amendment	Adopted – December 19, 2002
2005 Confirm Nonapplicability of AELUP for MCAS El Toro	Adopted – July 21, 2005

AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY MEMBERSHIP AS OF JUNE 2008

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TABLE OF CONTENTS

	<u>Page</u>
SECTION 1.0 - INTRODUCTION	1
1.1 Background	1
1.2 Purpose and Scope	1
1.3 Authority	2
1.4 Requirements	2
1.5 Concept of the Planning Document	3
1.6 Applicability	3
1.7 Definitions	3
SECTION 2.0 - PLANNING GUIDELINES	6
2.1 Standards and Criteria	6
2.1.1 Aircraft Noise	6
2.1.2 Safety Zones	6
2.1.3 Building Height Restrictions	7
2.1.4 Heliports/Helistops	7
2.1.5 Planning Areas - New Heliports	9
2.1.6 Closure of Heliports	9
2.2 Establishment of Planning Areas	9
2.2.1 Safety Zones	10
2.2.2 Noise Impacts	10
2.2.3 Height Restrictions	10
SECTION 3.0 - LAND USE POLICIES	11
3.1 Concept	11
3.2 Land Use Policies	11
3.2.1 General Policy	11
3.2.2 Specific Policies	11
3.2.3 Noise Impact Zone "1" - High Noise Impact	13
3.2.4 Noise Impact Zone "2" - Moderate Noise Impact	13
3.2.5 Helipad Protection Zone "HPZ", Extreme Crash Hazard	13
3.2.6 Height Restriction Zone	13
3.2.7 Heliport	13

SECTION 4.0 - IMPLEMENTATION	15
4.1 Statutes	15
4.2 Heliport/Helistop Projects	15
4.3 Acceptance of Submittal	15
4.4 Who May File	15
4.5 Commission Finding of Inconsistency	16
4.6 Periodic Review	16
4.7 AELUP Amendments	16

APPENDICES

A	State Aeronautics Act and Airport Land Use Commission Law
B	Review of Noise Metrics
C	Heliport Maps and Layout
D	Referral Confirmation Notice
E	Summary of Federal Aviation Regulations Part 77 - "Objects Affecting Navigable Airspace"
F	Pertinent Resolutions of The Airport Land Use Commission

SECTION 1.0 – INTRODUCTION

1.1 Background

In 1967 the first Airport Land Use Commission (ALUC) statute was adopted by the California legislature, according to the *California Airport Land Use Planning Handbook*. The legislation has been amended many times in the ensuing years. Particularly significant amendments occurred in 1982, 1984, 1994 and 2000. The 1982 amendments more clearly articulated the purpose of ALUCs, eliminated the reference to “achieve by zoning”, required consistency between local general plans and zoning and ALUC compatibility plans, required that local agencies make findings of fact before overriding an ALUC decision and changed the vote required for an override from four-fifths to two-thirds. In 1984, amendments to compatibility plans were limited to once per year and immunity was extended to airports if an ALUC action is overridden by a local agency not owning the airport. In 1994 the California Environmental Quality Act (CEQA) statutes as applied to the preparation of environmental documents in the vicinity of airports was amended. Lead agencies are required to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of airport vicinity projects. In 2000, Section 21670(f) was added to clarify that special districts are among the local agencies to which airport land use planning laws are intended to apply.

The purpose of ALUCs has remained essentially unchanged since the early years of the statutes. To fulfill its purpose ALUC has two specific duties according to the *Handbook*.

- Prepare Compatibility Plans—Each commission is required to “prepare and adopt” an airport land use plan for each of the airports within its jurisdiction (Section 21674 (c) and 21675(a)).
- Review Local Agency Land Use Actions and Airport Plans—The commissions’ second duty is to “review the plans, regulations, and other actions of local agencies and airport operators...” (Section 21674(d))

The key limitations are 1) that they have no authority over existing land uses regardless of whether such uses are incompatible with airport activities and 2) the “powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.”

The Airport Land Use Commission for Orange County was established in late 1969. Between 1970 and the actual adoption of the AELUP, the Commission made advisory comments on projects. The first AELUP elements were adopted by the Commission between April 17 and August 7, 1975.

1.2 Purpose and Scope

In addition to this AELUP for Heliport projects, there is an AELUP for each of the individual airports located in Orange County. The ALUC serves all the airports in Orange County which include John Wayne Airport (JWA), Fullerton Municipal Airport (FMA) and Joint

Forces Training Base Los Alamitos (Figure 1).

This land use compatibility plan for heliports intends to safeguard the general welfare of the inhabitants within the vicinities of heliports by reviewing proposed heliport sites to determine if the proposed site is compatible with adjacent existing or proposed uses. Location of heliport sites in compatible areas helps to ensure the continued operation of the heliports. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise, to ensure that sites are not proposed for locations where people and facilities are concentrated, and to ensure that structures or activities in the area would not adversely affect the navigable airspace. The implementation of this plan will help forestall urban encroachment on heliports and will allow for their continued operation by ensuring that heliports are sited in areas compatible with adjacent development. The plan affects every city in Orange County, as well as unincorporated areas of the County of Orange.

1.3 Authority

Section 21661.5 of the Public Utilities Code of the State of California states that: “No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9, and acted upon by such commission in accordance with the provisions of such article.”

Section 3525 of the California Code of Regulations indicates, that the term “airport” shall apply equally to heliports unless specific for “airports only” or “heliports only.” Section 3534 of the same Code sets forth the parameters for the California Department of Transportation/Division of Aeronautics’ review of the siting of heliports.

Section 21674 of the California Public Utilities Code prohibits the Commission from exercising any authority over the operations of a heliport on an airport.

1.4 Requirements

As authorized by the preceding statutory citation, the Commission is required to perform its heliport review duties according to Public Utilities Code 21670 (et. seq), which states, in pertinent part:

- (a) The legislature hereby finds and declares that: (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
- (b) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the

COUNTY OF LOS ANGELES

COUNTY OF SAN BERNARDINO

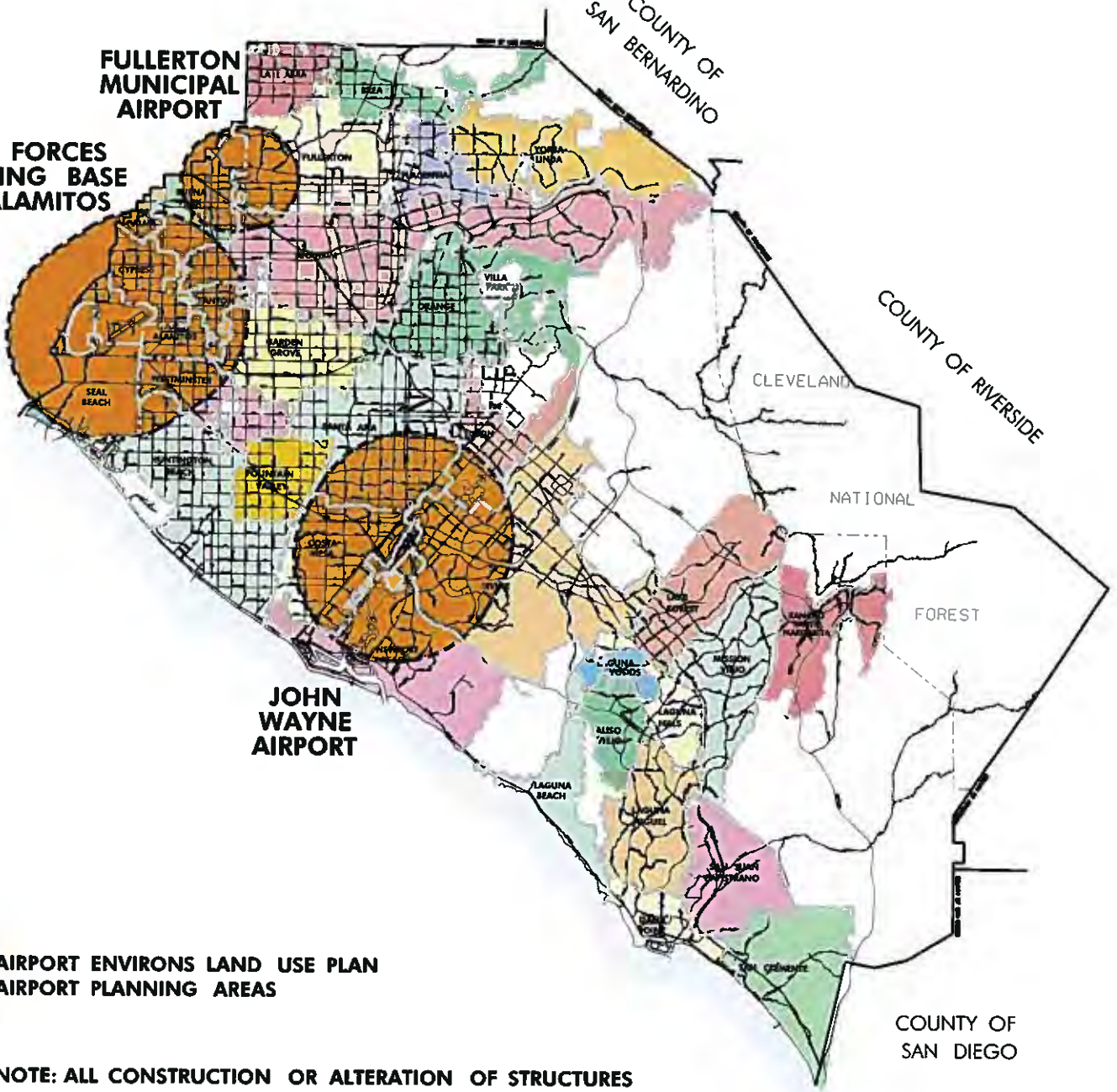
COUNTY OF RIVERSIDE

COUNTY OF SAN DIEGO

FULLERTON MUNICIPAL AIRPORT

JOINT FORCES TRAINING BASE LOS ALAMITOS

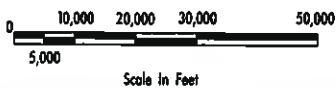
JOHN WAYNE AIRPORT



 **AIRPORT ENVIRONS LAND USE PLAN**
AIRPORT PLANNING AREAS

NOTE: ALL CONSTRUCTION OR ALTERATION OF STRUCTURES WITHIN ORANGE COUNTY AT ELEVATIONS MORE THAN 200 FT. ABOVE GROUND LEVEL REQUIRE FAA AND ALUC NOTIFICATION.

AIRPORT LAND USE COMMISSION
for ORANGE COUNTY
AIRPORT PLANNING AREAS
Figure 1



CERTIFICATION
 Adopted by the Airport Land Use Commission for Orange County
Kari A. Rigoni 6/19/08
 Kari A. Rigoni, Executive Officer Date

public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

1.5 Concept of the Planning Document

This document has been designed to guide, and to provide the policies and criteria for, the Commission's review of heliport siting proposals. Noise and safety impacts have been identified as critical evaluative factors for each heliport. All building height restrictions will have as their ultimate limits the imaginary surfaces as applicable and as defined in Part 77 of the Federal Aviation Regulations. When a project is proposed by any agency, which exceeds the height limits established by FAR Part 77, a Determination will be made by the Commission on a case by case basis.

Land use guidelines have been established on the basis of noise and safety impacts on the welfare of the public, and on the building height and activity impacts upon proposed heliports.

1.6 Applicability

Per discussion in Section 1.3 (Authority) and Section 2.1.4 (Heliports/Helistops) all applications for a permit for a heliport or helistop must be submitted to the Airport Land Use Commission. Emergency/Temporary landing sites do not need to be submitted to the Commission.

1.7 Definitions

- AELUP - Airport Environs Land Use Plan.
- AERONAUTICAL STUDY - The technical analysis performed by the FAA pursuant to the filing of Form 7460-1 "Notice of Proposed Construction or Alteration" by a project proponent.
- AIRPORT - Any public or military airport, airstation, or air facility within Orange County, California.
- AIRSPACE ANALYSIS - The technical analysis performed by the FAA pursuant to the filing of Form 7480-1 "Notice of Landing Area Proposal" by a project proponent.
- CALTRANS DOA - Caltrans/Division of Aeronautics, the California State Agency responsible for the issuance of heliport permits.
- CNEL - The Community Noise Equivalent Level (CNEL) is the energy average noise level measured in A-level for a 24-hour period, with different weighting factors for the hourly noise levels occurring during the daytime (0700 to 1900, 0 dB weighting), evening (1900 to 2200, 5 dB weighting), and nighttime (2200 to

0700, 10 dB weighting) periods.

- COMMISSION - The Airport Land Use Commission for Orange County
- dB(A) - A-Weighted sound pressure level or A-level is the sound pressure level which has been filtered or weighted to quantitatively reduce the effect of the low frequency noise. It was designed to approximate the response of the human ear to sound. A-level is measured in units of decibels.
- FAA - Federal Aviation Administration.
- FAR - Federal Aviation Regulations.
- FATO - Final Approach and Takeoff Area.
- FREE-STANDING BUILDING - A building which does not share a common wall with another building.
- HABITABLE ROOM- Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.
- HELIPAD PROTECTION ZONE (CLEAR ZONE) - An area off the end of a FATO used to enhance the protection of people and property on the ground.
- HELIPORT - An identifiable area on land or water, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters. Does not include temporary landing and takeoff sites. Refueling and overnight maintenance are permitted. Please note that AELUP policies related to heliports apply equally to helistops.
- HELISTOP - An identifiable area on land or water, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters. Does not include temporary landing and takeoff sites. Refueling and overnight maintenance are not permitted.
- LOCAL AGENCY - The County of Orange, or any City within it.
- OBSTRUCTION - A proposed structure that by virtue of its height and/or location would penetrate the “Obstruction Imaginary Surfaces” of FAR

Part 77, thereby requiring appropriate marking or lighting.

- OPERATION - Any single landing or approach performed by an aircraft. Also any single take-off or departure constitutes an operation.
- OUTDOOR LIVING AREA - Spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other noise-sensitive activities; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings.
- OVERRIDE - See “Overrule” below.
- OVERRULE - The formal procedure set forth in PUC Sections 21675.1, 21676, 21676.5, and 21677 whereby a local agency’s governing body may overrule an ALUC Determination of Inconsistency.
- PLANNING AREA - Public Utilities Code Section 21675(c) requires that area surrounding any heliport which affects, or is affected by, helicopter operations be embraced by the boundaries of this plan. With certain exceptions, planning area boundaries are determined by the location and configuration of the heliport included in each plan, and the extent of the noise and safety impacts associated with each heliport.
- SINGLE EVENT NOISE EXPOSURE LEVEL (SENEL) - In decibels, shall mean the sound exposure level of a single event, such as an aircraft fly-by, measured over the time interval between the initial and final times for which the sound level of a single event exceeds the threshold sound level. SENEL is an A-weighted measure of an individual flyover, which time-integrates the level accumulated during this event with reference to a duration of one second. Because of this integration process, SENEL takes into consideration both the duration and the magnitude of the noise signal.

SECTION 2.0 - PLANNING GUIDELINES

Guidelines for heliport land use planning have been set down in federal and state law and in the *California Airport Land Use Planning Handbook* which the Commission is bound by law to utilize in the preparation of this AELUP. Similarly, legislation passed in 1994 requires that, when preparing an environmental impact report for any project situated within an airport influence area as defined in an ALUC compatibility plan (or, if a compatibility plan has not been adopted, within two nautical miles of a public use airport), lead agencies shall utilize the *Handbook* as a technical resource with respect to airport noise and safety compatibility issues. (Public Resources Code, Section 21096)

In the formulation and amendment of this plan, the Commission has utilized information made available as part of its review of heliport siting proposals. The Commission has also relied on the Caltrans *Handbook*. The Commission encourages the owners/operators, and the responsible local agencies, to comply with the Caltrans/Aeronautics Division procedure for the official closing of defunct heliports.

2.1 Standards and Criteria

The following sections describe the standards and criteria adopted by the Commission for establishing planning boundaries for the purpose of assessing the impacts of proposed heliport sites.

2.1.1 Aircraft Noise

In adopting the Community Noise Equivalent Level Methodology, Resolution No. 75-1 of the Airport Land Use Commission for Orange County states that:

" . . . aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport and in order to measure the impact of aircraft noise on inhabitants within the vicinity of an airport, the Airport Land Use Commission for Orange County adopts the Community Noise Equivalent Level Methodology as specified in the Noise Standards for California Airports (Title 21, California Code of Regulations)." (See Appendix B)

2.1.2 Safety Zones

In adopting criteria for safety zones at heliports, the Airport Land Use Commission for Orange County has relied on the safety zone criteria in state and federal law. Safety zones include the Final Approach and Take Off (FATO) area and the Helipad Protection Zone (Clear Zone).

Helipad Protection Zones are equivalent to runway protection zones at airports. They extend 280 feet from the edge of the final approach and takeoff area (the latter area, or FATO, is generally larger than the physical pad itself). As with runway protection zones, helipad protection zones should be clear of incompatible objects and any land uses involving a congregation of people.

Establishment of Helipad Protection Zones is a desirable safety-compatible objective for all heliports. There are practical limitations to doing so, however. One is that, even when approach/departure routes are formally defined and approved, the highly maneuverable capabilities of helicopters means that their actual routes may differ. The other is that the Helipad Protection Zone is likely to extend onto adjacent property.

2.1.3 Building Height Restrictions

In adopting criteria for building height restrictions in the vicinities of heliports, the Commission considered only one standard and that was Federal Aviation Regulations Part 77 (FAR Part 77) entitled, "Objects Affecting Navigable Airspace." The Commission has incorporated the standards for determining obstructions and FAR Part 77 definitions, of the "imaginary surfaces" for heliports, as the guidelines for height limits in order to assess proposed heliport sites.

The "imaginary surfaces" are defined by means of elevations, heights and slopes in relation to individual heliports, the spaces above which are reserved to air navigation. In addition to the "imaginary surfaces", the Commission will use all of the FAR Part 77.23 standards along with the results of each FAA Airspace Analysis (Form 7480-1, a Notice of Landing Area Proposal), or other studies deemed necessary by the Commission.

The Commission considers and recognizes the FAA as the single "Authority" for analyzing project impact on heliport or aeronautical operations, or navigational-aid siting, including interference with navigational-aids or published flight paths and procedures. The Commission also considers the FAA as the "Authority" for reporting the results of such studies and project analyses. The Commission will not consider the findings of reports or studies conducted by parties other than the FAA unless the FAA certifies and adopts such findings as true and correct.

2.1.4 Heliports/Helistops

The Commission is charged with reviewing the expansion of existing public/private use heliports/helistops and the development of new heliports/helistops. The Commission is charged with reviewing and acting on proposed heliports within its jurisdiction and with making recommendations directly to the California Department of Transportation/Aeronautics Division, regarding the state heliport permit under Section 21661.5 of the California Public Utilities Code. Heliports/helistops to be located at an existing airport do not require Commission review.

The Commission review of proposed projects for development of heliports/helistops is initiated by the sponsor's or by the local agency's, referral of the proponent's request for a development permit to construct and operate a heliport/helistop. A finding by the Commission regarding the consistency of the proposed heliport project with this plan will be forwarded to the local jurisdiction for their consideration, as well as to Caltrans/DOA. Prior to project referral to ALUC, the applicant must

obtain an Airspace Analysis from the FAA. To obtain this analysis the applicant must file FAA Form 7480-1 Notice of Landing Area Proposal (See Appendix E for sample FAA forms).

The information needed for review of the proposed heliport/helistop by the Commission includes the following:

1. Location of the proposed heliport/helistop (street address).
2. Purpose of project: Personal, private, medical, or commercial use of heliport/helistop.
3. General Plan and zoning of site.
4. Land Use description of area and adjoining properties (both existing and General Plan proposed uses).
5. Approach/departure paths.
6. Depiction of proposed Helipad Protection Zone per Section 2.1.2 of the *Heliport AELUP*
7. Anticipated number of approaches and departures (counted separately) during a specified time interval (day, week, month).
8. Potential for creating a nuisance due to noise generated by the operation of helicopters (Noise Study may be required).
9. Potential for creating an accident hazard (Accident Probability Study may be required).
10. Federal Aviation Administration Airspace Analysis.
11. Type of craft proposed to be used and noise output of craft.
12. Description of proposed operations/facilities (maintenance, refueling, etc.)

All proposals to develop new heliports must be submitted to the Commission for review and action pursuant to PUC Section 21661.5. If a proposal is located near an existing airport, the separate *AELUP* for that particular airport should be consulted by the responsible sponsors/agencies.

2.1.5 Planning Areas – New Heliports

Public Utilities Code Section 21661.5 states that no application for the construction of a new heliport may be submitted to any local, regional, state or federal agency unless that plan has been both:

1. Approved by the board of supervisors of the county, or the city council of the city, in which the heliport is to be located; and
2. Submitted to and acted upon by the Commission.

2.1.6 Closure of Heliports

Closure of State permitted heliports/helistops must follow the process required under Public Utilities Code Section 21668 which addresses revocation of a permit either by State action or by voluntary request of the heliport sponsor. A voluntary request of the heliport sponsor to close its heliport typically is characterized under the category of "abandonment" (Section 21668 (a)). For voluntary abandonment (which reflects a decision to permanently cease the possibility of any discretionary use of the heliport), the sponsor must send a letter to the State of California/Department of Aeronautics, requesting the permit be revoked, per California Code of Regulations, Title 21, Section 3536.

In addition to the above State heliport permit action, assuming the heliport has "airspace" associated with it (which all State-permitted heliports should have), the heliport sponsor also needs to inform the Federal Aviation Administration of the "deactivation or abandonment" of the facility through submission of FAA Form 7480-1. This deletes the heliport from the FAA Airport Master Record database.

The sponsor would also need to obliterate all heliport markings (per FAA Advisory Circular 150/5340-1J, Standards for Airport Markings) and remove the windsock and any other visual indications of an active heliport (per FAA AC 150/5390-2B, Heliport Design, paragraph 209(f) or 409(f), depending on the type of heliport).

Once the State closure permit process for the heliport is complete, the sponsor is requested to notify the Airport Land Use Commission for Orange County so that the heliport may also be deleted from the *AELUP for Heliports* database.

2.2 Establishment of Planning Areas

The Commission considered the "Guidelines for Heliports" promulgated by Caltrans in the *California Airport Land Use Planning Handbook* of January, 2002, as follows:

Unlike for airports, very little information is available upon which to base safety compatibility guidelines for heliports. No useful compilation of data on the location of helicopter accidents in the proximity of heliports is known to exist. The only significant policy guidance is contained in the FAA *Heliport Design* Advisory Circular (AC 150/5390-

2B), last updated in 2004. The primary concerns of that document are with respect to the design of the touchdown and liftoff pad itself and requirements for obstruction-free approach/departure paths.

2.2.1 Safety Zones

The Commission will utilize the Final Approach Take-Off (FATO) and the Helipad Protection Zone (Clear Zone) as set forth in FAR Part 77 as the safety zones to be utilized in heliport review.

2.2.2 Noise Impacts

The Commission shall rely on the acoustical study, prepared for each proposed heliport as necessary, to evaluate the potential noise impact area associated with the facility. The Commission may, on a case by case basis, recommend to the responsible local agency that the heliport's use be specifically controlled as a means of mitigating noise impacts. Noise Levels of 60 dB CNEL are considered to have potential noise impact on surrounding sensitive land uses.

2.2.3 Height Restrictions

Consistent with FAA guidance, the recommendation here is that new heliports be designed so as to place as much of the approach/departure path as possible either on heliport property or along adjacent roads or other publicly controlled lands. As much as practical, buildings (particularly ones higher than the helipad itself) and congregations of people should be avoided within Helipad Protection Zones. Once a heliport is established, the facility owner, local land use jurisdictions, and ALUCs should take whatever actions that are in their respective authorities to preserve compatible uses in the Helipad Protection Zones and, even more critically, to prevent obstructions to the approach/departure surfaces.

SECTION 3.0 - LAND USE POLICIES

3.1 Concept

To fulfill the purpose of this plan, the location of heliports must take into account noise, safety, and height restriction standards.

3.2 Land Use Policies

3.2.1 General Policy

A proposed heliport site may be found inconsistent with the AELUP if the site is:

- (1) Near places where people may be affected adversely by aircraft noise,
- (2) Near concentrations of people,
- (3) Near structures whose height interferes with preferred take-off and approach corridors. Structure height refers to a structure of such height and/or location that its existence would threaten the operation of the heliport, or would decrease the heliport's utility, by creating an obstacle in the flight paths or other aircraft traffic patterns employed at the heliport or by interfering with visual or electronic navigation systems.

Adverse effects of aircraft noise are defined by the "reasonable person" concept presented in the Noise Standards for California Airports, Title 21 of the California Code of Regulations (Appendix B). Adverse effects of aircraft noise includes single event noise disturbances to which people near heliports are subjected.

Adverse effect of activities or facilities refers to a land use that would hamper aeronautical operations of a heliport by producing or causing excessive glare, light, steam, smoke, dust or electronic interference, or by attracting birds.

Any proposed heliport site which is in conformance with this General Policy shall be consistent with the AELUP. Any proposed heliport site which is not in conformance with this General Policy shall be inconsistent with the AELUP.

3.2.2 Specific Policies

Proposed heliport sites will be reviewed for noise compatibility based on the compatibility matrix set forth in Table 1.

TABLE 1

AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY
AIRPORT ENVIRONS LAND USE PLAN

IMPACTS ON LAND USE DUE TO NOISE LEVELS
(Applicable to Helicopter Noise Sources)

LAND USE CATEGORY	COMMUNITY NOISE EQUIVALENT LEVEL dB						
	55	60	65	70	75	80	
Residential (all types): Single and Multi-Family Residences							
Community Facilities: Churches, Libraries, Schools, Preschools, Day-Care Centers, Hospitals, Nursing/Convalescent Homes, & Other noise sensitive uses							
Commercial: Retail, Office							
Industrial:							



NORMALLY CONSISTENT

Conventional construction methods were used. No special noise suppression requirements.



CONDITIONALLY CONSISTENT

Must use noise suppression to assure continued-compliance with the California Noise Insulation Standards, Title 25, California Code of Regulations. Residential use continued-compliance ensures that the interior CNEL does not exceed 45 dB. Commercial and industrial structure's continued-compliance must meet Noise Impact Zone "1" criteria (refer to Section 3.2.3).



NORMALLY INCONSISTENT

Noise suppression must ensure that all residential units continue to comply, unless they are sound attenuated so that the interior CNEL does not exceed 45 dB, and that all units are indoor oriented so as to preclude noise impingement on outdoor living areas.

3.2.3 Noise Impact Zone "1" - High Noise Impact (65 db CNEL and Above)

A heliport site resulting in a noise level of 65 dB CNEL and above is inconsistent if this noise level would impact areas developed with noise sensitive land uses.

3.2.4 Noise Impact Zone "2" - Moderate Noise Impact (60 dB CNEL or greater, less than 65 dB CNEL)

A heliport site resulting in a noise level of 60 dB CNEL or greater but less than 65 dB CNEL is inconsistent if this noise level would impact areas developed with noise sensitive land uses which have not been sufficiently sound attenuated to a CNEL value not exceeding an interior level of 45dB.

3.2.5 Helipad Protection Zone "HPZ", Extreme Crash Hazard

The severe potential for loss of life and property due to accidents prohibits most land uses in this area. Also, the close proximity to aircraft operations limits land uses which would endanger such operations. Only heliport related uses and open space uses, including agriculture and certain types of transportation and utility uses are permitted. No buildings intended for human habitation are permitted in the Helipad Protection Zone. Furthermore, because of the proximity to aeronautical operations, uses in this area must not attract birds nor emit excessive glare or light, nor produce or cause steam, smoke, dust, or electronic interference so as to interfere with, or endanger, aeronautical operations.

3.2.6 Height Restriction Zone

Consistent with FAA guidance, the recommendation here is that new heliports be designed so as to place as much of the approach/departure path as possible either on heliport property or along adjacent roads or other publicly controlled lands. Once a heliport is established, the facility owner, local land use jurisdictions, and ALUCs should take whatever actions that are in their respective authorities to preserve compatible uses in the Helipad Protection Zones and, even more critically, to prevent obstructions to the approach/departure surfaces. The Commission will utilize the FAA's Form 7480 Finding in evaluating heliport projects for consistency.

3.2.7 Heliport

In reviewing heliport projects, the Commission will find any proposed site Inconsistent with this AELUP if it:

1. Is determined to be "unacceptable from an airspace utilization standpoint" by the FAA;
2. Would not comply with all conditions imposed by the FAA pursuant to its airspace analysis;

3. Would not comply with all conditions imposed by the Commission and by the local land use jurisdiction;
4. Would conflict with the General or Specific Policies of this AELUP, or with the pertinent provisions of Title 21.

In order to apply the preceding Specific Policies in the most diligent manner, the Commission will consider all relevant data pertaining to the various heliports within Orange County and the areas surrounding them. The Commission will consider current information, as it becomes available, whenever germane to the Commission's deliberations. The integration of current and reliable information into this plan will be an ongoing goal of the Commission.

SECTION 4.0 - IMPLEMENTATION

4.1 Statutes

The Public Utilities Code for the State of California, Section 21661.5 and Sections 21670 through 21679.5, governs the activities and responsibilities of the Airport Land Use Commission concerning applications for heliport permits to the California Department of Transportation/Division of Aeronautics (Caltrans/DOA). A copy of these can be found in Appendix A of this document. Further discussion of these responsibilities can be found below. Generally, the Commission is required to make recommendations directly to Caltrans/DOA regarding the required State permit for proposed heliports/helistops. The Commission also makes findings regarding the compatibility of the proposed heliport site with existing and proposed land uses and forwards those findings to the appropriate local jurisdictions for their consideration.

4.2 Heliport/Helistop Projects

Each local agency having jurisdiction over any area proposed for the establishment of a heliport/helistop should submit the project proposal to the Commission for a Determination in accordance with Public Utilities Code Sections 21661.5 and 21670 et seq. The submittals should focus on those areas within the AELUP noise impact, safety, and height restriction zones.

4.3 Acceptance of Submittal

Matters referred to the Commission for review shall be deemed accepted upon the date when all materials and information necessary for processing a project have been confirmed as received by the Commission staff. Staff will inform the applicant, or local jurisdiction, in writing within five working days after receipt of an item for consideration, whether more information is necessary or if the item will then be deemed accepted and scheduled for formal review by the Commission (See Appendix D - Referral Confirmation Notice). Necessary information may include final plans, acoustical reports or FAA Airspace Analysis when deemed necessary for Commission review by the Commission staff. This procedure does not apply to screen checks or Draft Environmental Impact Report responses which staff will respond to within the specified review period. If the local jurisdiction is not contacted by Commission staff by the sixth business day, they should contact the Commission office to verify receipt of the original referral package. Upon receipt of a complete referral for Airport Land Use Commission review and consideration, the Commission Secretary shall schedule and agendize said referral for the next appropriate Airport Land Use Commission meeting.

4.4 Who May File

The implementation of this AELUP shall result generally from the interaction between the Commission and local agencies. Project sponsors may submit referrals either as required by local agencies, or as requested specifically by the Commission.

4.5 Commission Finding of Inconsistency

When the Commission determines that a submittal is Inconsistent with the AELUP, the Commission shall promptly notify the affected local agency. The local agency may modify the submitted project so as to be consistent with the AELUP, and resubmit the project to the Commission for a verification of consistency; or the local agency may instead choose to overrule the Commission by following the procedure established in PUC Sections 21676 and 21676.5 (see Appendix A). This procedure requires the local agency to: hold a public hearing on the matter by its governing body (Board of Supervisors, City Council); make specific findings that the proposed overruling is consistent with the purposes stated in PUC Section 21670 (see Appendix A); and overrule the Commission by at least a two-thirds vote of the members present of the Board of Supervisors or City Council.

When such an overruling occurs, the PUC provides in Section 21678 (see Appendix A) that if the local agency does not operate the public airport in question, then the operator of that affected public airport shall be immune from liability for damages to property or personal injury caused by, or resulting directly or indirectly from, the local agency's decision to overrule the Commission's Determination of Inconsistency.

4.6 Periodic Review

The Commission shall review the substance and adequacy of this AELUP at a minimum of every 5 years. AELUPs may not be amended more than once per year.

4.7 AELUP Amendments

Upon approving any amendment to this AELUP, the Commission will promptly inform all affected agencies of the action and the requirement for local agency action per Government Code Section 65302.3 as specified below:

65302.3 (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

(b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.

(c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

APPENDIX A

(Information in this appendix is provided as a reference source to assist the users of the AELUP.)

STATE AERONAUTICS ACT AND AIRPORT LAND USE COMMISSION LAW

Current provisions of the California Public Utilities Code related to Airport Land Use Commissions and land use planning around airports.

Readers should check the following website for up-to-date version:

<http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/forms.html>



California Public Utilities Code
Section 21001 et seq.
relating to the
State Aeronautics Act

Prepared by
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Dear Reader,

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California Department of Transportation
Division of Aeronautics

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CALIFORNIA PUBLIC UTILITIES CODE

Section 21001 et seq. relating to the State Aeronautics Act

Chapter 1. General Provisions and Definitions

Section		Page
21001.	Title of Part	1
21002.	Purpose	1
21003.	Definitions; Effect	1
21004.	Public and Government Functions; Public Necessity	1
21005.	Effect of Part on Zoning Regulations	1
21006.	Effect of Chapter on Use of Helicopters	2
21006.5.	Department	2
21007.	Aeronautics Commission; Division; Department	2
21008.	Director	2
21008.3.	Division	2
21008.5.	Commission	2
21009.	Person	2
21010.	Political Subdivision	2
21011.	Aeronautics	2
21012.	Aircraft	2
21013.	Airport	2
21014.	Air Navigation Facility	3
21015.	Operation of Aircraft; Operate Aircraft	3
21016.	Airman	3
21017.	Airport Hazard	3
21018.	Airway	3
21019.	Violations; Punishment	3
21020.	Land	3

Chapter 2. Department of Transportation and State Aeronautics Board

Article 1. Department of Transportation

Section		Page
21204.	Rules and Regulations	3
21206.	Statement of Estimated Revenues; Budget	3
21207.	Noise Mitigation Projects	4

Article 1.5. State Aeronautics Board

Section		Page
21215.	State Aeronautics Board Abolished	4
21216.	Appeals	4

Article 2. Powers and Duties

Section		Page
21240.	Recognition of Federal Authority; Intrastate Rates	4
21241.	Encouragement of Aeronautics, Airports, and Air Navigation Facilities	4
21242.	Legislation; Representation of State	5
21243.	Rules, Regulations, Procedures, and Standards; Classification of Airports	5
21244.	Temporary Rules, Regulations, Procedures, and Standards	5
21245.	Rules; Copies for Public Inspection	5
21246.	Publication and Distribution of Orders, Rules, and Procedures	5
21247.	Contracts	5
21248.	Joint Exercise of Powers	5
21249.	Conferences and Joint Hearing with Federal Agencies	5
21250.	Cooperation with Federal Agencies	6
21251.	Administration	6
21252.	Enforcement	6
21253.	Enforcement of Part; Injunction and Other Legal Process	6
21254.	Reports of Violations to Federal and Other State Agencies	6
21255.	Reports from Federal and Other State Agencies	6
21256.	Receipt and Disbursement of Funds	6
21257.	Ownership and Operation of Aircraft	7
21258.	Department Responsibility	7

Chapter 3. Regulation of Aeronautics

Section		Page
21401.	Sovereignty	7
21402.	Ownership; Prohibited Use of Airspace	7
21403.	Lawful Flight; Flight Within Airport Approach Zone	7
21404.	Tort Liability; Injury or Death of Passengers	7
21404.1.	Limitation on Liability	7
21405.	Tort Liability; Collision Damage	8
21407.	Careless or Reckless Operation	8
21407.1.	Operation While Under the Influence	8
21407.2.	Consent to Chemical Testing	8
21407.6.	Punishment	9
21408.	Authority to Prohibit Violator from Operating Aircraft	9
21409.	Unlicensed Operation	10
21410.	Possession and Inspection of Certificate, License, Etc.	10
21411.	Unlicensed Aircraft	10
21412.	Posting Aircraft License; Inspection	10
21413.	Accidents; Reports; Preservation of Parts Pending Investigation	10
21415.	Intoxicated Persons In or About Aircraft	10
21416.	Locking Door Separating Pilot Compartment from Passenger Compartment	10

Chapter 3.7. Wire Strike Education and Prevention

Section		Page
21504.	Legislative Intent	11
21505.	Pilot Awareness Program	11
21507.	Cost Recovery	11

Chapter 4. Airports and Air Navigation Facilities

Article 1. Assistance to Political Subdivisions

Section		Page
21601.	Engineering and Technical Services	11
21602.	Financing	11
21603.	Agent for Political Subdivisions; Contracts; Handling of Funds	12
21605.	Airport Closing Procedures	12

Article 2. State Airports and Air Navigation Facilities

Section		Page
21631.	Establishment; Planning; Construction	12
21632.	Acquisition of Existing Facilities	13
21633.	Acquisition of Real or Personal Property	13
21636.	Disposal of Property	13
21637.	Contracts and Leases for Operation	13
21638.	Lease of Airports	14
21639.	Exclusive Right for Use Prohibited	14
21640.	Lien for Charges; Enforcement	14
21646.	Flying or Releasing Balloon, Kite or Rocket Near Airport as Misdemeanor	14

Article 2.5. Non-Public Use Airports

Section		Page
21650.	Airport Defined	14
21650.1.	Airport Marks; Federal Aviation Administration Standards	14
21650.2.	Permit; Application and Receipt Under Article 3	14

Article 2.6. Hazard Elimination; Flight Disturbance

Section		Page
21652.	Eminent Domain	14
21653.	Removal of Hazards	15

Article 2.7. Regulation of Obstructions

Section		Page
21655.	Proposed Site for Construction of State Building Within Two Miles of Airport Boundary	15
21656.	Permit for Extension of Structure More Than 500 Feet Above Ground	15
21657.	Refusal to Issue Permit; Request for Hearing	15
21658.	Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area	15
21659.	Hazards Near Airports Prohibited	16
21660.	Refusal to Issue Permit; Request for Hearing	16

Article 3. Regulation of Airports

Section		Page
21661.	Exemptions	16
21661.5.	City Council or Board of Supervisors and ALUC Approvals	16
21661.6.	Submission of Plan for Expansion or Enlargement of Airport	16
21662.	Approval of Sites; Issuance of Permits; Charges	17
21662.1.	Emergency Service Helicopters	17
21662.4.	Emergency Flights for Medical Purposes	17
21662.5.	Helicopters in Proximity to Certain Schools Prohibited	18
21663.	Operation Without Permit	18
21664.	Approval of Sites; Application	18
21664.5.	Amended Airport Permits; Airport Expansion Defined	18
21666.	Issuance of Permits; Requirements; Conditions	18
21668.	Revocation of Permit; Grounds	19
21668.2.	Suspension of Operation	19
21669.	Adoption of Noise Standards	19
21669.1.	Existing Residential Conversion	19
21669.2.	Guidelines	19
21669.3.	Effective Date of Regulations	20
21669.4.	Violation of Standards; Enforcement; Penalties	20
21669.6.	Hearing Procedures	20

Article 3.5. Airport Land Use Commission

Section		Page
21670.	Creation; Membership; Selection	20
21670.1.	Action by Designated Body Instead of Commission	21
21670.2.	Los Angeles County	22
21670.3.	San Diego County	22
21670.4.	Intercounty Airports	22
21671.	Airport Owned by a City, District, or County	23

Section		Page
21671.5.	Term of Office	23
21672.	Rules and Regulations	23
21673.	Initiation of Proceedings for Creation by Owner of Airport	24
21674.	Powers and Duties	24
21674.5.	Training of Airport Land Use Commission's Staff	24
21674.7.	Airport Land Use Planning Handbook	24
21675.	Land Use Plan	25
21675.1.	Adoption of Land Use Plan	25
21675.2.	Approval or Disapproval of Actions, Regulations, or Permits	26
21676.	Review of Local General Plans	26
21676.5.	Review of Local Plans	27
21677.	Marin County Overrule Provisions	27
21678.	Airport Owner's Immunity	28
21679.	Court Review	28
21679.5.	Deferral of Court Review	28

Article 4. Aeronautics Fund

Section		Page
21680.	Continuation; Continuous Appropriation	29
21681.	Definitions	29
21682.	Payments from Fund	30
21682.5.	Payment of Aviation Share of Comprehensive Transportation Planning Costs	30
21683.	Use of Balance	30
21683.1.	Use of Funds for Local Match for Federal Airport Improvement Program Grants	31
21683.2.	Use of Balance in Aeronautics Account	31
21684.	Special Aviation Fund	31
21684.1.	Use of Balance of Fund to Purchase Emergency Search and Rescue Equipment	31
21684.5.	Allocation of Funds for Construction of Airports	31
21684.6.	Allocation of Funds to Counties	32
21685.	Special Aviation Fund; Payments to State College or University Branch	32
21686.	Audit of Books and Records of Public Agencies	32
21687.	Airports No Longer Open to the General Public; Payments to State	32
21688.	Limitation on Expenditure of Funds	32

Article 4.5. Airport Facilities and Concessions

Section		Page
21690.5.	Legislative Findings	33
21690.6.	Scope of Law	33
21690.7.	Promotion of Commerce and Tourism	33
21690.8.	Exclusive Agreements	33
21690.9.	Determination of Necessity	33
21690.10.	Compliance with Other States	34

Article 5. Los Angeles International Airport Relocation and Development

Section	Page
21690.20. Legislative Findings	34
21690.21. Definitions	34
21690.22. Authority of Department	34
21690.23. Expenditure of Available Funds	35
21690.24. Petition for Payment of Additional Compensation	35
21690.25. Appointment of Board	35
21690.26. Tenure of Board; Quorum; Duties	35
21690.27. Payment of Awards	35
21690.28. Persons Eligible; Time for Filing Petition; Time for Payment	35
21690.29. Partial Invalidation	35

Chapter 5. Proceedings

Section	Page
21692. Investigation, Inquiries, and Hearings	35
21693. Reports of Investigations and Hearings	35
21694. Orders of Department; Contents; Service; Review	36

Chapter 6. Airport Planning

Section	Page
21701. California Aviation System Plan	36
21702. Elements in Plan	36
21703. Submittal to Commission	36
21704. Periodic Revision of Plan	36
21705. Adoption of Revisions by Commission	37
21706. Project Funding Applications	37
21707. Federal Grant Funds	37

**AERONAUTICS LAW
STATE AERONAUTICS ACT
PUBLIC UTILITIES CODE**

Chapter 1. General Provisions and Definitions

Title of Part

21001. This part may be cited as the "State Aeronautics Act."

Purpose

21002. The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means:

- (a) Encouraging the development of private flying and the general use of air transportation.
- (b) Fostering and promoting safety in aeronautics.
- (c) Effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations.
- (d) Granting to a state agency powers, and imposing upon it duties, so that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property, assist in the development of a statewide system of airports, encourage the flow of private capital into aviation facilities, and cooperate with and assist political subdivisions and others engaged in aeronautics in the development and encouragement of aeronautics.
- (e) Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.
- (f) Providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.
- (g) Assuring that persons residing in the vicinity of airports are protected to the greatest possible extent against intrusions by unreasonable levels of aircraft noise.
- (h) Fostering and promoting the development of a stable and efficient regional air carrier system to provide access for small and rural communities to the national air transportation system consistent with federal policies favoring deregulation.
- (i) Developing, in cooperation with the private sector, airport management, local jurisdictions, federal authorities, and the general public, informational programs to increase the understanding of current air transportation issues including, but not limited to, aviation safety, planning, airport noise, airport development and management, and the role of aviation in the economic development of the state, as an integral part of the state's transportation system.
- (j) Sponsoring or cosponsoring, with representatives of the aerospace and aviation industry, aviation educational and informational seminars which meet the needs of pilots and other members of the industry for current information on aviation safety, planning, and airport development and management.

Definitions; Effect

21003. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

Public and Government Functions; Public Necessity

21004. The acquisition of any land or interest therein pursuant to this part, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any political subdivision, and the exercise of any other powers granted to the department by this part are public and governmental functions, exercised for a public purpose, and are matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the state pursuant to this part are acquired and used for public and governmental purposes as a matter of public necessity.

Effect of Part on Zoning Regulations

21005. This part shall not be construed as limiting any power of the state or a political subdivision to regulate airport hazards by zoning.

Effect of Chapter on Use of Helicopters

21006. This chapter or any other law shall not be construed as prohibiting, restricting, or permitting the prohibition of the operation or landing in populated areas of helicopters and similar aircraft capable of approximately vertical ascent and descent, subject to such reasonable rules affecting the public safety as the department may promulgate. The department shall adopt rules and regulations, effective January 1, 1989, for the conditions under which helicopters may make temporary use of a landing site.

Department

21006.5. "Department" means the Department of Transportation.

Aeronautics Commission; Division; Department

21007. Whenever the term "California Aeronautics Commission," "Division of Aeronautics," or "Department of Aeronautics" is used in any other law, it means the Department of Transportation.

Director

21008. "Director" means the Director of Transportation. Any reference in any law or regulation to the Director of Aeronautics shall be deemed to refer to the Director of Transportation.

Division

21008.3. "Division" means the Division of Aeronautics in the department.

Commission

21008.5. "Commission" means the California Transportation Commission.

Person

21009. "Person" means any individual, firm, partnership, corporation, limited liability company, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative.

Political Subdivision

21010. "Political subdivision" means any county, city, city and county, public corporation, district or other political entity or public corporation of this State.

Aeronautics

21011. "Aeronautics" means:

- (a) The science and art of flight, including transportation by aircraft.
- (b) The operation, construction, repair, or maintenance of aircraft and aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes.
- (c) The design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities.

Aircraft

21012. "Aircraft" means any manned contrivance used or designed for navigation of, or flight in, the air requiring certification and registration as prescribed by federal statute or regulation. Notwithstanding the foregoing provisions of this section, manned lighter-than-air balloons and ultralight vehicles as defined in the regulations of the Federal Aviation Administration (14 C.F.R. Part 103), whether or not certificated by the Federal Aviation Administration, shall not be considered to be aircraft for purposes of this part.

Airport

21013. "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, and all airport buildings and facilities located thereon.

Air Navigation Facility

21014. "Air navigation facility" means any facility, other than facilities owned or operated by the United States, used, or available or designed for use, in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other facilities used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport.

Operation of Aircraft; Operate Aircraft

21015. "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this State or upon any airport within this State.

Airman

21016. "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air traffic control-tower operator. "Airman" does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

Airport Hazard

21017. "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to the landing or taking off.

Airway

21018. "Airway" means a route in the navigable air space over the land or waters of this State, designated by proper authority as a route suitable for air navigation.

Violations; Punishment

21019. Any person violating any of the provisions of this part, other than Section 21407.1, or any of the rules or orders issued under this part, is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment of not more than six months, or both.

Land

21020. "Land" includes tide and submerged lands or other lands subject to the public trust for commerce, navigation, or fisheries.

Chapter 2. Department of Transportation and State Aeronautics Board

Article 1. Department of Transportation

Rules and Regulations

21204. The department may adopt, administer, and enforce rules and regulations for the administration of this part.

Statement of Estimated Revenues; Budget

21206. The department shall prepare a statement of all estimated revenues of the Aeronautics Account in the State Transportation Fund and revenues available for local subventions from any other sources for the next succeeding fiscal year, together with a statement of proposed expenditures to be made to local agencies and the University of California during the next succeeding fiscal year, or obligations to be incurred in connection therewith.

The statement shall be included in the printed fiscal year budget submitted to the Legislature. Insofar as the matters to which it pertains, it shall constitute as submitted the budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code, and, as to such matters, shall be administered by the Department of Finance as the fiscal year budget of the Department of Transportation under the provisions of this

section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Any changes or modifications in the budget described in this section shall be approved by the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering the budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual, or other periods of the fiscal year.

Noise Mitigation Projects

21207. Whenever a political subdivision owning and operating an airport constructs or implements a noise mitigation project at the airport, including, but not limited to, the installation of noise monitoring equipment at any time after the project has been included within the aeronautics program in the state transportation improvement program and prior to funding of the project, the department shall, when funding for the project becomes available, reimburse the political subdivision for the eligible costs of the project, without interest, not to exceed the amount of the funds made available to the department or the political subdivision's actual eligible costs, whichever is lower. Reimbursement under this section shall be made only if the political subdivision completes the project to the standards approved by the department including, but not limited to, bidding and contracting procedures and the project is approved by the commission. This section does not apply to any project for which state funding is not specifically made available.

Article 1.5. State Aeronautics Board

State Aeronautics Board Abolished

21215. (a) The State Aeronautics Board is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the State Aeronautics Board.

(b) Any reference in any law or regulation to the State Aeronautics Board shall be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the State Aeronautics Board.

Appeals

21216. Any person or entity injured or aggrieved by any procedure or action of the department with respect to aeronautics may appeal to the California Transportation Commission for relief, and the decision of the commission as to such matter shall, after hearing thereon, be conclusive, subject to such review as may be otherwise provided by law. This section shall not apply to any procedure or action for which a hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code is specified in this part as the means for reviewing or finalizing the procedure or action.

Article 2: Powers and Duties

Recognition of Federal Authority; Intrastate Rates

21240. This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the state's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the state.

Encouragement of Aeronautics, Airports, and Air Navigation Facilities

21241. The department shall encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, political subdivisions of this state, and others in the development of aeronautics, and shall seek to coordinate their aeronautical activities.

Political subdivisions may cooperate with the department in the development of aeronautics and aeronautics facilities in this state.

Legislation; Representation of State

21242. The department may:

- (a) Draft and recommend necessary legislation to advance the interest of the state in aeronautics.
- (b) Represent the state in aeronautical matters before federal and other agencies.
- (c) Participate as plaintiff or defendant or as intervenor on behalf of the state or any political subdivision or citizen in any controversy which involves the interest of the state in aeronautics.
- (d) Assist political subdivisions and their law enforcement agencies in becoming acquainted with and enforcing the civil air regulations.

Rules, Regulations, Procedures, and Standards; Classification of Airports

21243. The department may make and amend general or special rules, regulations, and procedures and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules, regulations, and standards issued thereunder. The department may, by regulation, classify airports into several reasonable classes or groups according to their facilities and the types and number of aircraft which they are capable of handling and may make and amend rules, regulations, and procedures and establish minimum standards for each separate class or group.

Temporary Rules, Regulations, Procedures, and Standards

21244. For the purpose of protecting and insuring the general public interest and safety and the safety of persons operating, using, or traveling in aircraft and developing aeronautics in this state, and after appropriate public hearings, the department may make and amend temporary general or special rules and procedures and establish temporary minimum standards consistent with this part as it deems necessary to administer this part. The department shall draft these temporary rules, procedures, and standards in the form of proposed aviation law and shall submit them to the next general session of the Legislature. These temporary rules, procedures, and standards shall not remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

Rules; Copies for Public Inspection

21245. The department shall keep on file with the Secretary of State, and at its principal office, a copy of all its rules for public inspection.

Publication and Distribution of Orders, Rules, and Procedures

21246. The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

Contracts

21247. The department may enter into any contracts necessary to the execution of its powers under this part. All contracts made by the department, either as the agent of the state or as the agent of any political subdivision, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal money the department, as agent of the state or of any political subdivision, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules made thereunder.

Joint Exercise of Powers

21248. The department may exercise any of its powers under this part jointly with any political subdivision, state agency, other states or their political subdivisions, or the United States.

Conferences and Joint Hearings with Federal Agencies

21249. The department may confer or hold joint hearings with any federal agency in connection with any matter arising under this part or relating to the sound development of aeronautics.

Cooperation with Federal Agencies

21250. The department may avail itself of the cooperation, services, records, and facilities of the federal agencies in the administration and enforcement of this part. It shall cooperate with and make available to the federal agencies, its services, records, and facilities, insofar as practicable.

Administration

21251. In administering this part the department may use the facilities and services of other state agencies and political subdivisions to the utmost extent possible. These agencies and political subdivisions shall make available to the department their facilities and services.

Enforcement

21252. (a) The department, its members, the director, officers and employees of the department, and every state and peace officer charged with the enforcement of state and subordinate laws or ordinances, may enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this state relating to aeronautics. In the enforcement of such rules, orders, and laws, the director, and such officers and employees as the director may designate, shall have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such rules, orders, or laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) The director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

Enforcement of Part; Injunction and Other Legal Process

21253. In the name of the state, the department may enforce this part and rules and orders issued under this part by injunction or other legal process in the courts of this state.

Reports of Violations to Federal and Other State Agencies

21254. The department may report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violations of Section 21407, and Sections 21409 to 21412, inclusive, and all penalties of which it has knowledge imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules or orders of the department.

Reports from Federal and Other State Agencies

21255. The department may receive reports of penalties and other data from agencies of the federal government and other states, and may enter into agreements with these agencies governing the delivery, receipt, exchange, and use of reports and data. The department may make the reports and data of these agencies and of the courts of this state available to any court of this state and to any officer of the state or of any political subdivision authorized to enforce the aeronautics laws by Section 21252.

Receipt and Disbursement of Funds

21256. The department may accept, receive, receipt for, disburse, and expend federal and other money, public or private, made available to accomplish in whole or in part any of the purposes of this part. All federal money accepted under this part shall be accepted and expended by the department upon the terms and conditions prescribed by the United States. In accepting federal money under this part, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under Section 21603. The department shall deposit all money received under this section in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Ownership and Operation of Aircraft

21257. The department may own and operate aircraft for use in the furtherance of its duties, employ airmen and mechanics for proper operation and maintenance of the aircraft, and insure its employees against injury or death arising from aircraft accidents incurred in the performance of their assigned duties, within the limits of appropriations for these purposes.

Department Responsibility

21258. The department shall represent the state and local agencies before the Civil Aeronautics Board and other federal agencies in all matters related to the Airline Deregulation Act of 1978 (P.L. 95-504, as amended) and the essential air service program created by that act. The department shall assist and cooperate with federal, state, and local agencies and private entities in the development of a stable and efficient regional air carrier system.

Chapter 3. Regulation of Aeronautics

Sovereignty

21401. Sovereignty in the space above the land and waters of this state rests in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of the state.

The operation of aircraft in such space is a privilege subject to the laws of this state.

Ownership; Prohibited Use of Airspace

21402. The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

Lawful Flight; Flight Within Airport Approach Zone

21403. (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:

(1) A forced landing.

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.

(3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

(c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

Tort Liability; Injury or Death of Passengers

21404. Liability of the owner or pilot of an aircraft carrying passengers for injury or death to the passengers is determined by the rules of law applicable to torts on the land or waters of this state, arising out of similar relationships. Every owner of an aircraft is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the aircraft, in the business of the owner or otherwise, by any person using or operating the same with the permission, express or implied, of the owner.

Limitation on Liability

21404.1. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by Section 21404 and not arising through the relationship of principal and agent or master and servant is limited to the

amount of fifteen thousand dollars (\$15,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of thirty thousand dollars (\$30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars (\$5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this section for damages imposed for the sake of example and by way of punishing the operator of the aircraft. Nothing in this subdivision makes an owner, bailee of an owner, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

Tort Liability; Collision Damage

21405. The liability of the owner of one aircraft to the owner of another aircraft, or to operators or passengers on either aircraft, for damage caused by collision on land or in the air, is determined by the rules of law applicable to torts on land.

Careless or Reckless Operation

21407. It is unlawful for any person to operate an aircraft in the air, or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

Operation While Under the Influence

21407.1. (a) It is unlawful for any person, who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, to operate an aircraft in the air, or on the ground or water, or to engage in parachuting for sport.

(b) No person shall operate an aircraft in the air or on the ground or water who has 0.04 percent or more, by weight, of alcohol in his or her blood.

Consent to Chemical Testing

21407.2. (a) (1) (A) Any person who operates an aircraft in the air or on the ground or water is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 21407.1 or if the officer requests chemical testing as part of any investigation of a suspected violation of state or local law. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.

(B) Any person who operates an aircraft in the air or on the ground or water is deemed to have given his or her consent to chemical testing of his or her blood or urine for the purpose of determining the drug content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 21407.1 or if the officer requests chemical testing as part of an investigation of a suspected violation of state or local law.

(C) The testing shall be administered at the direction of a peace officer having reasonable cause to believe the person was operating an aircraft in violation of Section 21407.1 under either of the following conditions:

(i) The person is lawfully arrested.

(ii) The officer requests the person to submit to chemical testing as part of an investigation of a suspected violation of state or local law.

(D) The person shall be told that his or her failure to submit to, or the failure to complete, the required chemical testing may result in prohibition from operating an aircraft for not more than one year and, if the person is convicted of a violation of Section 21407.1, a fine, imprisonment, prohibition from operating an aircraft for not more than one year, or any combination thereof.

(2) (A) If the person is lawfully arrested for operating an aircraft under the influence of an alcoholic beverage, the person has the choice of whether the test shall be of his or her blood or breath, and the officer shall advise the person that he or she has that choice. If the person arrested either is incapable, or states that he or she is incapable, of completing the chosen test, the person shall submit to the remaining test. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.

(B) If the person is lawfully arrested for operating an aircraft under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the person has the choice of whether the test shall be of his or her blood, breath, or urine, and the officer shall advise the person that he or she has that choice.

(C) A person who chooses to submit to a breath test may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was operating an aircraft under the influence of any drug or the combined influence of an alcoholic beverage and any drug and if the officer has a clear indication that a blood or

urine test will reveal evidence of the person being under the influence. The officer shall state in his or her report the facts upon which that belief and that clear indication are based. If the person who is arrested is either incapable or states that he or she is incapable of completing a blood test, that person shall submit to and complete a urine test. If the person arrested either is incapable, or states that he or she is incapable, of completing either chosen test, the person shall submit to and complete the other remaining test.

(3) If the person is lawfully arrested for an offense allegedly committed in violation of Section 21407.1 and, because of the need for medical treatment, the person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath, or urine, the person has the choice of those tests which are available at the facility to which that person has been transported. In that event, the officer shall advise the person of those tests which are available at the medical facility and that the person's choice is limited to those tests which are available.

(4) The officer shall also advise the person that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test or tests, before deciding which test or tests to take, or during administration of the test or tests chosen, and that, in the event of refusal to submit to a test or tests, the refusal may be used against him or her in a court of law.

(5) Any person who is unconscious or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn his or her consent and a test or tests may be administered whether or not the person is told that his or her failure to submit to, or the noncompletion of, the test or tests may result in a fine, imprisonment, and prohibition from operating an aircraft for not more than one year. Any person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered at the direction of a peace officer.

(b) Any person who is afflicted with hemophilia is exempt from the blood test required by this section.

(c) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and surgeon is exempt from the blood test required by this section.

(d) (1) A person lawfully arrested for any offense allegedly committed while the person was operating an aircraft in violation of Section 21407.1 may request the arresting officer to have a chemical test made of the arrested person's blood or breath for the purpose of determining the alcoholic content of that person's blood, and, if so requested, the arresting officer shall have the test performed.

(2) If a blood or breath test is not available under subparagraph (A) of paragraph (1) of subdivision (a), or under subparagraph (A) of paragraph (2) of subdivision (a), or under paragraph (1) of this subdivision, the person shall submit to the remaining test in order to determine the percent, by weight, of alcohol in the person's blood. If both the blood and breath tests are unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or her urine and shall submit to a urine test.

Punishment

21407.6. (a) Any person convicted under Section 21407.1 shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

Any person convicted under Section 21407.1 shall be punished upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), without being granted probation by the court and without having the court suspend the execution of the sentence.

(b) Any person convicted under Section 21407.1 and who, when so operating an aircraft, has done any act forbidden by law or neglects any duty imposed by law in the operation of the aircraft, which act or neglect proximately causes bodily injury to any person other than the operator shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than ten thousand dollars (\$10,000).

Authority to Prohibit Violator from Operation Aircraft

21408. For any violation of Section 21407 or 21407.1, in addition to the penalties provided by Section 21019 or 21407.6, the court may prohibit the violator from operating an aircraft within the state for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Upon a plea of guilty or conviction under Section 21407 or 21407.1, the department shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section does not authorize the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license. The peace officer requesting that a person submit to a chemical test of the blood, breath, or urine pursuant to Section 21407.2 shall report anyone refusing to submit to the chemical test to the Federal Aviation Administration for appropriate administrative action.

Unlicensed Operation

21409. It is unlawful for any person to engage in aeronautics as an airman in the State unless he has an appropriate effective airman certificate, permit, rating, or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if the certificate, permit, rating, or license is required by the United States.

Possession and Inspection of Certificate, License, Etc.

21410. Every airman shall keep any certificate, permit, rating, or license required for him by the United States in his personal possession when he is operating within the state. He shall present it for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the airman lands, or upon the reasonable request of any other person.

Unlicensed Aircraft

21411. It is unlawful for any person to operate, or cause or authorize to be operated, any civil aircraft within this State unless the aircraft has an appropriate effective certificate, permit, or license issued by the United States if required by the United States.

Posting Aircraft License; Inspection

21412. Any certificate, permit, or license required by the United States for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the state, shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the aircraft lands, or upon the reasonable request of any person.

Accidents; Reports; Preservation of Parts Pending Investigation

21413. The department shall report to the appropriate federal agency all accidents in aeronautics in this state of which it is informed, and shall, insofar as is practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

Intoxicated Persons In or About Aircraft

21415. No person shall be in, or perform any act in connection with the maintenance or operation of, any aircraft when under the influence of intoxicating liquor.

This section does not apply to a person who is in an aircraft merely as a passenger, but this section shall not be construed to relieve any such person of criminal liability imposed by any other law for being intoxicated while in an aircraft.

Locking Door Separating Pilot Compartment from Passenger Compartment

21416. On all commercial aircraft which transport passengers for compensation or hire the door which separates the pilot compartment from the passenger compartment shall be kept locked at all times the aircraft is in a flight over this state during which passengers are being transported except:

(a) During takeoff and landing of the airplane when such door is the means of access to a required passenger emergency exit.

(b) At such times as it may be necessary to provide access to the flight crew or passenger compartments for the crew members in the performance of their duties, or to provide access for other persons authorized admission to the flight crew compartment.

The pilot of the aircraft shall be guilty of a misdemeanor if the door is not so locked.

It shall be unlawful for any person, except a member of the crew, to have in his possession in the passenger compartment at any time the aircraft is in a flight over this state during which passengers are being transported a key or other device for opening such door from the passenger side of the door.

Chapter 3.7 Wire Strike Education and Prevention

Legislative Intent

21504. The Legislature finds and declares as follows:

(a) Representatives from the aviation community, electric utility industry, and government agencies voluntarily convened a working group in July 1992 to develop a comprehensive program to improve low-level flight safety throughout California.

(b) The working group found that the prevention of aircraft wire strikes and losses through (1) pilot education and awareness and (2) selective marking of those wires and supporting structures that present a hazard to low-level flight safety are equally important to improving low-level flight safety throughout the state.

(c) The working group developed criteria for marking selected wires and supporting structures based upon visibility and likelihood of aircraft activity, which now must be evaluated in the field.

(d) It is, therefore, the intent of the Legislature in enacting this chapter to implement recommendations of the working group to undertake a pilot education and awareness program and to evaluate the criteria for marking selected wires and supporting structures in the field.

Pilot Awareness Program

21505. (a) The Division of Aeronautics, in cooperation with the aviation industry and the electric utility industry and in consultation with the Federal Aviation Administration, shall coordinate and disseminate information provided by the working group to pilots to increase awareness of wire hazards and to communicate techniques for identifying and avoiding wires.

(b) For purposes of coordinating and disseminating the information provided to the division by the working group pursuant to subdivision (a), every electrical corporation and publicly owned electrical utility in this state which serves 250,000 or more customers shall pay a one-time fee in a sufficient amount so that the total of all fees collected does not exceed one hundred thousand dollars (\$100,000). The fee shall be in the proportion that each utility's total miles of transmission line greater than 110 kilovolts bears to the total miles of transmission line greater than 110 kilovolts statewide.

(c) All fees collected pursuant to subdivision (b) shall be deposited in the Aeronautics Account in the State Transportation Fund to be continuously appropriated to the Department of Transportation for the purposes set forth in subdivision (a).

Cost Recovery

21507. All costs incurred by an electrical corporation pursuant to this chapter shall be deemed reasonable by the commission and shall be fully recoverable through rates.

Chapter 4. Airports and Air Navigation Facilities

Article 1. Assistance to Political Subdivisions

Engineering and Technical Services

21601. The department may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the department.

Financing

21602. (a) Subject to the terms and within the limits of special appropriations made by the Legislature, the department may render financial assistance by grant or loan, or both, to political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by a political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be appropriate to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

(b) Notwithstanding subdivision (a) of Section 21681, a city or county designated by the Airport Land Use Commission is eligible to compete for funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned, public use airport that is included in an airport land use compatibility plan. However, the city or county shall be eligible to compete for the funds only when zoning on the parcel is tantamount to a taking

of all reasonable uses that might otherwise be permitted on the parcel. The eligible airport and aviation purposes are limited to those specified in paragraphs (4), (5), (6), (9), and (14) of subdivision (f) of Section 21681, and, further, any capital improvements or acquisitions shall become the property of the designated city or county. Matching funds pursuant to subdivision (a) of Section 21684 may include the in-kind contribution of real property, with the approval of the department.

(c) Any grant of funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned airports shall contain a covenant that the airport remain open for public use for 20 years. Any grant made to a city or county on behalf of a privately owned airport shall contain a payback provision based upon existing market value at the time the private airport ceases to be open for public use.

(d) Upon request, California Aid to Airports Program (CAAP) projects included within the adopted Aeronautics Program, may be funded in advance of the year programmed, with the concurrence of the department, in order to better utilize funds in the account.

(e) There is, in the Aeronautics Account in the State Transportation Fund, a subaccount for the management of funds for loans to local entities pursuant to this chapter. All funds for airport loans in the Special Deposit Fund are hereby transferred to the subaccount. With the approval of the Department of Finance, the department shall deposit in the subaccount all money received by the department from repayments of and interest on existing and future airport loans, including, but not limited to, the sums of five hundred forty thousand dollars (\$540,000) in repayments from the General Fund due in July 1987, and July 1988, and may, upon appropriation, transfer additional funds from the Aeronautics Account in the State Transportation Fund to the subaccount as the department deems appropriate. Interest on money in the subaccount shall be credited to the subaccount as it accrues.

(f) Notwithstanding Section 13340 of the Government Code, the money in the subaccount created by subdivision (e) is hereby continuously appropriated to the department without regard to fiscal years for purposes of loans to political subdivisions for airport purposes.

Agent for Political Subdivisions; Contracts; Handling of Funds

21603. Upon the request of any political subdivision or political subdivisions acting jointly, the department may act as agent in accepting, receiving, receipting for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility. The department may act as agent in contracting for and supervising the planning, acquisition, construction, improvement, maintenance, or operation. Any political subdivision may designate the department as its agent for these purposes.

The department as principal on behalf of the state, and any political subdivision on its own behalf, may enter into any contracts with each other, the United States, or any person, which may be required in connection with a grant or loan of federal money for public airport or air navigation facility purposes.

All federal money accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All money received by the department pursuant to this section shall be deposited in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Airport Closing Procedures

21605. No proprietor of any permitted airport which is open to the public and has received public funds shall close or suspend operation of the airport, or close an existing runway or taxiway except on a temporary basis for inspection, maintenance, construction, or emergency purposes, without notifying the department in writing 60 days prior to the intended closure or suspension of operations. On its own motion or upon the request of an affected or interested person, the department may conduct a public hearing to determine the impact of the intended closure or suspension of operations, both economically and on the entire state air transportation system. The department may take appropriate action to assist the proprietor in keeping the airport operational and open for public use.

Article 2. State Airports and Air Navigation Facilities

Establishment; Planning; Construction

21631. From appropriations or other money made available for the purpose, the department, on behalf of and in the name of the state, may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.

Acquisition of Existing Facilities

21632. (a) The department may also acquire existing airports and air navigation facilities, but it shall not acquire any airport or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.

(b) Whenever an airport owned or operated by the United States in this state ceases to be so owned or operated, the department, in consultation with local and regional transportation planning agencies, may evaluate the present and future need for the airport in the state's public-use airport system, including the need for both the transportation of people and goods. The purpose of the evaluation is to determine aviation needs and does not eliminate any requirement of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) Prior to finalizing the evaluation, the department shall submit a copy of its report to the commission for review and comment.

The commission shall complete its review and forward any comments to the department not later than 45 days after receiving the evaluation.

(d) Upon completion of its evaluation, the department may make a recommendation to the Legislature, the commission, the affected local agencies, and the appropriate federal agency for the airport's ownership and type of operation as a public-use airport, if the department determines that the airport would be of significant benefit to the state's airport system. It is the intent of the Legislature that the department, in making its recommendation, give priority for ownership and operation of these public-use airports to a local political subdivision or subdivisions acting jointly.

(e) Notwithstanding Section 21606, if a political subdivision or subdivisions acting jointly notify the department of their intentions to prepare a reuse plan for the airport, and simultaneously apply to the Federal Aviation Administration for a federal grant to develop an airport master plan for the airport, the department shall not make its recommendation pursuant to subdivision (d). If the department's evaluation determines that the airport would be of significant benefit to the state's airport system, and the political subdivision or subdivisions acting jointly fail to convert the federal airport to a civil public-use airport in accordance with the department's evaluation within five years of notification to the department, or fail to evidence substantial progress toward that purpose as determined by the department, then the department may take action in accordance with subdivision (f).

(f) If the department determines the airport is of present or future benefit to the state's public-use airport system, and no political subdivision applies to the appropriate federal agency to acquire or operate the airport, or has notified the department of its intention to prepare a reuse plan for the airport and thereafter fails to act upon its application pursuant to subdivision (e), the department may, subject to subdivision (g), assist in the formation of a public entity to own and operate the airport which shall be representative of political subdivisions in the area which surrounds and is served by the airport, as determined by the department. If established, the owning and operating entity may, subject to subdivision (g), prepare and submit an application to the appropriate federal agency to acquire or operate, or acquire and operate, the airport as a public airport.

(g) Notwithstanding subdivision (f), if any political subdivision has previously applied to the appropriate federal agency to acquire and operate the airport as a public airport, has completed all required environmental and fiscal evaluations, and subsequently withdrew its application prior to December 31, 1988, the department shall not file any application to acquire or operate the airport or assist in the formation of a public entity to own and operate the airport.

Acquisition of Real or Personal Property

21633. For the purposes of this article, the department, by purchase, gift, devise, lease, condemnation, or otherwise, may acquire real or personal property, or any interest therein, including any property described in Section 21652.

Disposal of Property

21636. The department may dispose of any property, airport, air navigation facility, or portion or interest, acquired pursuant to this article, by sale, lease, or otherwise. The disposal shall be in accordance with the laws of this state governing the disposition of other state property, except that in the case of disposals to any political subdivision or government or the United States for aeronautical purposes, the disposal may be effected in the manner and upon the terms the department deems in the best interests of the state.

Contracts and Leases for Operation

21637. In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding 20 years with any person, granting the privilege of using or improving the airport or air navigation facility or space therein for commercial purposes,

conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or making available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with regard to the property and improvement used and the expenses of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of either. The department shall grant no exclusive privilege for the sale or delivery of gasoline or other petroleum products.

Lease of Airports

21638. The department shall call for bids for the operation of any state-owned airport and shall lease the airport for a term not to exceed five years to the highest qualified bidder or bidders. No person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under Section 21637. The state may operate an airport only if no acceptable bid is received.

Exclusive Right for Use Prohibited

21639. The department shall grant no exclusive right for the use of any airport or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this article.

Lien for Charges; Enforcement

21640. To enforce the payment of any charges for repairs, improvements, storage, or care of any personal property by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state has a lien on the property, which is enforceable by the department as provided by law.

Flying or Releasing Balloon, Kite or Rocket Near Airport as Misdemeanor

21646. It shall be a misdemeanor for any person to release or fly or cause to be released or flown, within five miles of any airport, any moored balloon, kite, unmanned rocket, or unmanned free balloon which might be ingested by an aircraft engine or might cause a pilot's view of the airport and zone approach to be obstructed, or which could be used to suspend an object capable of endangering airborne aircraft or impairing a pilot's vision.

Article 2.5. Non-Public Use Airports

Airport Defined

21650. "Airport" for the purposes of this article means an airport not open to the general public.

Airport Marks; Federal Aviation Administration Standards

21650.1. An airport shall be marked as required by rule of the department with letters or symbol selected by the department to designate that the airport is not open to the general public. In selecting the letters or symbol, the department shall be guided by letters or symbols currently in use by the Federal Aviation Administration for similar or comparable purposes.

Permit; Application and Receipt Under Article 3

21650.2. Nothing shall prevent an airport from applying for and receiving a permit pursuant to Article 3 (commencing with Section 21661) of this chapter.

Article 2.6 Hazard Elimination; Flight Disturbance

Eminent Domain

21652. (a) Any person authorized to exercise the power of eminent domain for airport purposes may acquire by purchase, gift, devise, lease, condemnation, or otherwise:

(1) Any property necessary to permit the safe and efficient operation of the airport, or to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards.

(2) Airspace or an easement in such airspace above the surface of property where necessary to permit imposition upon such property of excessive noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, due to the operation of aircraft to and from the airport.

(3) Remainder property underlying property taken pursuant to paragraph (2), where permitted by Section 1240.410 of the Code of Civil Procedure.

(b) As used in this section, "property" includes real and personal property and any right or interest therein, whether within, beyond, adjacent to, or in the vicinity of, the boundaries of an airport or airport site, and, by way of illustration and not by way of limitation, includes air rights, airspace, air easements, and easements in airport hazards.

Removal of Hazards

21653. Any person authorized to exercise the power of eminent domain for airport purposes may provide, by purchase, gift, devise, lease, condemnation, or otherwise, for the removal or relocation of any airport hazard or the removal or relocation of all facilities, structures, and equipment that may interfere with the location, expansion, development, or improvement of the airport and other air navigation facilities or with the safe approach thereto and takeoff therefrom by aircraft. Any person acting under authority of this section shall pay the cost of such removal or relocation.

Article 2.7 Regulation of Obstructions

Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

21655. Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

Permit for Extension of Structure More Than 500 Feet Above Ground

21656. No person shall erect or add to the height of any structure within the boundaries of this state which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the department. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

Refusal to Issue Permit; Request for Hearing

21657. The department may refuse issuance of a permit under Section 21656 if it determines that the erection of or addition to a structure would obstruct the airspace overlying the state so as to create an unsafe condition for the flight of aircraft.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued. The hearing shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

21658. No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air

navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

Hazards Near Airports Prohibited

21659. (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

(b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.

(c) Section 21658 is applicable to subdivision (b).

Refusal to Issue Permit; Request for Hearing

21660. The department may refuse issuance of a permit under Section 21659 if it determines that the construction or alteration of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued. The hearing shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3. Regulation of Airports

Exemptions

21661. This article does not apply to any temporary seaplane landing site, ultralight vehicle flightpark, or to airports owned or operated by the United States. To the extent necessary, the department may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, adopted pursuant to this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

This section shall become operative on January 1, 1989.

City Council or Board of Supervisors and ALUC Approvals

21661.5. (a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by that commission in accordance with the provisions of that article.

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

Submission of Plan for Expansion or Enlargement of Airport

21661.6. (a) Prior to the acquisition of land or any interest therein, including tide and submerged lands or other lands subject to the public trust for commerce, navigation, or fisheries, by any political subdivision for the purpose of expanding or enlarging any existing publicly owned airport, the acquiring entity shall submit a plan of that expansion or enlargement to the board of supervisors of the county, or the city council of the city, in which the property proposed to be acquired is located.

(b) The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired.

(c) The board of supervisors or the city council, as the case may be, shall, upon notice, conduct a public hearing on the plan, and shall thereafter approve or disapprove the plan.

(d) Upon approval of the plan, the proposed acquisition of property may begin.

(e) The use of property so acquired shall thereafter conform to the approved plan, and any variance from that plan, or changes proposed therein, shall first be approved by the appropriate board of supervisors or city council after a public hearing on the subject of the variance or plan change.

(f) The requirements of this section are in addition to any other requirements of law relating to construction or expansion of airports.

Approval of Sites; Issuance of Permits; Charges

21662. The department shall have the authority to issue airport site approval permits, amended airport site approval permits, airport permits, and amended airport permits. No charge shall be made for the issuance of any permit.

Emergency Service Helicopters

21662.1. (a) At or as near as practical to the site of a medical emergency and at a medical facility, an officer authorized by a public safety agency may designate an area for the landing and taking off of an emergency service helicopter, in accordance with regulations established not later than January 1, 1989, pursuant to Section 21243.

(b) "Public safety agency" means any city, county, state agency, or special purpose district authorized to arrange for emergency medical services.

Emergency Flights for Medical Purposes

21662.4. (a) Emergency aircraft flights for medical purposes by law enforcement, fire fighting, military, or other persons who provide emergency flights for medical purposes are exempt from local ordinances adopted by a city, county, or city and county, whether general law or chartered, that restrict flight departures and arrivals to particular hours of the day or night, that restrict the departure or arrival of aircraft based upon the aircraft's noise level, or that restrict the operation of certain types of aircraft.

(b) As used in this section, "emergency aircraft flights for medical purposes" are those flights in which undue delay would threaten a patient's life. "Emergency aircraft flights for medical purposes" include, but are not limited to, flights for the transportation of all of the following:

- (1) Patients accompanied by licensed or certificated medical attendants such as paramedics, nurses, physicians, and respiratory therapists.
- (2) Surgical transplant teams for the purpose of procuring human organs for reimplantation in recipients.
- (3) Organ procurement agency coordinators responding to a potential donor.
- (4) Temporarily viable human organs such as a heart, liver, lungs, kidneys, and pancreas, and human tissue, blood, or blood components.
- (5) Human tissue and blood samples for clinical testing to determine compatibility between a donor and a recipient.
- (6) Mechanical adjuncts or biological replacements for human organs.
- (7) Medical equipment and supplies.

"Emergency aircraft flights for medical purposes" do not include the transportation of medical personnel to attend seminars, conferences, or speaking appearances in which undue delay would not jeopardize any patient's medical condition.

(c) Written information concerning the emergency shall be submitted to the airport proprietor for all emergency aircraft flights within 72 hours prior or subsequent to the departure or arrival of the aircraft. For all emergency aircraft flights for medical purposes, the information shall include the patient's name and address, the names of medical attendants or personnel and the discipline in which they are licensed or hold a certificate to practice, a signed statement by the attending physician specifying that a medical emergency was involved, the requesting medical facility or agency, the intended destination, the type and registration number of the aircraft, and the names of all flight crew members.

This subdivision does not apply to emergency aircraft flights for medical purposes by law enforcement, fire fighting, or military personnel.

(d) Any airport that incurs additional expenses in order to accommodate the arrival or departure of emergency aircraft flights for medical purposes may charge the patient on whose behalf the flight is made, or any organization or entity which has volunteered to reimburse the airport, for those expenses.

(e) For emergency aircraft flights for medical purposes, when two airports are located in the same geographical area, and one of the airports is a "closed" or restricted airport, the Legislature encourages the use of the "open" or unrestricted airport when feasible, rather than using the "closed" or restricted airport.

(f) When leasing aircraft for flights for emergency medical purposes, the Legislature encourages the use, when feasible, of aircraft which comply with local noise ordinances.

Helicopters in Proximity to Certain Schools Prohibited

21662.5. Notwithstanding Section 21006 or Section 21661 or any other provision of law to the contrary, no helicopter may land or depart in any area within 1,000 feet, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the department or by a public safety agency designated by the department, unless the landing or departure takes place at a permitted permanent heliport, or is a designated emergency medical service landing site.

Before approval of the landing or departure of a helicopter pursuant to this section, all schools within the specified area shall be notified by the department or public safety agency of the application and shall have 15 days after the notice in which to demand a public hearing. The public hearing shall be held at a location in the immediate vicinity of the landing or departure site. The department or public safety agency shall not grant approval pursuant to this section unless it has first found that helicopter operations at the proposed site can be conducted in a safe manner, and in accordance with criteria established by the department.

This section shall not prevent the governing body of any city or county from enacting ordinances or regulations imposing restrictions equal to or greater than those imposed by this section.

Operation Without Permit

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport unless an appropriate airport permit required by rule of the department has been issued by the department and has not subsequently been revoked.

Approval of Sites; Application

21664. Any political subdivision or person planning to construct, establish, or expand an airport shall apply for the appropriate permit from the department prior to the construction, establishment or expansion. The application shall set forth the location of all highways, railways, wires, cables, poles, fences, schools, residential areas and places of public gathering, and any other information as may be required by the rules and regulations of the department. Whenever an airport owned or operated by the United States ceases to be so owned or operated, any political subdivision or person desiring or planning to own or operate the airport shall apply to the department in compliance with the provisions of this article. If the airport holds a permit issued by the department, the application shall be confined to consideration of the matters enumerated in subdivision (e) of Section 21666.

Amended Airport Permits; Airport Expansion Defined

21664.5. (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

(b) As used in this section, "airport expansion" includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

(3) The extension or realignment of an existing runway.

(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).

(c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.

Issuance of Permits; Requirements; Conditions

21666. The department shall issue a permit if it is satisfied that all of the following requirements have been met:

(a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit if it is satisfied that the airport will conform to minimum standards of safety.

(b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.

(d) The department when issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.

(e) The advantages to the public in selection of the site of a proposed new airport outweigh the disadvantages to the environment or, in the case of an amended permit, the advantages to the public of the proposed airport expansion outweigh the disadvantages to the environment. Environmental considerations include but are not limited to noise, air pollution, and the burden upon the surrounding area caused by the airport or airport expansion, including but not limited to, surface traffic and expense. The standards by which noise considerations are weighed shall be the level of noise acceptable to a reasonable person residing in the vicinity of the airport. The regulations adopted by the department pursuant to Section 21669 may be considered in determining such level of noise.

Each permit issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to issue a permit under this article if it determines that the requirements of this section have not been met. Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether the permit should be issued.

Revocation of Permit; Grounds

21668. The department may revoke any airport permit if it determines that any of the following conditions are present:

(a) There has been an abandonment of a site or an airport.

(b) There has been a failure within the time prescribed to develop the site as an airport or to comply with the conditions of the approval as set forth in the permit.

(c) The airport or site no longer conforms to the minimum airport standards prescribed by the department, or no longer complies with the conditions imposed in the airport permit or site approval.

(d) The owner or operator of a permitted airport has failed to comply with any rule or regulation of the department.

(e) The site may no longer be safely used by the general public because of a change in physical or legal conditions either on or off the airport site.

The department shall not revoke a permit under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary revocation. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the revocation shall remain in effect.

Suspension of Operation

21668.2. In lieu of revoking an airport permit pursuant to Section 21668, the department may suspend any airport permit, or may require suspension of operations of a portion of an airport, and such suspension shall remain in effect until the department determines that the conditions requiring the suspension no longer exist.

The department shall not order a suspension under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary suspension. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the suspension shall remain in effect.

Adoption of Noise Standards

21669. The department shall adopt noise standards governing the operation of aircraft and aircraft engines for airports operating under a valid permit issued by the department to an extent not prohibited by federal law. The standards shall be based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport.

Existing Residential Conversion

21669.1. (a) Land use conversion involving existing residential communities shall generally be considered the least desirable action for achieving compliance with noise standards regulations adopted by the Department of Transportation pursuant to Section 21669.

(b) Nothing in this section creates a private right of action in any civil litigation.

(c) This section is declaratory of existing regulations of the department.

Guidelines

21669.2. In its deliberations, the department shall be governed by the following guidelines:

(a) Statewide uniformity in standards of acceptable airport noise need not be required, and the maximum amount of local control and enforcement shall be permitted.

(b) Due consideration shall be given to the economic and technological feasibility of complying with the standards promulgated by the department.

Effective Date of Regulations

21669.3. Any regulations designed to establish a noise monitoring program at an airport entering service after November 30, 1971, shall go into effect on the date the airport enters service.

Violation of Standards; Enforcement; Penalties

21669.4. (a) The violation of the noise standards by any aircraft shall be deemed a misdemeanor and the operator thereof shall be punished by a fine of one thousand dollars (\$1,000) for each infraction.

(b) It shall be the function of the county wherein an airport is situated to enforce the noise regulations established by the department. To this end, the operator of an airport shall furnish to the enforcement authority designated by the county the information required by the department's regulations to permit the efficient enforcement thereof. The operator of each airport shall reimburse the county for its costs of implementing the airport noise regulations contained in Article 8 (commencing with Section 5050) of subchapter 6 of Title 4 of the California Administrative Code, which shall, for purposes of subdivision (c), credit the operator for any amounts received from penalties assessed for violations at such airport. Upon request of the operator, the department shall review and shall determine the reasonableness of such costs, and such costs may be considered in fixing any airport user fees.

(c) Penalties assessed for the violation of the noise regulations shall be used first to reimburse the General Fund for the amount of any money appropriated to carry out the purposes for which the noise regulations are established, and second be used in the enforcement of the noise regulations at participating airports.

Hearing Procedures

21669.6. Hearings under this article required by the provisions of Sections 21665, 21666, 21668, 21668.2, and 21669, or regulations adopted pursuant to such provisions, shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3.5. Airport Land Use Commission

Creation; Membership; Selection

21670. (a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

(2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation.

For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:

(1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.

(2) Two representing the county, appointed by the board of supervisors.

(3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(4) One representing the general public, appointed by the other six members of the commission.

(c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article, that special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

Action by Designated Body Instead of Commission

21670.1. (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

Los Angeles County

21670.2. (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

San Diego County

21670.3. (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 30, 2005, after reviewing the existing airport land use compatibility plan adopted pursuant to Section 21675, adopt an airport land use compatibility plan.

(b) Any airport land use compatibility plan developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 2005, unless the San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

Intercounty Airports

21670.4. (a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the

affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

(1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

(A) One representing the cities in each of the counties, appointed by that county's city selection committee.

(B) One representing each of the counties, appointed by the board of supervisors of each county.

(C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

(D) One representing the general public, appointed by the other six members of the commission.

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

Airport Owned by a City, District, or County

21671. In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

Term of Office

21671.5. (a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

Rules and Regulations

21672. Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

Initiation of Proceedings for Creation by Owner of Airport

21673. In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

Powers and Duties

21674. The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

Training of Airport Land Use Commission's Staff

21674.5. (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of airport land use compatibility plans.

(2) The development of criteria for determining the airport influence area.

(3) The identification of essential elements that should be included in the airport land use compatibility plans.

(4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.

(5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.

(c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:

(1) By offering formal courses or training programs.

(2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.

(3) By producing and making available written information.

(4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

Airport Land Use Planning Handbook

21674.7. (a) An airport land use commission that formulates, adopts, or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

(b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of

Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

Land Use Plan

21675. (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission's airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

(b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The airport influence area shall be established by the commission after hearing and consultation with the involved agencies.

(d) The commission shall submit to the Division of Aeronautics of the department one copy of the airport land use compatibility plan and each amendment to the plan.

(e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

Adoption of Land Use Plan

21675.1. (a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.

(b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

- (1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.
- (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

Approval or Disapproval of Actions, Regulations, or Permits

21675.2. (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.

(d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

Review of Local General Plans

21676. (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed

decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

Review of Local Plans

21676.5. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

Marin County Override Provisions

21677. Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

Airport Owner's Immunity

21678. With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

Court Review

21679. (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.

(b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:

(1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.

(2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.

(3) Rescinds the action.

(4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.

(d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.

(e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

(f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

Deferral of Court Review

21679.5. (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.

(b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991, date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.

(c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

Article 4. Aeronautics Fund

Continuation; Continuous Appropriation

21680. (a) The Aeronautics Fund is hereby continued in existence as the Aeronautics Account in the State Transportation Fund. The moneys deposited to the credit of the account are continuously appropriated for expenditure by the board and the department as provided in this article.

(b) Any reference in any law or regulation to the Airport Assistance Revolving Fund, the Airport Assistance Fund, or the Aeronautics Fund shall be deemed to refer to the Aeronautics Account in the State Transportation Fund. As used in this article, "fund" shall be deemed to refer to the Aeronautics Account in the State Transportation Fund.

Definitions

21681. As used in this article, the following terms have the following meanings:

(a) "Own and operate" means that the public entity shall own the property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and shall maintain dominion and control of the property, except that the public entity may provide by contract with a person for the operation and management of an airport otherwise meeting the requirements of this article. Operations of the airport shall be for, and on behalf of, the public entity. All leases to the public entity of property are required to be approved by the department. A lease of the property by the public entity to an agent or agency other than to a public entity does not meet the criteria for participation in airport assistance funds.

(b) "Matching funds" means money that is provided by the public entity and does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation except air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision, airport land use commission, community services district, or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(f) "Airport and aviation purposes" means expenditures of a capital improvement nature, including the repair or replacement of a capital improvement, and expenditures for compatible land use planning in the area surrounding an airport, for any of the following purposes:

(1) Land acquisition for development and improvement of general aviation aircraft landing facilities.

(2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.

(3) Construction or reconstruction of runways or taxiways.

(4) Acquisition of "runway protection zones" as defined in Federal Aviation Administration Advisory Circular 150/1500-13.

(5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.

(6) Removal of natural obstructions from runway protection zones.

(7) Installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.

(8) Installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.

(9) Installation of minimum security fencing around the perimeter of an aircraft landing facility.

(10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.

(11) Construction or reconstruction of transient general aviation aircraft parking areas.

(12) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.

(13) Air navigational facilities.

(14) Engineering and preliminary engineering related directly to a project funded under this article.

(15) Other capital improvements as may be designated in rules and regulations adopted by the department.

(16) Activities of an airport land use commission in connection with the preparation of a new or updated airport land use compatibility plan pursuant to Section 21675. Expenditures that cannot be clearly identified as capital improvements shall be submitted to the department for consideration and approval.

(17) Airport master plans and airport layout plans.

(g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures that are included in insurance, professional services, supplies, construction equipment,

upkeep and landscaping, and other items of expenditure designated as "operation and maintenance" in rules and regulations adopted by the department.

(h) "Enplanement" means the boarding of an aircraft by a revenue passenger, including an original, stopover, or transfer boarding of the aircraft. For purposes of this subdivision, a stopover is a deliberate and intentional interruption of a journey by a passenger scheduled to exceed four hours in the case of an intrastate or interstate passenger or not to exceed 24 hours in the case of an international passenger at a point between the point of departure and the point of destination, and a transfer is an occurrence at an intermediate point in an itinerary whereby a passenger or shipment changes from a flight of one carrier to another flight either of the same or a different carrier with or without a stopover.

Payments from Fund

21682. (a) The department shall establish individual revolving fund subaccounts for eligible airports in the Aeronautics Account in the State Transportation Fund. Money payable under this section shall be credited to individual airport subaccounts annually, and may be accumulated for a maximum period of five years.

(b) The department shall, subject to Section 21684, credit from the Aeronautics Account to each public entity owning and operating an airport or airports under a valid permit issued by the department for every airport which has not been designated by the Federal Aviation Administration as (1) a reliever airport, as defined in Section 503 (a) (19) of the federal Airport and Airway Improvement Act of 1982, as amended, or (2) a commercial service airport, as defined in Section 503 (a) (5) of the federal Airport and Airway Improvement Act of 1982, as amended, the sum of ten thousand dollars (\$10,000) annually for each qualifying airport. These funds shall be paid to public entities upon request for expenditure on preapproved eligible projects. Eligible public entities may submit applications for the withdrawal of credited funds for expenditure on proposed projects in letter form to the department for review and approval. Projects identified shall be for airport and aviation purposes and operation and maintenance purposes. No payment made under this section is transferable, but shall be expended only upon the airport for which the payment is made, unless the department authorizes a payment to be transferred for expenditure on another airport owned or operated by the public entity. The department may establish any accounting systems it deems necessary to provide for the cumulation and expenditure of funds under this subdivision.

(c) If, in any year, there is insufficient money in the Aeronautics Account to make the credits specified in subdivision (b), the department shall, subject to Section 21684, credit to each public entity subaccount an amount which is equal to the total amount of money in the Aeronautics Account multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity for which credit is required to be made pursuant to subdivision (b) bear to the total number of airports for which credit is required to be made pursuant to subdivision (b).

(d) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct these activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

(e) The department shall adopt rules and regulations and establish procedures to effect prompt payment to public entities for eligible airport projects from money credited pursuant to this section.

Payment of Aviation Share of Comprehensive Transportation Planning Costs

21682.5. The department shall pay, from the Aeronautics Account to the Transportation Planning and Development Account in the State Transportation Fund, a sum equal to the pro rata share of the comprehensive transportation duties attributable to aviation planning and research, as determined by the Director of Transportation.

Use of Balance

21683. Any public entity may apply to the department each year for the allocation of funds for the acquisition or development of airports. The commission may, pursuant to rules and regulations promulgated by the department, make an allocation to the public entity if it determines that the proposed acquisition or development is feasible and in accordance with the policies and standards established by the department. The department shall make recommendations to the commission on all applications. Such allocations shall be represented as subventions in the department budget in accordance with Section 21206.

No moneys paid under this section shall be expended for operation and maintenance. No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

Use of Funds for Local Match for Federal Airport Improvement Program Grants

21683.1. (a) At the discretion of the commission, any balance remaining in the Aeronautics Account, after the payments made under Section 21682, may be used to provide a portion of the local match for federal Airport Improvement Program grants. Matching shall be provided only for grants at general aviation airports, or at airports that have been designated by the Federal Aviation Administration as reliever airports, as defined in Section 503(a)(19) of the federal Airport and Airway Improvement Act of 1982, as amended.

(b) Funds shall not be allocated by the commission until the federal grant offer is accepted by the public entity. Upon allocation by the commission, the department may pay a public entity an amount equal to 5 percent of the amount of a federal Airport Improvement Program grant. These funds are excluded from the requirements of Section 21684.

(c) Funds shall not be allocated by the commission until the federal grant offer is accepted by the public entity. Upon allocation by the commission, the department may, until December 31, 2006, pay a public entity an amount equal to the 10 percent local match required for a federal Airport Improvement Program grant for security projects at small general aviation airports. For purposes of this section, a "security project" means a project to install or maintain fencing, gates, security lighting, access controls systems, and surveillance systems. For purposes of this section a "small general aviation airport" means an airport with fewer than 80,000 annual landings and take-offs of aircraft.

Use of Balance in Aeronautics Account

21683.2. Any balance remaining in the Aeronautics Account, after the payments made under Section 21682 and Section 21683.1, shall be used at the discretion of the commission for airport and aviation purposes subject to the provisions of Section 21684.

Special Aviation Fund

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity for a project pursuant to Section 21683.2 unless the public entity deposits in its special aviation fund a sum from other than state or federal sources, established annually by the commission at not less than 10 percent nor more than 50 percent of the nonfederal portion of the project.

Notwithstanding the provisions of this subdivision requiring matching funds, the department shall pay to each public entity owning and operating an airport or airports the annual amount that is in accordance with Section 21682.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21683.2 unless the university deposits in its special aviation fund each year, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds based on the rate established annually by the commission pursuant to subdivision (a), or unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum based on the rate established annually by the commission pursuant to subdivision (a). However, any sums so deposited by the university or paid by the city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

Use of Balance of Fund to Purchase Emergency Search and Rescue Equipment

21684.1. Notwithstanding the provisions of Section 21683, any balance remaining in the fund after the payments made under Section 21682 may be used by the department to purchase emergency search and rescue equipment and to make such equipment available for use by recognized search and rescue groups. The equipment shall remain the property of the department. No more than eight thousand dollars (\$8,000) shall be expended pursuant to this section for the purchase of emergency search and rescue equipment.

Allocation of Funds for Construction of Airports

21684.5. Notwithstanding the provisions of this article inasmuch as they require matching funds the department may allocate funds to public agencies for the construction of airports.

Allocation of Funds to Counties

21684.6. Notwithstanding the provisions of this article, inasmuch as they require matching funds, the department may allocate funds to a county or a city for the construction of recreational airports or reliever training airstrips in accordance with regulations of the department if the county or city supplies the land and maintains and operates all facilities of such airport or airstrip.

Special Aviation Fund; Payments to State College or University Branch

21685. Any public entity may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the public entity may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the public entity paying the money.

Audit of Books and Records of Public Agencies

21686. It shall be the duty of any public entity receiving payments or allocations under this article to periodically audit its books and records as deemed necessary by the department for the purpose of determining that the money received has been expended for the purposes and under the conditions authorized by this article.

Airports No Longer Open to the General Public; Payments to State

21687. (a) (1) If an airport, for which payments have been made from the Aeronautics Account, ceases to be open to the general public for more than one year, the public entity to which those payments were made shall pay to the state funds equal to the amount computed by the department pursuant to paragraph (2), and those funds shall be deposited in the Aeronautics Account.

(2) (A) The department shall compute an amount equal to the total of all payments made for the airport from the Aeronautics Account during the preceding 20 years, less 5 percent of the amount of a particular payment multiplied by the number of years since the payment was made, or the unused balance, whichever is greater.

(B) The computation described in subparagraph (A) shall not include any payment the department made pursuant to Section 21682, if, upon the request of the public entity that owns and operates the airport, the department determines that the airport is not necessary to the system of public airports in this state. When making this determination, the department shall consider all of the following factors:

- (i) Whether the airport is approved for night operations.
- (ii) Whether the airport has an approved instrument approach procedure.
- (iii) How many aircraft are based at the airport.
- (iv) Whether the airport is used for airborne fire attacks.
- (v) Whether the airport is used for emergency medical transportation.
- (vi) What services the airport provides for the community.
- (vii) The size of the community that is served by the airport.
- (viii) Whether any aviation or transportation planning agency has designated the airport as having a significant role.

(ix) Whether a suitable, public-use airport is situated within a reasonable distance.

(x) Whether closure of the airport will have a negative effect on other airports.

(xi) Whether the airport is used for law enforcement purposes.

(b) This section does not apply to either of the following:

(1) An airport that is replaced by a comparable facility, as determined by the department, within a period of one year.

(2) An airport for which the department, on or after January 1, 1981, has suspended the airport permit and for which payments made pursuant to this article are being expended to correct the deficiency or condition that resulted in the suspension of the airport's permit.

Limitation on Expenditure of Funds

21688. (a) No payments shall be made from the Aeronautics Account for expenditure on any airport or for the acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards.

Height restrictions shall be considered adequate if as a minimum they meet the obstruction standards of subchapter C of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, as these standards apply to civil airport imaginary surfaces related to runways.

The airport-owning entity shall have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may rise, air navigation easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

(b) This section shall not prevent or prohibit the department from assisting any public agency or public entity in planning airport development or in planning the zoning needs around an airport.

Article 4.5. Airport Facilities and Concessions

Legislative Findings

21690.5. The Legislature finds and declares as follows:

(a) The proper operation of California's publicly owned or operated airports is essential to the welfare of the state and its people.

(b) California's publicly owned or operated airports establish a vital transportation link between the state and the economic systems of the nation and the world, and enable the state to enjoy and provide the benefits of an international tourist and commercial center.

(c) The economic validity and stability of California's publicly owned or operated airports is, consequently, a matter of statewide importance.

(d) The policy of this state is to promote the development of commerce and tourism to the end of securing to the people of this state the benefits of these activities conducted in the state.

(e) Therefore, since the proper operation of the state's publicly owned or operated airports is essential to the welfare of the state and its people, the Legislature recognizes and affirms such operation as a governmental function to be discharged in furtherance of the policy of securing the benefits of commerce and tourism for the state and its people.

Scope of Law

21690.6. The provisions of this article shall apply to any airport owned or operated by a political subdivision, including a charter city.

Promotion of Commerce and Tourism

21690.7. The governing bodies of publicly owned or operated airports shall manage airport facilities and grant airport concessions in furtherance of the development of commerce and tourism in or affecting the state. In managing facilities and granting concessions for services to the public, such airport governing bodies shall promote the development of commerce and tourism by (a) securing a diversity of airport services; (b) avoiding wasteful duplication of such services; (c) securing to the users of airports safe, courteous, and quality service; (d) limiting or prohibiting business competition which is destructive of the ends of promoting commerce and tourism in the state; (e) allocating limited airport resources to promote such ends; and (f) fostering California's image as a commercial and tourist center.

Exclusive Agreements

21690.8. The Legislature recognizes that to further the policies and fulfill the objectives stated in this article, it is often necessary that publicly owned or operated airports enter into exclusive or limited agreements with a single operator or a limited number of operators. The governing bodies of publicly owned or operated airports shall grant exclusive or limited agreements to displace business competition with regulation or monopoly service whenever the governing body determines, in consideration of the factors set forth in Section 21690.9, that such agreements are necessary to further the policies and to fulfill the objectives stated in this article. The Legislature contemplates that publicly owned or operated airports will grant exclusive or limited agreements in furtherance of the policy of this state to displace business competition by exclusive or limited agreements to fulfill these policies and objectives.

Determination of Necessity

21690.9. Before entering any exclusive or limited agreement in connection with the management of any airport facility or the operation of any airport concession, the governing body of a publicly owned or operated airport shall, under authority hereby expressly delegated by the state, determine the necessity for an exclusive or limited agreement. The governing body shall consider the following factors to determine the necessity for an exclusive or limited agreement to further the policies and objectives stated in this article:

(a) Public safety.

(b) Public convenience.

- (c) Quality of service.
- (d) The need to conserve airport space.
- (e) The need to avoid duplication of services.
- (f) The impact on the environment or facilities of the airport as an essential commercial and tourist service center.
- (g) The need to avoid destructive competition which may impair the quality of airport services to the public, lead to uncertainty, disruption, or instability in the rendering of such services, or detract from the state's attractiveness as a center of tourism and commerce.

In making its determination, the airport operator shall not be required to take evidence or to make findings of fact.

Compliance with Other States

21690.10. Nothing in this article shall excuse any local agency from complying with applicable state or local requirements for competitive bidding or public hearings which may be required prior to the awarding or entering into of any bid, agreement or lease.

Article 5. Los Angeles International Airport Relocation and Development

Legislative Findings

21690.20. The Legislature hereby finds that Los Angeles International Airport is one of the important air terminals of the world, making a significant contribution daily to the economy of California.

Since 1959, jet air traffic at the airport has increased from 80 flights daily to nearly 1,000 daily. This increasing air traffic and necessary expansion of airport facilities has had an adverse affect on the residents of the surrounding areas. Expansion and development has and is expected to require the acquisition of many homes in the vicinity of the airport and has rendered other homes in areas subjected to aircraft noise nearly uninhabitable. Property owners in the vicinity of the airport are either unable to sell their homes or able to sell only at depressed market prices. Under present laws, the Department of Airports of the City of Los Angeles is required only to pay homeowners "fair market value" for their property. With increasing property costs and current high interest rates, it is impossible for a homeowner to purchase a comparable dwelling in a comparable residential area for amounts now being paid as "fair market value."

The City Council of the City of Los Angeles has initiated this legislation to enable the city to (1) assist displaced homeowners to relocate in comparable residential areas and housing, (2) provide, where available, replacement housing acceptable to affected homeowners, and (3) purchase affected homes to compensate homeowners for the depressed values of their property.

There is precedent for the provision of replacement housing, where available, in Chapter 953 of the Statutes of 1968, by which the Department of Public Works is authorized to provide relocation assistance and replacement housing to certain individuals and families displaced because of construction of certain state highway projects. Further, there is precedent for relocation payments to compensate certain homeowners in Public Law 90-495 and in Chapter 3 of the Statutes of 1968, First Extraordinary Session.

Definitions

21690.21. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

- (a) "Airport" means Los Angeles International Airport.
- (b) "Department" means the Department of Airports, City of Los Angeles.
- (c) "Mayor" means the Mayor of the City of Los Angeles.
- (d) "Board" means the Los Angeles International Airport Property Acquisition Board.

Authority of Department

21690.22. Notwithstanding any other provision of law, the department is authorized to:

- (a) Assist homeowners displaced by the expansion of the airport to relocate in comparable residential areas and housing.
- (b) Provide, where available, replacement housing acceptable to affected homeowners.
- (c) Purchase affected property to compensate homeowners for the depressed values of their property as a result of the proximity of the airport to enable such homeowners to purchase comparable housing under more normal market conditions.

Expenditure of Available Funds

21690.23. The department is authorized to expend any available funds, including state and federal funds, for the purpose of purchasing homes from homeowners displaced by the expansion of the airport and relocating or providing suitable replacement housing for such persons, notwithstanding any other provision of law.

Petition for Payment of Additional Compensation

21690.24. Upon establishment of a program for additional payments to homeowners by the department pursuant to this article, the affected property owners may petition as provided in Section 21690.26 for the payment of additional compensation for the depressed value of the affected property resulting from the presence and operation of the airport, provided that such owner has not previously recovered any sums in the nature of an inverse condemnation award by reason of the presence and operation of the airport.

Appointment of Board

21690.25. Upon establishment by the department of a program for such additional compensation, the mayor shall appoint, subject to the approval of the city council, five persons who shall constitute the board.

Tenure of Board; Quorum; Duties

21690.26. The members of the board shall serve at the pleasure of the mayor, and any action taken by a majority thereof shall constitute the action of the board. The board shall hear petitions from homeowners dislocated by reason of airport expansion and operations for amounts to be paid in excess of market value of affected property. The board shall establish procedures for the conduct of its business.

Payment of Awards

21690.27. The Board of Airport Commissioners of the City of Los Angeles is directed to pay any sum awarded by the board pursuant to Section 21690.26.

Persons Eligible; Time for Filing Petition; Time for Payment

21690.28. The provisions of this article are available only to persons who own residential property which has been or is being condemned or sold for airport purposes. Petitions for additional compensation may be filed with the board at the same time that condemnation proceedings or acquisition negotiations are initiated; and the board shall pay any sum awarded pursuant to Section 21690.26 within 60 days after condemnation or other acquisition proceedings are completed.

Partial Invalidity

21690.29. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Chapter 5. Proceedings

Investigation, Inquiries, and Hearings

21692. The department, any member, the director, or any officer or employee of the department designated by it may hold investigations, inquiries, and hearings concerning matters covered by this part and the rules and orders of the department, and concerning accidents in aeronautics within this state. Hearings shall be open to the public and, except as provided in Section 21691, shall be held upon such call or notice as the department deems advisable. Each member of the department, the director, and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing may administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. If any person fails to comply with any subpoenas or order issued under the authority of this section, the department or its authorized representative may invoke the aid of any court of general jurisdiction. The court may order such person to comply with the requirements of the subpoena or order to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

Reports of Investigations and Hearings

21693. In order to facilitate the making of investigations by the department in the interest of public safety and promotion of aeronautics, the reports of investigations or hearings or any part of the reports, shall not be admitted in

evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the department or in the name of the state under the provisions of this part or other laws of the state relating to aeronautics. Any member of the department, the director, or any officer or employee of the department shall not be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, nor be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to these limitations, the department may make available to appropriate federal, state, and political subdivision agencies information and material developed in the course of its investigations and hearings.

Orders of Department; Contents; Service; Review

21694. Every order of the department requiring performance of certain acts or compliance with certain requirements shall set forth the reasons, state the acts to be done or requirements to be met, and be served upon the person affected either by registered mail or in person. Any person aggrieved by an order of the department may have the action of the department reviewed by the courts in the manner provided by law.

Chapter 6. Airport Planning

California Aviation System Plan

21701. The division, in consultation with transportation planning agencies as designated by the director pursuant to Section 29532 of the Government Code, shall prepare a California Aviation System Plan, which shall include, but not be limited to, every California airport designated in the federal National Plan of Integrated Airport Systems and any other existing or proposed public use airports, as designated by the division.

Elements in Plan

21702. The California Aviation System Plan shall include, but not be limited to, all of the following elements:

(a) A background and introduction element, which summarizes aviation activity in California and establishes goals and objectives for aviation improvement.

(b) An air transportation issues element, which addresses issues such as aviation safety, airport noise, airport ground access, transportation systems management, airport financing, airport land use compatibility planning, and institutional relationships.

(c) A regional plan alternative element, which consists of the aviation elements of the regional transportation plans prepared by each transportation planning agency. This element shall include consideration of regional air transportation matters relating to growth, capacity needs, county activity, airport activity, and systemwide activity in order to evaluate adequately the overall impacts of regional activity in relation to the statewide air transportation system. This element shall propose general aviation and air carrier public use airports for consideration by the commission for funding eligibility under this chapter.

(d) A state plan alternative element, which includes consideration of statewide air transportation matters relating to growth, including, but not limited to, county activity, airport activity, and systemwide activity in order to evaluate adequately the state aviation system and to designate an adequate number of general aviation and air carrier public use airports for state funding in order to provide a level of air service and safety acceptable to the public.

(e) A comparative element, which compares and contrasts the regional plan alternative with the state plan alternative, including, but not limited to, airport noise, air quality, toxic waste cleanup, energy, economics, and passengers served.

(f) A 10-year capital improvement plan for each airport, based on each airport's adopted master plan if the airport has a master plan, approved by the applicable transportation planning agency, and submitted to the division for inclusion in the California Aviation System Plan.

(g) Any other element deemed appropriate by the division and the transportation planning agencies.

(h) A summary and conclusion element, which presents the findings and recommended course of action.

Submittal to Commission

21703. The division shall submit the California Aviation System Plan to the commission.

Periodic Revision of Plan

21704. The division, in consultation with the transportation planning agencies, shall biennially revise the capital improvement plan developed pursuant to subdivision (f) of Section 21702, and the division shall submit the revised capital improvement plan to the commission. The division, in consultation with the transportation planning

agencies, shall revise all other elements of the California Aviation System Plan every five years, and shall submit the revised system plan to the commission.

Adoption of Revisions by Commission

21705. The commission shall review, hold public hearings on, and, based on these hearings, adopt or revise and adopt as revised, the California Aviation System Plan and its subsequent revisions.

Project Funding Applications

21706. The division shall require that every project submitted for funding from the Aeronautics Account in the State Transportation Fund shall be consistent with the California Aviation System Plan. Applications for funding shall be processed in accordance with the procedures adopted by the commission. In determining the priorities of projects, the division shall, and the transportation planning agencies may, utilize the methodology adopted by the commission for determining the priorities of projects that the commission selects for allocation pursuant to Sections 21683 and 21683.2 and the procedures adopted by the commission.

Federal Grant Funds

21707. Any funds necessary to carry out Sections 21701, 21702, and 21704 shall be obtained from federal grants, except for updates of the capital improvement plan and policy elements of the California Aviation System Plan, which may be funded from nonfederal sources.

APPENDIX B

Caltrans Division of Aeronautics *California Code of Regulations Title 21, Subchapter 6 Noise Standards* may be obtained online at:

<http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/avnoise.php>

REVIEW OF NOISE METRICS

In its deliberations, the Commission investigated other aircraft noise description systems including Composite Noise Rating, Noise Exposure Forecast, Noise and Number Index, and Aircraft Sound Description System. The Commission discussed at length the variability of aircraft noise due to atmospheric conditions and aircraft operations and the inability of any sound measurement system to provide a completely accurate noise description at all times.

The Community Noise Equivalent Level (CNEL) system was adopted by the Commission for the following reasons:

- (1) the system is set forth in the State Code of Regulations (Title 21, California Code of Regulations) and therefore is imbued with legal authority; and
- (2) the Noise Insulation Standards in the State Housing Law (Title 25, California Code of Regulations) specify the use of the CNEL system to describe intrusive noise levels and prescribe soundproofing; and
- (3) the CNEL system most accurately describes those noise levels prescribed in the Noise Element of the Orange County General Plan.

The 60 dB CNEL contour line was chosen as a Planning Boundary by the Commission for the following reasons:

- (1) this level is prescribed in the California Noise Insulation Standards as the criterion for enforcing the use of sound insulation; and
- (2) the flexible nature of a CNEL contour requires that some leeway from the 65 dB level, prescribed in the Noise Standards for California Airports, be created in order to protect inhabitants of the airport environs from noise. The CNEL methodology has been adopted for, and applies to, all airports in Orange County, both civilian and military.

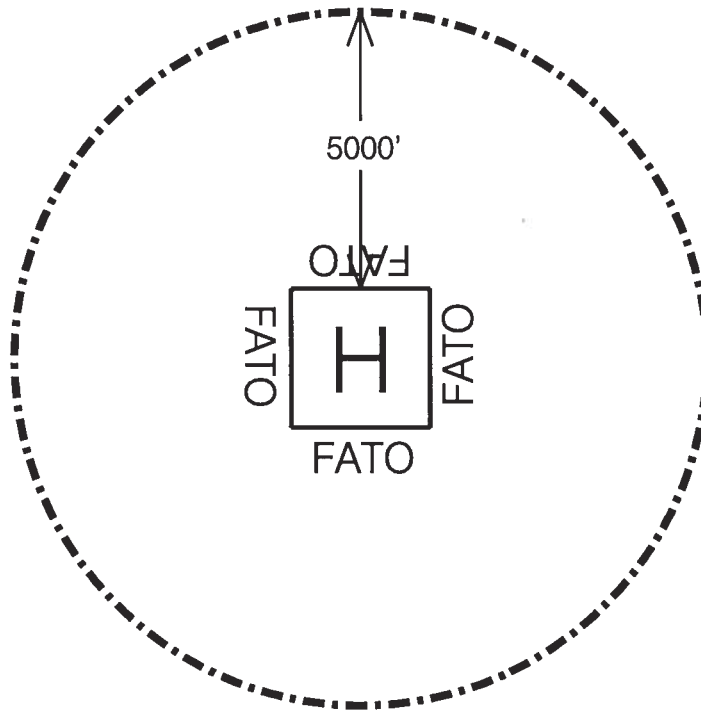
APPENDIX C

Heliport Maps and Layout

- AELUP Notification Area for Heliports
- Figure 1-5. Offsite Development Requiring Notice to FAA
- Figure 2-7. VFR Heliport Approach/Departure and Transitional Surfaces: General Aviation
- Figure 2-8. VFR PPR Heliport Lateral Extension of the 8:1 Approach/Departure Surface: General Aviation
- Figure 3-6. VFR Heliport Approach/Departure and Transitional Surfaces: Transport
- Figure 3-7. Protection Zone: Transport
- Figure 4-6. VFR Heliport Approach/Departure and Transitional Surfaces: Hospital
- Figure 4-7. VFR Heliport Lateral Extension of the 1:8 Approach/Departure Surface: Hospital
- Figure 1-2. Example of a Heliport Layout Diagram
- Orange County Heliports Location Map
- County of Orange Heliport/Helistop List

Note: All exhibits with the exception of the AELUP Notification Area for Heliports, the Orange County Heliports Location Map, and the County of Orange Heliport/Helistop List originate from the FAA Advisory Circular (AC No: 150/5390-2B) dated September 30, 2004. For planning purposes utilize the most current advisory circular.

AELUP Notification Area for Heliports



FAR PART 77

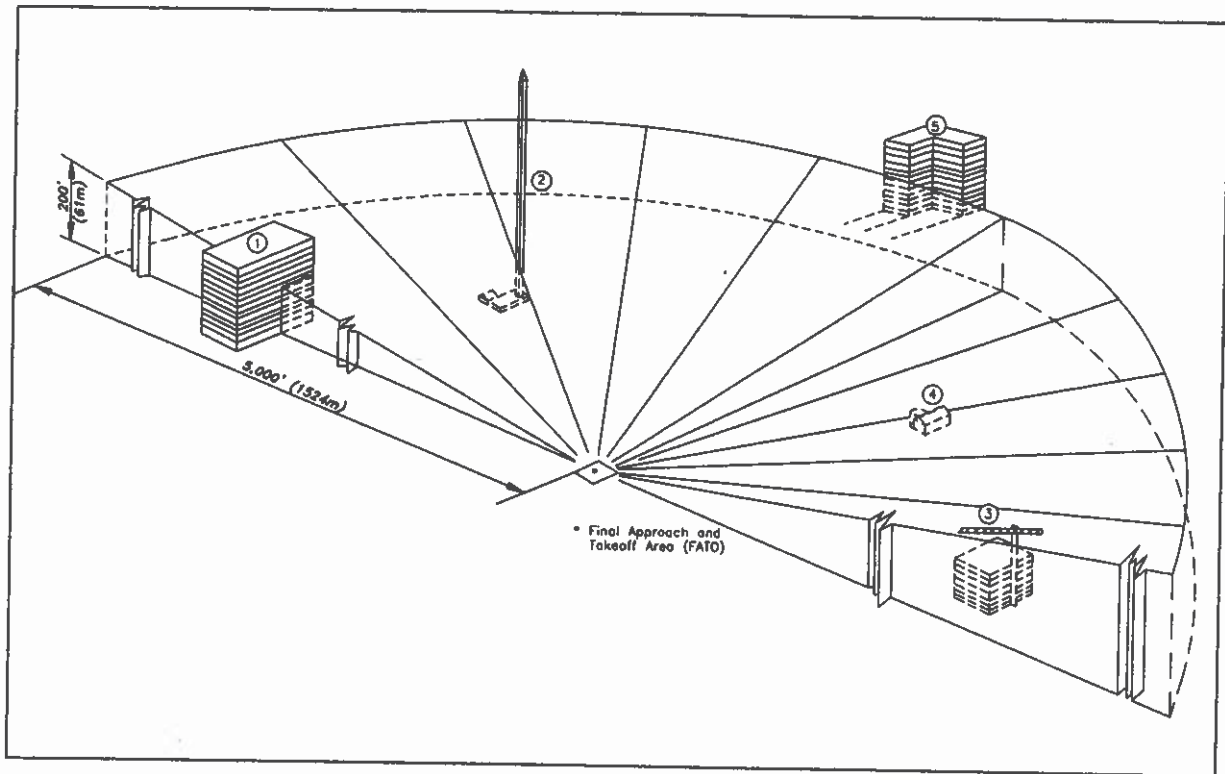
Notification Area for Heliports: 5,000' Radius at 25:1 Slope



CERTIFICATION

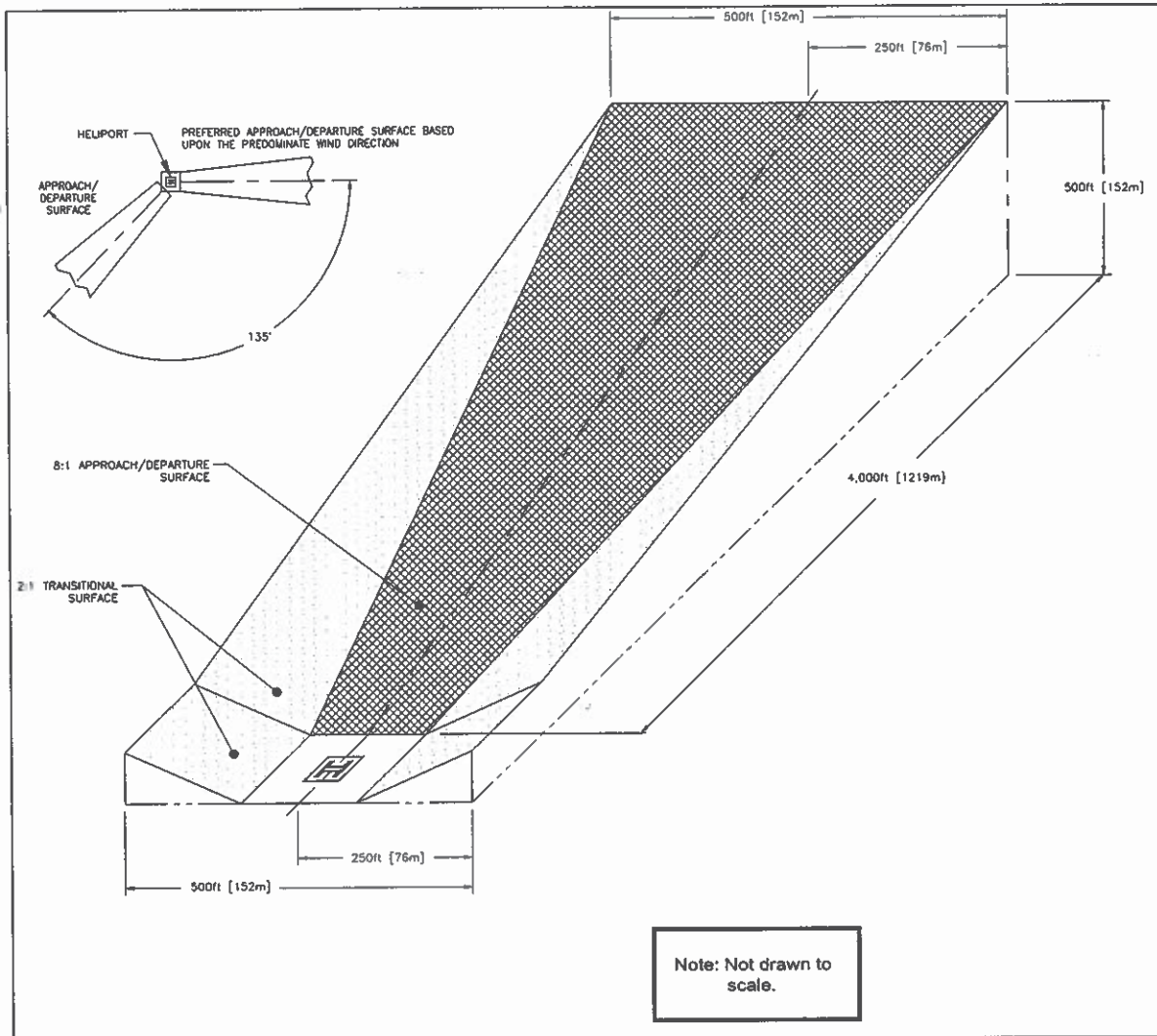
Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni 6/19/08
Kari A. Rigoni, Executive Officer Date

**NOTES:**

1. Building is less than 200 feet (61m) in height, but top will penetrate the 25:1 surface. [Notice is required by 14 CFR PART 77 Subpart B 77.13 (a)(2)(iii).]
2. Antenna is over 200 feet (61m) in height. [Notice is required by 14 CFR PART 77.13(a)(1).] Antenna less than 200 feet (61m) in height, which penetrates the 25:1 surface. [Notice is required by 14 CFR PART 77.13(a)(2)(iii).]
3. Construction crane penetrates 25:1 surface. [Notice is required by 14 CFR PART 77.13 (a)(2)(iii).]
4. Building less than 200 feet (61m) in height and does not penetrate 25:1 surface. [Notice is not required.]
5. Building is more than 5,000 feet (1524 m) from heliport. [Notice is required if building will be 200 feet (61 m) or more in height.]

Figure 1-5. Offsite Development Requiring Notice to the FAA



**Figure 2-7. VFR Heliport Approach/ Departure and Transitional Surfaces:
GENERAL AVIATION**

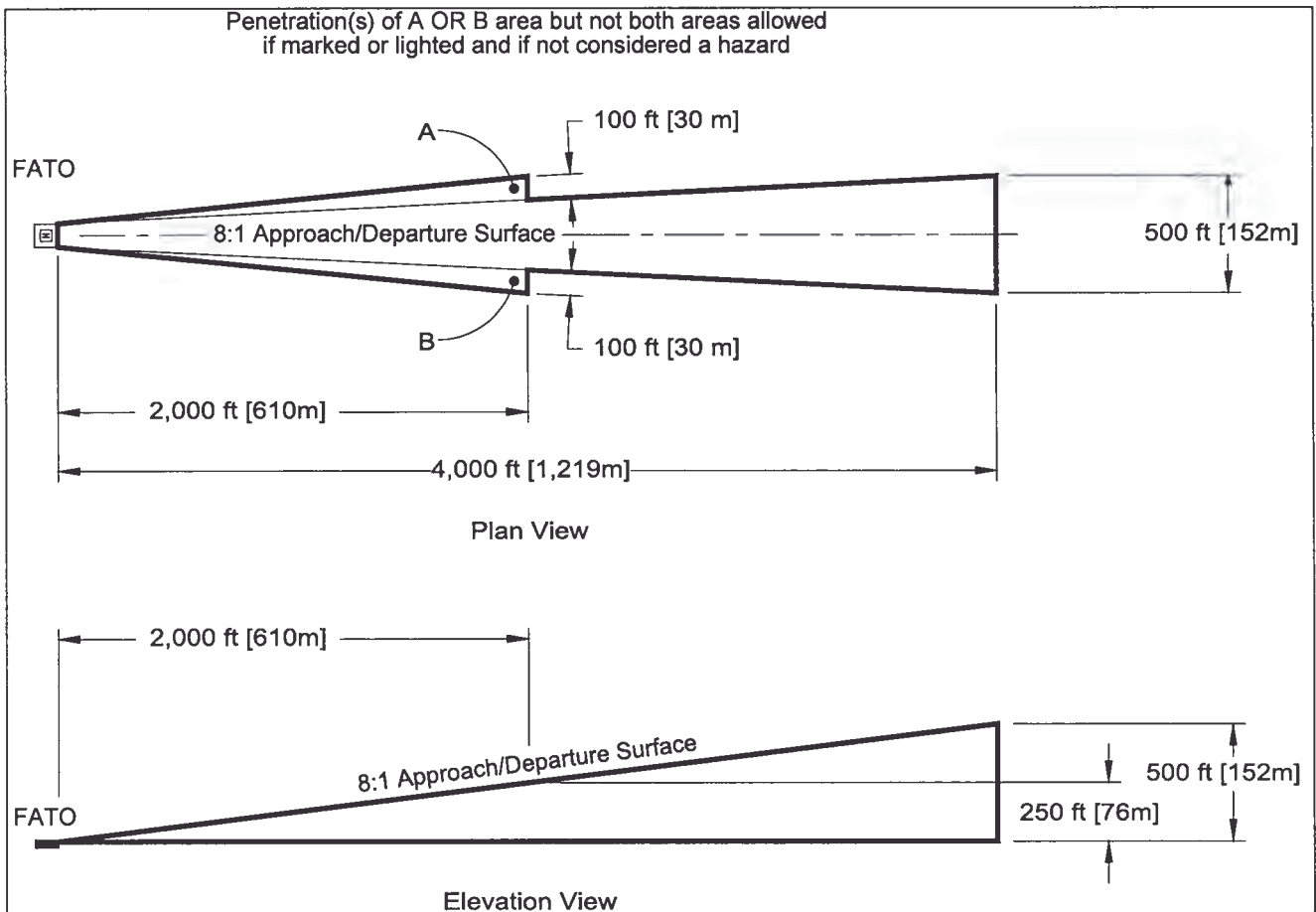


Figure 2-8. VFR PPR Heliport Lateral Extension of the 8:1 Approach/ Departure Surface: GENERAL AVIATION

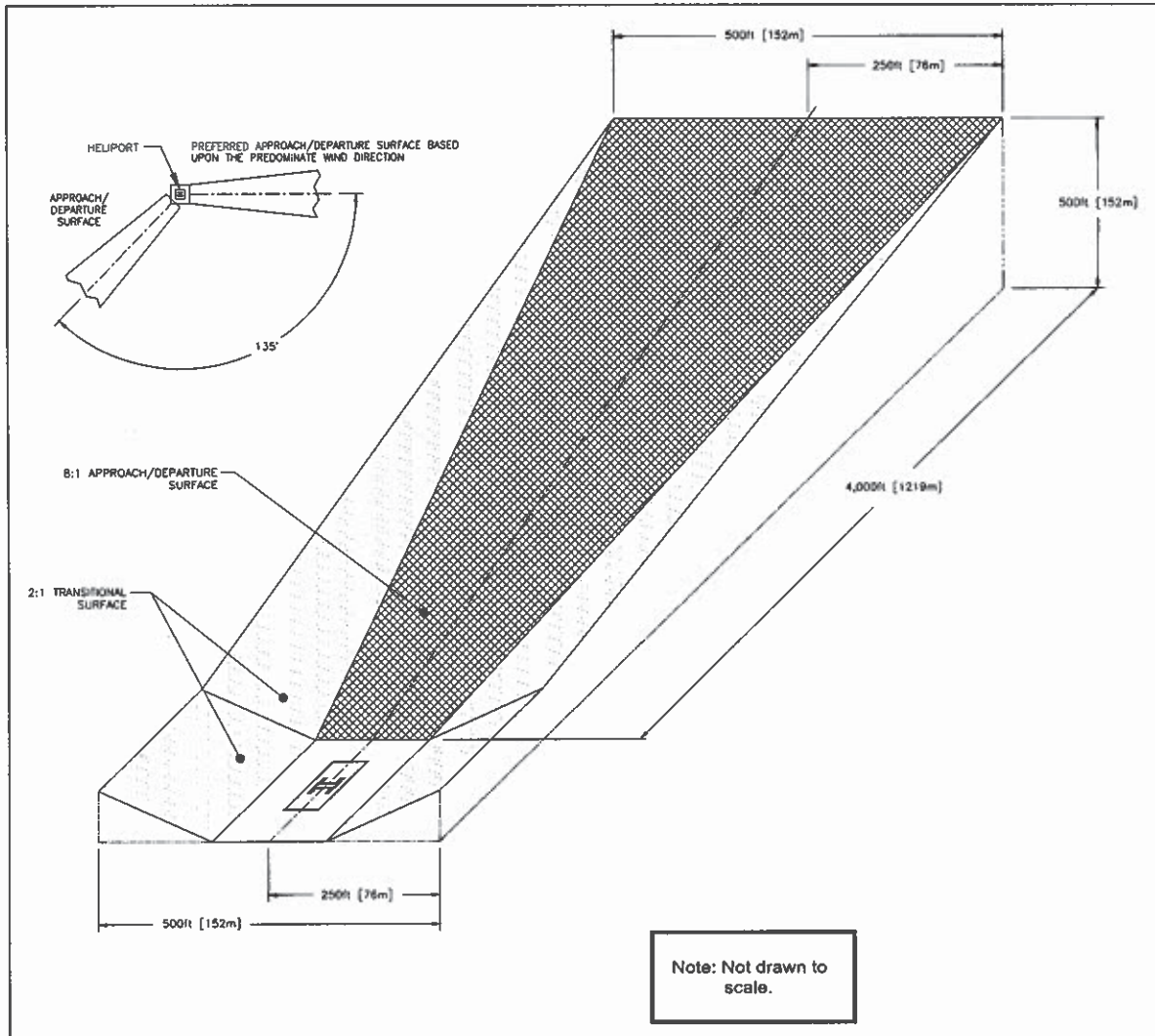
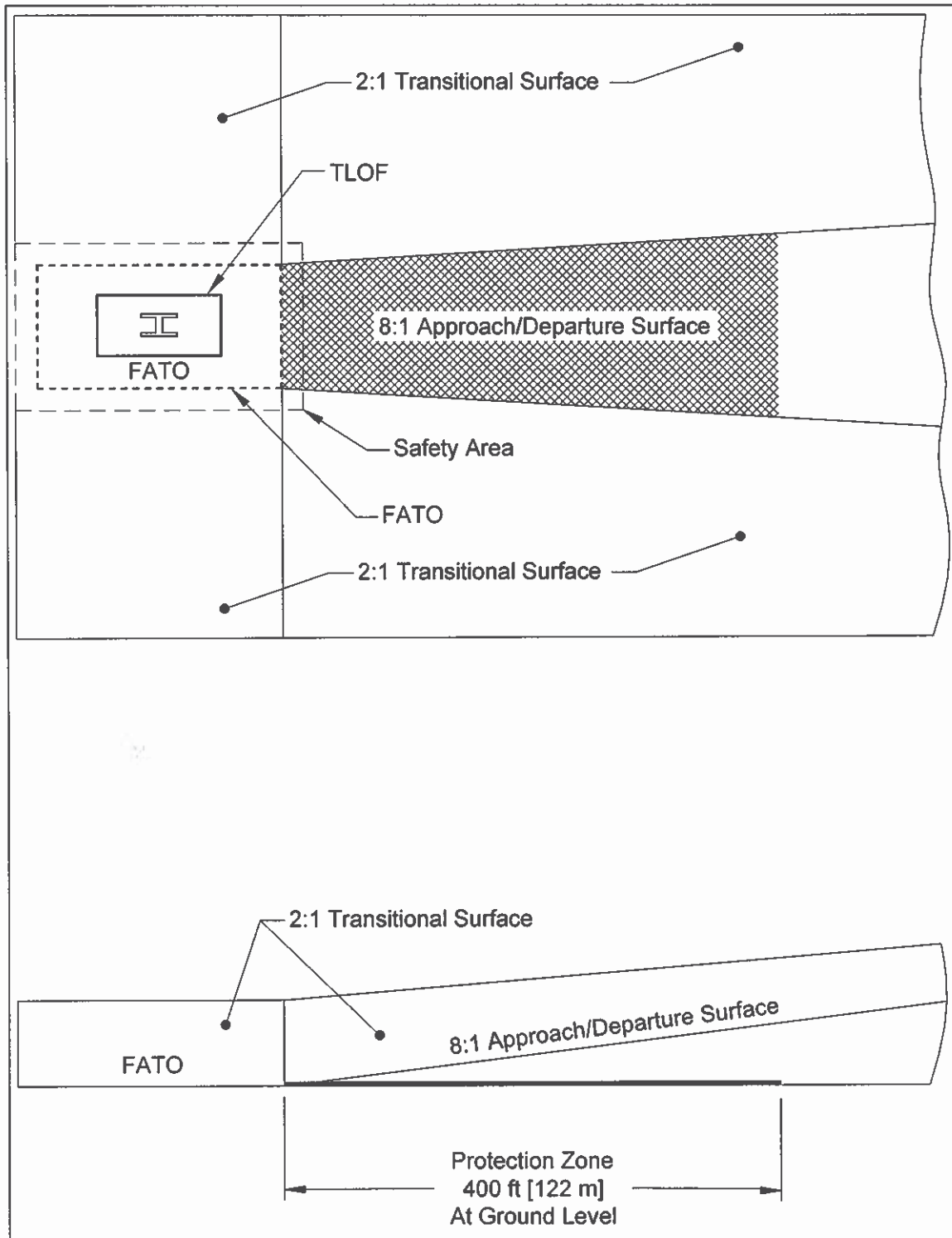
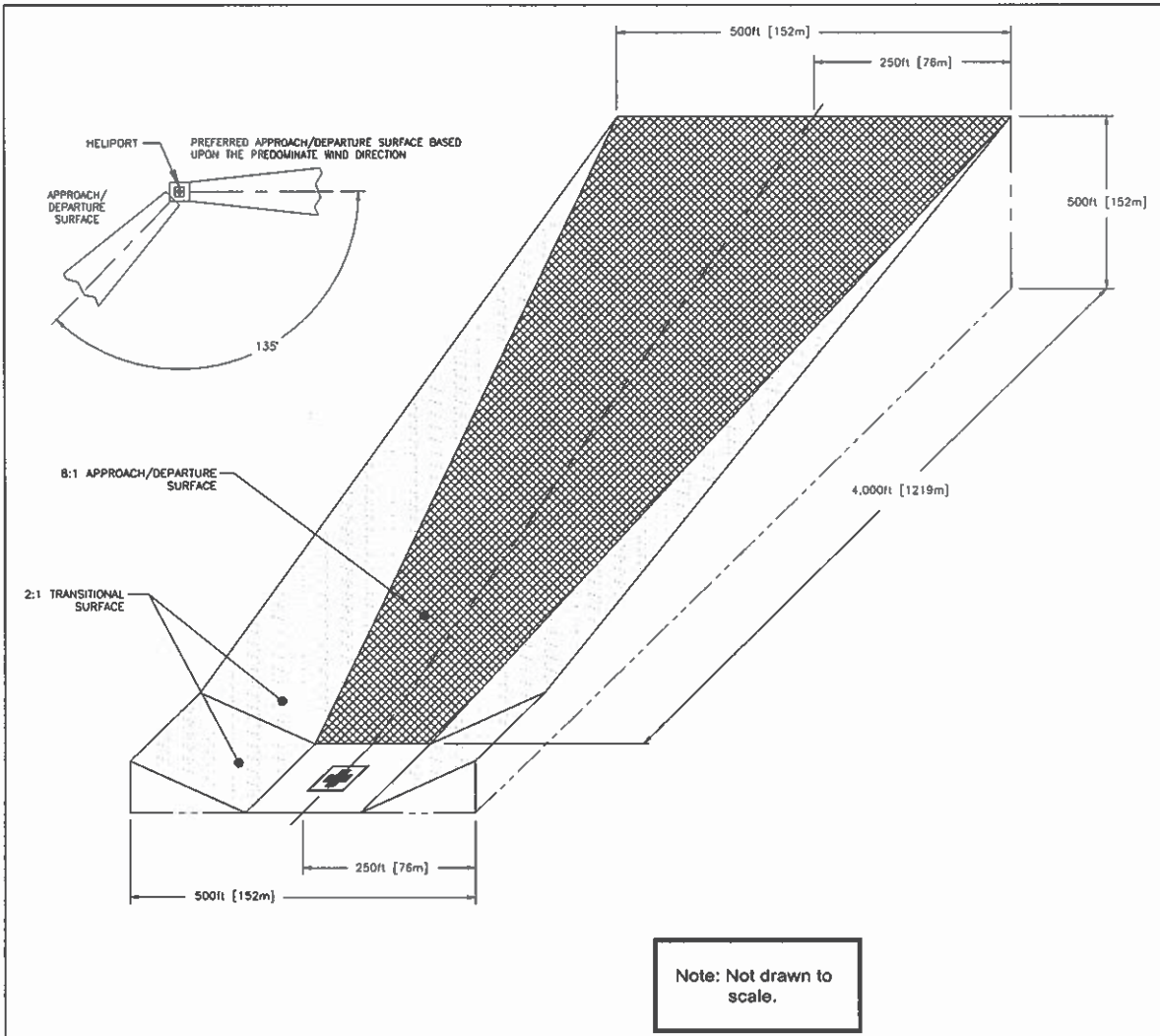


Figure 3-6. VFR Heliport Approach/Departure and Transitional Surfaces: TRANSPORT



**Figure 3-7. Protection Zone:
TRANSPORT**



NOTE: Rotor diameter and weight limitation markings are not shown for simplicity.

**Figure 4-6. VFR Heliport Approach/Departure and Transitional Surfaces:
HOSPITAL**

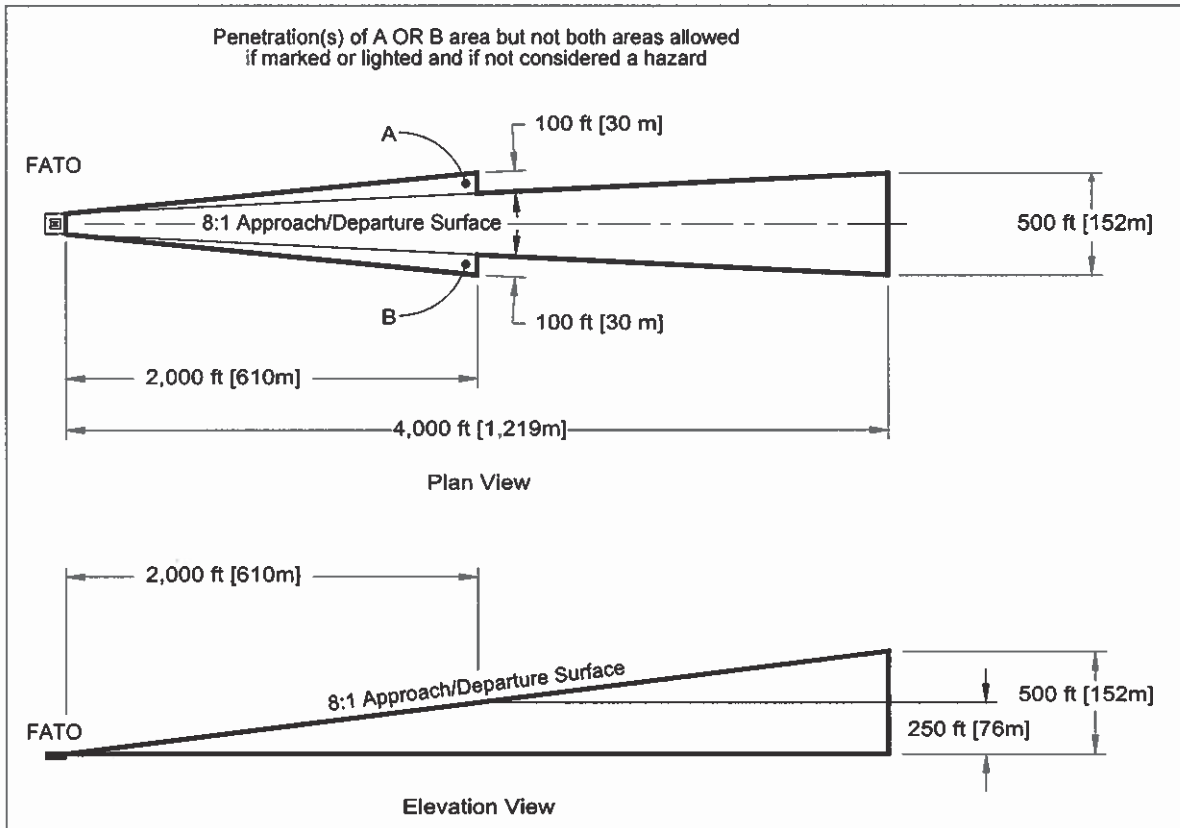
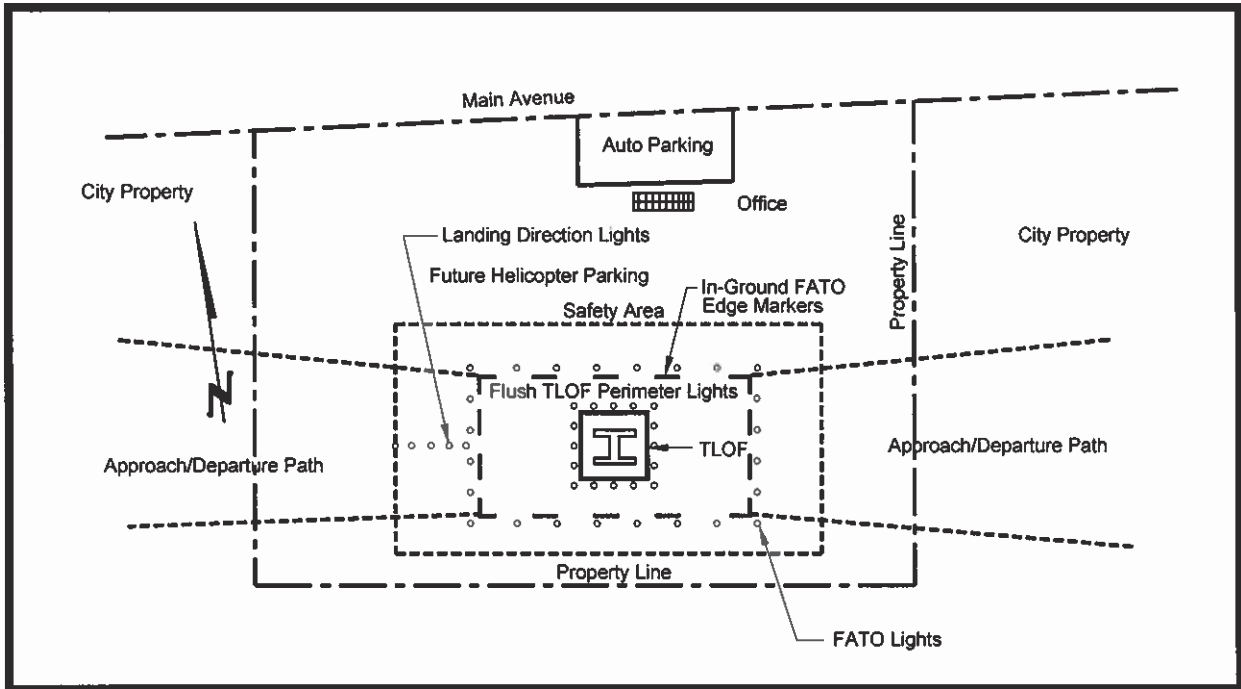
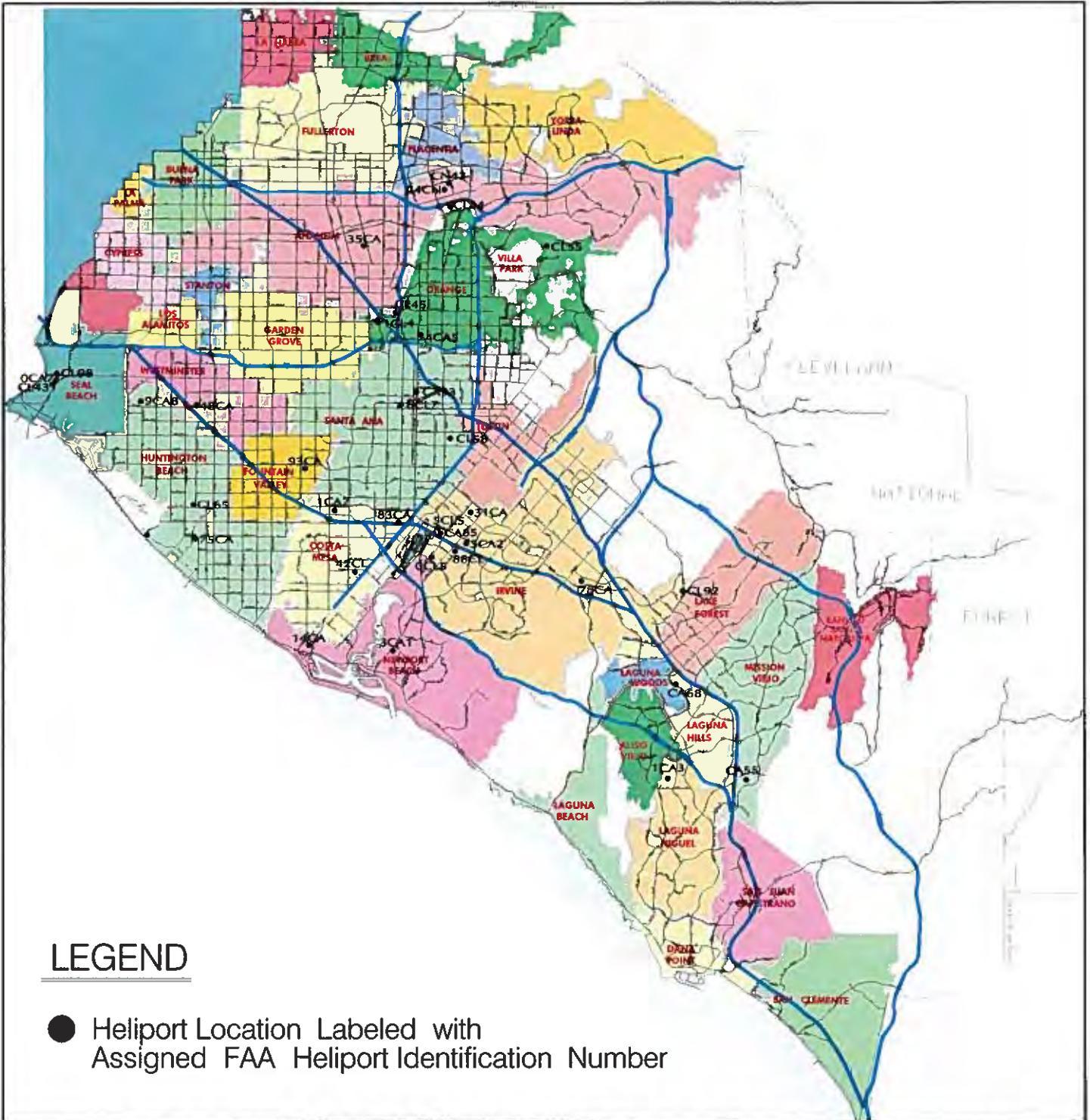


Figure 4-7. VFR Heliport Lateral Extension of the 1:8 Approach/ Departure Surface: HOSPITAL



Note: Layout diagrams should be drawn to scale with key dimensions shown such as TLOF size, FATO size, Safety Area size, distances from safety area perimeter to property edges, etc.

Figure 1-2. Example of a Heliport Layout Diagram



LEGEND

- Heliport Location Labeled with Assigned FAA Heliport Identification Number

OC Heliports Location Map

Note: The list of Heliport locations is derived from the California DOT, Division of Aeronautics. Visit: <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/heliport-list.html>

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni 4/19/08
 Kari A. Rigoni, Executive Officer Date

County of Orange HELIPORT/HELISTOP LIST

HELIPORT - OFFICIAL NAME	ASSOCIATED		FAA Identifier	Use Category	LAT Degrees		LONG Degrees		Elevation
	CITY				Minutes	Seconds	Minutes	Seconds	
MISSION VIEJO COMPANY HELIPORT	Aliso Viejo		CL42	Private	33-34	20.0880N	117-43	35.1920W	408
BOEING ANAHEIM B/250	Anaheim		CN43	Corporate	33-51	35.0540N	117-51	00.2080W	342
ROCKWELL INTERNATIONAL ANAHEIM	Anaheim		24CN		33-51	13.0550N	117-51	03.2070W	222
ORANGE COUNTY STEEL SALVAGE HELIPORT	Anaheim		CL44		33-50	53.5550N	117-51	00.7080W	230
ANAHEIM POLICE HELIPORT	Anaheim		35CA	Police	33-49	35.0000N	117-54	05.0000W	162
NORTHROP ANAHEIM HELIPORT	Anaheim		CN22	Corporate	33-51	54.0530N	117-55	01.2150W	160
NORTH NET FIRE TRAINING CENTER	Anaheim		CL45	Fire	33-47	43.0000N	117-52	51.0000W	145
COSTA MESA POLICE DEPARTMENT	Costa Mesa		42CL	Police	33-39	47.0000N	117-54	15.0000W	60
L.A. TIMES - COSTA MESA	Costa Mesa		1CA7	Corporate	33-41	38.0000N	117-55	01.0000W	35
SOUTH COAST METRO CENTER	Costa Mesa		83CA	Corporate	33-41	17.0000N	117-52	40.0000W	204
FOUNTAIN VALLEY REGIONAL HOSPITAL	Fountain Valley		93CA	Hospital	33-42	54.0640N	117-56	09.2090W	38
BOEING HUNTINGTON BEACH	Huntington Beach		9ca8	Corporate	33-44	50.0000N	118-02	04.0000W	65
HUNTINGTON BEACH PD	Huntington Beach		CL65	Police	33-41	42.0650N	118-00	05.2170W	56
PLATFORM EMMY HELIPORT	Huntington Beach		2CA5		33-39	44.3690N	118-02	40.2210W	87
UNION EVA HELIPORT	Huntington Beach		9CL8	Corporate	33-39	42.0700N	118-03	43.2240W	79
SWEPI BETA PLATFORM EUREKA HELIPORT	Huntington Beach		CL38	Corporate	33-33	50.0820N	118-07	03.2330W	123
CIVIC CENTER HELIPORT	Huntington Beach		75CA		33-40	40.0670N	118-00	01.2130W	157
SWEPI BETA PLATFORM ELLEN HELIPORT	Huntington Beach		02CA		33-34	57.0800N	118-07	44.2350W	122
AREA ENERGY LLC HELIPORT	Huntington Beach		21CA		33-40	45.0670N	118-01	42.2190W	40
BALDWIN BASE	Irvine		31CA	Corporate	33-41	38.0700N	117-49	54.1970W	50
BROADCOM	Irvine		78CA	Corporate	33-39	35.1000N	117-46	01.2000W	160
JAMBOROE CENTER	Irvine		3CA2	Corporate	33-40	40.0720N	117-50	13.1990W	77
SCE SADDLEBACK SERVICE CENTER	Irvine		CL92	Corporate	33-39	18.0770N	117-42	19.1840W	391
KCIN EMERGENCY HELIPORT	Irvine		5CL5		33-41	06.0000N	117-51	18.0000W	165
PARK PLACE HELIPORT	Irvine		88CL		33-40	22.5720N	117-50	46.4030W	35
OPUS CENTER IRVINE HELIPORT	Irvine		CA85		33-41	01.0000N	117-51	12.0000W	36
THE ATRIUM	Irvine		0CL5	Corporate	33-40	14.0720N	117-51	27.2020W	46
SADDLEBACK MEMORIAL MED. CTR.	Laguna Hills		CA68	Hospital	33-36	30.0000N	117-42	32.0000W	398
MISSION HOSPITAL REG. MED. CTR	Mission Viejo		CA55	Hospital	33-33	38.0000N	117-39	59.0000W	460
HOAG MEMORIAL HOSPITAL	Newport Beach		14CA	Hospital	33-37	27.0750N	117-55	46.2080W	94
NEWPORT BEACH POLICE	Newport Beach		3CA1	Police	33-37	35.0770N	117-52	38.2040W	156
CHILDRENS HOSP. OF ORANGE CO.	Orange		4CA5	Hospital	33-46	54.0600N	117-51	54.2040W	275
SCE SERRANO SUBSTATION	Orange		CL55	Corporate	33-49	43.0580N	117-47	26.1970W	697
UCI MEDICAL CENTER	Orange		1CL4	Hospital	33-47	19.5590N	117-53	25.7050W	140
AMERICAN DISPLAY INCORPORATED	Rancho Santa		CA36	PERSONAL	33-33	16.0870N	117-36	27.1760W	918

LYON HELIPORT	Rancho Santa	4CLI	Other	33-36-48.0810N	117-35-28.1730W	898
FIRST INTERSTATE BANK	Santa Ana	CA93	Corporate	33-45-13.0620N	117-52-04.2000W	245
ORANGE COUNTY SHERIFFS FORENSICS LAB	Santa Ana	6CL7	Police	33-44-51.0620N	117-52-38.2020W	223
SCE SOUTHEASTERN DIVISION	Santa Ana	CL58	Corporate	33-43-51.0650N	117-50-50.2000W	97
BOEING SEAL BEACH (GROUND LEVEL)	Seal Beach	CL43	Corporate	33-45-18.0610N	118-05-36.2300W	20
BOEING SEAL BEACH (ROOFTOP)	Seal Beach	0CA7	Corporate	33-45-25.0610N	118-05-15.2300W	158
ROCKWELL FACILITY HELIPORT	Seal Beach	CL98		33-45-28.0610N	118-05-05.2290W	12
LAGUNA NIGUEL	South Laguna Beach	1CA3	Other	33-33-42.0890N	117-42-56.1880W	188
SCE HUNTINGTON BEACH SVC. CTR.	Westminster	48CA	Corporate	33-44-43.0590N	118-00-00.2170W	29

Source: <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/heliport-list.html>

California DOT, Division of Aeronautics

APPENDIX D

Referral Confirmation Notice

APPENDIX D

Referral Confirmation Notice

Date: _____

Name: _____

Title: _____

Agency: _____

Address: _____

Subject: Referral Confirmation Notice: _____

Dear _____:

This is to confirm that the Airport Land Use Commission (ALUC) staff has received the (Agency) _____ referral request of your project entitled: _____.

Your referral, being complete and sufficient for a review and consistency determination by the Commission, is hereby accepted as of (date) _____ and will be agendized for the Commission meeting of (date) _____.

A copy of the staff report regarding your item will be provided to you prior to the Commission meeting. It would be helpful if you or a member of your staff could be at the Commission's meeting.

I can be reached at (949) 252-5170 or at insert email address.

Sincerely,

Executive Officer
Airport Land Use Commission

APPENDIX E

(Information in this appendix is provided as a reference source to assist the users of the AELUP.)

SUMMARY OF FEDERAL AVIATION REGULATIONS

PART 77 – “OBJECTS AFFECTING NAVIGABLE AIRSPACE”

The Airport Land Use Commission has adopted the criteria contained in FAR Part 77 as standards for development in and around airports. The following describes the scope of that document:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for the establishment of antenna farm areas.

Included in this appendix is a sample of the 7480-1 Notice of Landing Area Proposal, for the proper filing of proposed projects with the FAA Regional Office. The form may also be obtained online at http://forms.faa.gov/info_new.asp

If you would like to obtain a copy, please contact one of the following:

U.S. Government Bookstore
Arco Plaza, C Level
505 South Flower Street
Los Angeles, CA 90071
(213) 239-9844

Federal Aviation Administration
Public Affairs
15000 Aviation Blvd.
Hawthorne, CA 90261
(310) 725-3580

U.S. Department of Transportation
Federal Aviation Administration

NOTICE OF LANDING AREA PROPOSAL

Name of Proponent, Individual, or Organization

Address of Proponent, Individual, or Organization
(No., Street, City, State, Zip Code)

Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.

Establishment or Activation Deactivation or abandonment } Airport Ultraflight Flightpark Vertiport
 Alteration Change of Status } Heliport Seaplane Base Other (Specify)

A. Location of Landing Area

1. Associated City/State	2. County/State (Physical Location of Airport)	3. Distance and Direction From Associated City or Town
4. Name of Landing Area	5. Latitude	6. Longitude
		7. Elevation
		Miles Direction

B. Purpose

Type Use <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Private Use of Public Land/Waters	If Change of Status or Alteration, Describe Change	<input type="checkbox"/> Establishment or change to traffic pattern (Describe on reverse)	Construction Dates To Begin/Began Est. Completion
---	--	---	---

C. Other Landing Areas

Direction From Landing Area	Distance From Landing Area	D. Landing Area Data			Existing (if any)			Proposed		
		1. Airport, Seaplane Base, or Flightpark	Rwy #1	Rwy #2	Rwy #3	Rwy	Rwy	Rwy		
		Magnetic Bearing of Runway (s) or Sealane								
		Length of Runway (s) or Sealane (s) in Feet								
		Width of Runway (s) or Sealane (s) in Feet								
		Type of Runway Surface (Concrete, Asphalt, Turf, Etc.)								
		2. Heliport								
		Dimensions of Final Approach and Take off Area (FATO) in Feet								
		Dimensions of Touchdown and Lift-Off Area (TLOF) in Feet								
		Magnetic Direction of Ingress/Egress								

E. Obstructions

Type	Height Above Landing Area	Direction From Landing Area	Distance From Landing Area	Routes	Type of Surface (Turf, concrete, rooftop, etc.)
				3. All Landing Areas	Description of Lighting (If any)
					Direction of Prevailing Wind

F. Operational Data

1. Estimated or Actual Number Based Aircraft					
Airport, Flightpark, Seaplane base	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	Heliport	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence
Multi-engine	25000		Under 3500 lbs. MGW		
Single-engine			Over 3500 lbs. MGW		
Glider					

G. Other Considerations

Identification	Direction From Landing Area	Distance From Landing Area	2. Average Number Monthly Landings				
			Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	
			Jet			Helicopter	
			Turboprop			Ultraflight	
			Prop			Glider	

3. Are IFR Procedures For The Airport Anticipated
 No Yes Within ____ Years Type Navaid:

H. Application for Airport Licensing

Has Been Made Not Required County
 Will Be Made State Municipal Authority

I. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.

Name, title (and address if different than above) of person filing this notice -- type or print	Signature (in ink)
	Date of Signature
	Telephone No. (Precede with area code)

Paperwork Reduction Act Statement: The information collected on this form is necessary because it is the description of the physical and operational characteristics of the airport that will be on file with the FAA. The information on all airports will be maintained in FAA computers for record keeping purposes and used in airspace studies. Some of the information on public use airports is safety-critical and will be published in flight information handbooks and charts for pilot use. The burden associated with completing this form is estimated to be 30 minutes. Providing this information is mandatory if the proponent wishes to have the airport on file with the FAA and entered into the National Airspace System. No assurances of confidentiality are given. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number associated with this collection is 2120-0036.

**INSTRUCTIONS
NOTICE OF LANDING AREA
PROPOSAL**

**As Used Herein, The Term "Airport" Means
Any Landing or Takeoff Area such as Airport, Heliport, Helistop, Vertiport, Gliderport, Seaplane Base,
Ultralight Flightpark, or Balloonport**

Federal Aviation Regulations Part 157 requires all persons to notify the FAA at least 90 days before any construction, alteration, activation, deactivation, or change to the status or use of a civil or joint-use (civil/military) airport. Notice is not required for the establishment of a temporary airport at which operations will be conducted under visual flight rules (VFR) and will be used for less than 30 days with no more than 10 operations per day. Notice also is not required for the intermittent use of a site that is not an established airport, which is used for less than one year and at which flight operations will be conducted only under VFR. Intermittent use means the use of the site for no more than 3 days in any one week and for no more than 10 operations per day.

Required notice shall be submitted on this form from each person who intends to do any of the following:

1. Construct or otherwise establish a new airport or activate an airport.
2. Construct, realign, alter, or activate any runway, or other aircraft landing or takeoff area of an airport.
3. Construct realign, alter, or activate a taxiway associated with a landing or takeoff area on a public-use airport.
4. Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.
5. Deactivate, abandon, or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport.
6. Change the status of an airport from private use (use by the owner or use by the owner and other persons authorized by the owner) to an airport open to the public or from public-use to another status.
7. Change status from IFR to VFR or VFR to IFR.
8. Establish or change any traffic pattern or traffic pattern altitude or direction.

The notice required shall be made by submitting this form to the nearest Federal Aviation Administration Regional Office or Airports District Office. However, in an emergency involving essential public service or when the delay arising from the 90-day advance notice requirement would result in an unreasonable hardship, you may provide notice to the appropriate FAA Airports District/Field Office by telephone in lieu of submitting this form. The FAA may require the subsequent submission of this form when necessary for safety or other reasons.

Section 901 of the Federal Aviation Act of 1958, as amended, provides that any person who violates a rule, regulation or order issued under Title III of this Act shall be subject to a civil penalty not to exceed \$ 1,000 for each violation.

GENERAL INSTRUCTIONS

1. For any project falling in categories 1, or 2 above, complete all appropriate sections.
2. For any project falling in categories 3, 4, or 5 above, complete sections A, B, D (if appropriate), and I.
3. For status change (categories 6 or 7 above), from private use to public use or from VFR to IFR, complete sections A, B, E, G, and I. For all other changes, complete sections A, B, and I.
4. For traffic pattern establishment or change (category 8) complete all appropriate sections. Traffic pattern description should be entered on the reverse side of FAA Form 7480-1.
5. Express all bearings as magnetic and mileages as nautical.
6. **Please Print or Type All Items.**

Section A - Identify Reference Datum of Coordinates (NAD 83 or NAD 27)

Section B - If the airport is to be used by the owner only, or by the owner and persons authorized by the owner, check "private". If the landing and takeoff area of the airport is publicly owned and the operator is a non-government entity, then check "private use of public lands". If the airport is to be available for use by the general public without a requirement for prior approval of the owner or operator, then check "public". If necessary, use the reverse side of the form or a separate sheet of paper to describe changes or alterations.

Section C - Airport or seaplane base: List VFR airports and heliports within 5NM, and IFR airports within 20NM. Heliports: List VFR airports and heliports within 3NM and IFR airports within 10NM.

Section D - Attach U.S. Geological Survey quadrangle map or equivalent. Plot locations of facility to the nearest second, runway alignments, associated taxiways or sealane alignments. When appropriate, use city map for heliports.

Section E - List and plot on quadrangle map or equivalent any obstructions within: 3NM of a VFR airport or a seaplane base; 5NM of an IFR airport; or 5,000 feet of a heliport.

Section F - Self-explanatory.

Section G - List schools, churches and residential communities within a 2NM radius for airports and within a 1NM radius for heliports. List all waste disposal sites within a 5NM radius.

Section H - Self-explanatory.

Notification to the FAA does not waive the requirements of any other government agency.

ADDRESSES OF THE REGIONAL OFFICES

Submit your completed form by mail to:

Western Pacific Region
AZ, CA, HI, NV, GU
Federal Aviation Administration
Airports Division, AWP-600
15000 Aviation Boulevard
Hawthorne, CA 90261
Mail Address:
P. O. Box 92007
Worldway Postal Center
Los Angeles, CA 90009
Tel. 310-725-3608 Fax: 310-725-6847

Alaskan Region
AK
Federal Aviation Administration
Airports Division, AAL-600
222 West 7th Avenue, Box 14
Anchorage, AK 99513
Tel. 907-271-5438 Fax: 907-271-2851

Eastern Region
DC, DE, MD, NJ, NY, PA, VA, WV
Federal Aviation Administration
Airports Division, AEA-600
1 Aviation Plaza
Jamaica, NY 11434-4809
Tel. 718-553-3330 Fax: 718-995-5694

Southern Region
AL, FL, GA, KY, MS, NC, SC, NT, PR, VI
Federal Aviation Administration
Airports Division, ASD-600
1701 Columbia Avenue
College Park, GA 30337
Mail Address:
P. O. Box 20636
Atlanta, GA 30320
Tel. 404-305-6700 Fax: 404-305-6730

Northwest Mountain Region
CO, ID, MT, OR, UT, WA, WY
Federal Aviation Administration
Airports Division, ANM-600
1601 Lind Avenue, S.W., Suite 315
Renton, WA 98005-4056
Tel. 425-227-2600 Fax: 425-227-1600

Great Lakes Region
IL, IN, MI, MN, ND, OH, SD, WI
Federal Aviation Administration
Airports Division, AGL-600
2300 East Devon Avenue
Des Plaines, IL 60018
Tel. 847-294-7272 Fax: 312-294-7036

Southwest Region
AR, LA, NM, OK, TX
Federal Aviation Administration
Airports Division, ASW-600
2601 Meacham Boulevard
Fort Worth, TX 76137-4298
Tel. 817-222-5600 Fax: 817-222-5984

Central Region
IA, KS, MO, NE
Federal Aviation Administration
Airports Division, ACE-625 9
01 Locust
Kansas City, MO 64106-2325
Tel. 816-329-2600 Fax: 816-329-2610

New England Region
CT, MA, ME, NH, RI, VT
Federal Aviation Administration
Airports Division, ANE-600
12 New England Executive Park
Burlington, MA 01803
Tel. 781-238-7600 Fax: 781-238-7608

APPENDIX F

PERTINENT RESOLUTIONS OF THE AIRPORT LAND USE COMMISSION



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

June 19, 2008
Agenda Item No. 2

RESOLUTION NO. 2008-2

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY APPROVING THE 2008 AMENDMENT TO THE AIRPORT ENVIRONS LAND USE PLAN FOR HELIPORTS.

On the motion of Commissioner Don Webb, duly seconded by Commissioner Tom O'Malley, and carried, the following Resolution was adopted.

WHEREAS, Section 21675 (a) of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to formulate a Comprehensive Land Use Plan for the areas surrounding all public airports within its jurisdiction; and

WHEREAS, Section 21675 (a) of the Public Utilities Code of the State of California requires that said Comprehensive Land Use Plan shall provide for the orderly growth of the areas surrounding airports, and shall safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general; and

WHEREAS, the Airport Environs Land Use Plan requires this Commission to review periodically the substance and adequacy of said plan; and

WHEREAS, this Commission has held numerous meetings and workshops and has conducted a public hearing and has complied with State environmental procedures regarding this Airport Environs Land Use Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED that the Commission finds that the proposed project is Categorically Exempt from CEQA per Sections 15183 and 15061 of the CEQA Guidelines.

BE IT FURTHER RESOLVED that the Airport Land Use Commission for Orange County hereby approves the amendments to the Airport Environs Land Use Plan for Heliports dated June 19, 2008.

BE IT FURTHER RESOLVED that this Commission finds that pursuant to Section 711.4(c)(2)(A) of the California Fish and Game Code, this project is exempt from the required fees, as it is exempt from CEQA.

BE IT FURTHER RESOLVED that this Commission finds that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective Subregional Natural Communities Conservation Planning (NCCP) Program.

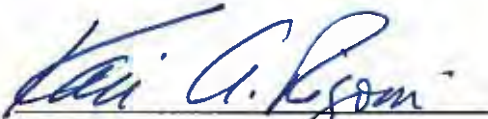
I HEREBY CERTIFY that the foregoing Resolution No. 2008-2 was adopted on June 19, 2008 by the Airport Land Use Commission by the following vote:

AYES: Jerry Bresnahan, Rod Propst, Stephen Beverburg, Tom O'Malley, and Don Webb

NOES:

ABSENT: Jon Dumitru, and Jim Righeimer

(ABSTAIN):



Kari A. Rigoni, Executive Officer
Airport Land Use Commission



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.5178

RESOLUTION NO. 2002-1

December 19, 2002

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY APPROVING THE AIRPORT ENVIRONS LAND USE PLAN AMENDMENT.

On the motion of Commissioner Herman Beverburg, duly seconded and carried, the following Resolution was adopted.

WHEREAS, Section 21675 (a) of the Public Utilities Code requires the Airport Land Use Commission for Orange County to formulate a Comprehensive Land Use Plan for the areas surrounding all public airports within its jurisdiction; and

WHEREAS, Section 21675 (a) of the Public Utilities Code requires that the Comprehensive Land Use Plan shall provide for the orderly growth of the areas surrounding airports, and shall safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general;

WHEREAS, Section 21675 (b) of the Public Utilities Code permits the inclusion of the area within the jurisdiction of the Commission surrounding any federal military airport for all of the purposes specified in Section 21675 (a);

WHEREAS, the Airport Environs Land Use Plan requires this Commission to review periodically the substance and adequacy of the Comprehensive Land Use Plan; and

WHEREAS, this Commission has held numerous public meetings and workshops and has held a public hearing and has complied with State and local environmental procedures regarding this Airport Environs Land Use Plan Amendment;

WHEREAS, the Commission has received the Final Environmental Impact Statement (FEIS)/Final Environmental Impact Report (FEIR) for the Disposal and Reuse of Marine Corps Air Station (MCAS) Tustin which was certified by the City of Tustin and finds it to be adequate and complete under CEQA to disclose the environmental impacts of deleting the MCAS Tustin AELUP and concurs with the findings, statement of overriding considerations, and mitigation monitoring plan adopted by the City of Tustin.

If a court adjudicates, determines or finds that any provision of this Resolution is illegal or void, such adjudication shall not effect the validity or efficacy of the balance of this Resolution, and the balance of the Resolution is therefore severable.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 21080 of the Public Utilities Code and CEQA Guidelines Section 15074, Negative Declaration IP 02-203, which

reflects the independent judgment of the lead agency, satisfies the requirements of CEQA and is approved for the proposed project. The Negative Declaration was considered and found adequate in addressing the environmental impacts related to the project prior to its approval. The project will not have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Airport Land Use Commission for Orange County hereby approves the amendments to the Airport Environs Land Use Plan dated November 16, 1995 for John Wayne Airport, Fullerton Municipal Airport, Joint Forces Training Base, Los Alamitos and for Heliports; such amendment creating a new and separate AELUP for each airport and for heliports.

BE IT FURTHER RESOLVED that the Airport Land Use Commission for Orange County hereby removes and deletes the Airport Environs Land Use Plan relating to and surrounding MCAS Tustin and cedes it jurisdiction pursuant to Public Utilities Code § 21675 (b) pertaining to land use planning surrounding MCAS Tustin.

BE IT FURTHER RESOLVED that the Airport Land Use Commission for Orange County takes no action with regard to amending the Airport Environs Land Use Plan dated November 16, 1995 relating to and surrounding MCAS El Toro; and directs staff to continue to monitor and review the status of the ongoing MCAS El Toro base closure process and return to the Commission at the appropriate time with its recommendations.

BE IT FURTHER RESOLVED that this Commission finds that pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees, as it has been determined that no adverse impacts to wildlife resources will result from the project.

BE IT FURTHER RESOLVED that this Commission finds that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective Subregional Natural Communities Conservation Planning (NCCP) Program.

I HEREBY CERTIFY that the foregoing Resolution No. 2002-1 was adopted on December 19, 2002 by the Airport Land Use Commission by the following vote:

AYES: H. Beverburg, Naughton, Adams, Bresnahan, Campbell, and Houston (for Propst)

NOES: Harris

ABSENT: None

(ABSTAIN): None


Joan S. Golding, Executive Officer
Airport Land Use Commission



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

Date: July 21, 2005

Agenda Item: 1

RESOLUTION NO. 2005-1

Date: July 21, 2005

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY CONFIRMING THE NONAPPLICABILITY OF AIRPORT ENVIRONS LAND USE PLAN (1995) .

On the motion of Commissioner O'Malley, duly seconded and carried, the following Resolution was unanimously adopted.

WHEREAS, Section 21675 (a) of the Public Utilities Code requires the Airport Land Use Commission for Orange County to formulate an Airport Compatibility Land Use Plan (also known as an Airport Environs Land Use Plan (AELUP)) for the areas surrounding all civilian and military airports within its jurisdiction; and

WHEREAS, the Airport Environs Land Use Plan for Marine Corps Air Station (MCAS) El Toro was originally adopted on April 17, 1975 and subsequently amended on June 16, 1977, December 20, 1979, December 20, 1984, August 15, 1985, November 29, 1990 and November 16, 1995;

WHEREAS in January 2004 the City of Irvine annexed former MCAS El Toro and subsequently zoned it for mixed uses that do not include aviation;

WHEREAS, on February 16, 2005, the auction of former MCAS El Toro was concluded with the winning bidder being a private development company, Lennar Corporation;

WHEREAS, the sale and transfer of the property of the former MCAS El Toro has occurred;

WHEREAS, the new owner of the former MCAS El Toro property does not have the legal ability or the intent to construct or operate an airport on that property;

WHEREAS, under Public Utilities Code Section 21013 the former MCAS El Toro property no longer meets the definition of an "airport";

WHEREAS, the discretion for the ALUC to continue to maintain jurisdiction over the environs of MCAS El Toro no longer exists subsequent to the transfer of the property under the circumstances;

WHEREAS, this action is not a discretionary action and is not a project under CEQA;

NOW, THEREFORE, BE IT RESOLVED that this Commission confirms that the Airport Environs Land Use Plan is no longer applicable to the MCAS El Toro property or its environs, and this AELUP no longer has any legal effect.

I HEREBY CERTIFY that the foregoing Resolution No. 2005-1 was adopted on July 21, 2005 by the Airport Land Use Commission by the following vote:

AYES: Tom O'Malley, Melody Carruth, Herman Beverburg, Patricia Campbell, Harry Dotson, Rod Propst and Don Webb

NOES:

ABSENT:

(ABSTAIN):



Joan S. Golding, Executive Officer
Airport Land Use Commission



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3151 Airway Avenue, Building K-101
Costa Mesa, Ca. 92626

Phone: (714) 252-517

Fax: (714) 252-529

November 16, 1995

Agenda Item: 1

RESOLUTION NO. 95-1

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY ADOPTING THE AIRPORT ENVIRONS LAND USE PLAN AMENDMENT.

On the motion of Commissioner Erickson, duly seconded and carried, the following Resolution was adopted.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to formulate a Comprehensive Land Use Plan for the areas surrounding all public airports within its jurisdiction; and

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires that said Comprehensive Land Use Plan provide for the orderly growth of the area surrounding airports and safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general; and

WHEREAS, Section 4.11 of the Airport Environs Land Use Plan requires this Commission to review periodically the substance and adequacy of said plan; and

WHEREAS, this Commission has conducted a public hearing and complied with State environmental procedures regarding this Airport Environs Land Use Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 21080(c) of the Public Resources Code and CEQA Guidelines Section 15074, Negative Declaration No. IP 95-215, which reflects the independent judgment of the lead agency, satisfies the requirements of CEQA and is approved for the proposed project. The Negative Declaration was considered and found adequate in addressing the environmental impacts related to the project prior to its approval. The project will not have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Airport Land Use Commission for Orange County hereby adopts the Airport Environs Land Use Plan dated November 16, 1995.

BE IT FURTHER RESOLVED that this Commission finds that pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wild life resources will result from the project.

BE IT FURTHER RESOLVED that this Commission finds that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.

I HEREBY CERTIFY that the foregoing Resolution No 95-1 was adopted on November 16, 1995 by the Airport Land Use Commission by the following vote:

AYES: Chairman Tom Wall, Herman Beverburg, Alfred Brady for Gerald Bresnahan, Art Brown, and Joe Erickson

NOES: None

ABSENT: James Carlson, and Roland Elder

(ABSTAIN:)



Eric R. Freed, Executive Officer
Airport Land Use Commission



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

300 N. Flower St., Rm.356, Santa Ana, Ca 92702-4048
Mailing Address: P.O.Box 4048, Santa Ana, Ca 92702-4048

Phone: (714) 834-5
Fax: (714) 834-6

December 15, 1994
Agenda Item: 2

RESOLUTION NO. 94-1

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY ADOPTING THE AIRPORT ENVIRONS LAND USE PLAN AMENDMENT.

On motion of Commissioner Erickson, duly seconded and carried, the following Resolution was adopted.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to formulate a comprehensive Land Use Plan for the areas surrounding all public airports within its jurisdiction; and

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires that said Comprehensive Land Use Plans provide for the orderly growth of the area surrounding airports and safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general; and

WHEREAS, Section 4.12 of the Airport Environs Land Use Plan requires this Commission to review periodically the substance and adequacy of said plan; and

WHEREAS, this Commission has conducted a public hearing and complied with State environmental procedures regarding this Airport Environs Land Use Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 21080(c) of the Public Resources Code and CEQA Guidelines Section 15074, Negative Declaration No. IP 94-194, which reflects the independent judgment of the lead agency, satisfies the requirements of CEQA and is approved for the proposed project. The Negative Declaration was considered and found adequate in addressing the environmental impacts related to the project prior to its approval. The project will not have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Airport Land Use Commission for Orange County hereby adopts the Airport Environs Land Use Plan dated December 15, 1994.

BE IT FURTHER RESOLVED that this Commission finds that pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wild life resources will result from the project.

BE IT FURTHER RESOLVED that this Commission finds that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.


I HEREBY CERTIFY that the foregoing Resolution No. 94-1 was adopted on December 15, 1994 by the Airport Land Use Commission by the following vote:

AYES: Joe Erickson, Art Brown, Herman Beverburg, Al Brady for
Gerald Bresnahan, Roland Elder, Tom Wall

NOES: None

ABSENT: James Carlson

(ABSTAIN:)


George Britton, Executive Officer
Airport Land Use Commission

1
2
3 RESOLUTION OF THE BOARD OF SUPERVISORS OF
4 ORANGE COUNTY, CALIFORNIA

5 May 9, 1984

6 On motion of Supervisor Riley, duly seconded and carried, the
7 following Resolution was adopted:

8 WHEREAS, Section 21676 of the California Public Utilities Code
9 requires that each local agency whose general plan includes areas covered
10 by an airport land use commission plan submit a copy of its plan or
11 specific plans to said commission and that the commission determine whether
12 the plan or plans are consistent with the commission's plans; and

13 WHEREAS, pursuant to that requirement, County General and Specific
14 Plans and the County Zoning Code were submitted for review by the Orange
15 County Airport Land Use Commission (ALUC) for consistency with that
16 Commission's Airport Environs Land Use Plan (AELUP); and

17 WHEREAS, the ALUC on August 19, 1983 determined that the County
18 General Plan Safety Element was inconsistent with the ALUC-adopted AELUP
19 and

20 WHEREAS, pursuant to the Planning and Zoning Law of the State of
21 California, this Board has considered an amendment to the Safety Element
22 and County Administrative Procedures to ensure consistency with the
23 Airport Environs Land Use Plan; and

24 WHEREAS, in compliance with said laws, a public hearing was held
25 March 20, April 3, and April 9, 1984, by the Planning Commission on
26 proposal; and

//

28 //
Resolution No. 84-704
Hearing-Safety Element
Amendment 84-1

RECEIVED

MAY 31 1984

JOHN WAYNE AIRPORT.

COUNTY CLERK
ORANGE COUNTY

3/77

1 WHEREAS, Negative Declaration No. IP 84-012 was prepared for the
2 proposal, granted on February 17, 1984, and became final on March 2,

3 NOW, THEREFORE, BE IT RESOLVED that Negative Declaration No. IP
4 84-012 satisfies the requirements of CEQA for this project and is the
5 fore approved. It was considered and found adequate in addressing th
6 environmental impacts and mitigations for the project prior to its ap
7 proval. The project will not have a significant effect on the enviro
8 ment.

9 BE IT ALSO RESOLVED that the public interest, health, comfort,
10 safety, order, and general welfare will be more adequately served by
11 project.

12 BE IT FURTHER RESOLVED that amendment of the Safety Element and
13 county administrative procedures, as set forth in the Environmental
14 Management Agency Report of April 9, 1984, is hereby adopted.

16 AYES: SUPERVISORS THOMAS F. RILEY, BRUCE NESTANDE, ROGER R. STAN
17 RALPH B. CLARK, and HARRIETT M. WIEDER


18 NOES: SUPERVISORS NONE

19 ABSENT: SUPERVISORS NONE

20 STATE OF CALIFORNIA)
21 COUNTY OF ORANGE) ss.

22 I, LINDA D. ROBERTS, Clerk of the Board of Supervisors of Oran
23 County, California, hereby certify that the above and foregoing
24 Resolution was duly and regularly adopted by the said Board at a
1984, and passed by a unanimous vote of said Board.

25 IN WITNESS WHEREOF, I have hereunto set my hand and seal this
26 9th day of May, 1984.

28

LINDA D. ROBERTS
Clerk of the Board of Supervisor
of Orange County, California



AIRPORT LAND USE COMMISSIO

FOR ORANGE COUNTY - 18741 Airport Way North , Santa Ana, Cal. 92

Phone: 714 834-

June 30, 1983
Agenda Item: #3

RESOLUTION NO. 83-2

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY ADOPTING THE FIRST REVISION OF THE AIRPORT ENVIRONS LAND USE PLAN.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to formulate a Comprehensive Land Use Plan for the areas surrounding all public airports within its jurisdiction; and

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires that above said Comprehensive Land Use Plans provide for the orderly growth of the area surrounding airports and safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general; and

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to establish planning boundaries; and

WHEREAS, during the period of April 17 to August 7, 1975 the Airport Land Use Commission for Orange County duly adopted the several elements of the Airport Environs Land Use Plan; and

WHEREAS, Section 4.9 of the Airport Environs Land Use Plan requires this Commission to review periodically the substance and adequacy of said plan; and

WHEREAS, this Commission having done so, this Commission has prepared the First Revision of the Airport Environs Land Use Plan; and

WHEREAS; on the basis of an initial study, a Negative Declaration was prepared for this project; and

WHEREAS; the Airport Land Use Commission has received and approved the Negative Declaration;

NOW, THEREFORE, it is RESOLVED that the Airport Land Use Commission for Orange County hereby adopts the First Revision of the Airport Environs Land Use Plan; and it is hereby

RESOLVED, that the First Revision of the Airport Environs Land Use Plan shall be the primary instrument for the disposition of this Commission's mandated duties as long as the plan remains adequate to its purpose.

I, ALFRED W. BRADY Secretary to the Airport
Land Use Commission for Orange County hereby certify
and declare that the foregoing Resolution was duly
adopted by said Commission on June 30, 1983.

Executed this 30th day of June, 1983.


SECRETARY



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY - 18741 Airport Way North, Santa Ana, Cal. 92707

Phone: 714 834-1111

RESOLUTION No. 83-1

RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY AMENDING THE AIRPORT ENVIRONS LAND USE PLAN FOR FULLERTON MUNICIPAL AIRPORT.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California empowers the Airport Land Use Commission to adopt a comprehensive land use plan for the areas surrounding airports within the County of Orange; and

WHEREAS, The Airport Land Use Commission has adopted the Airport Environs Land Use Plan for Fullerton Municipal Airport; and

WHEREAS, the Airport Land Use Commission has researched, studied, and evaluated updated materials concerning the location of the 60 and 65 CNEL contours of the Airport Environs Land Use Plan for Fullerton Municipal Airport; and

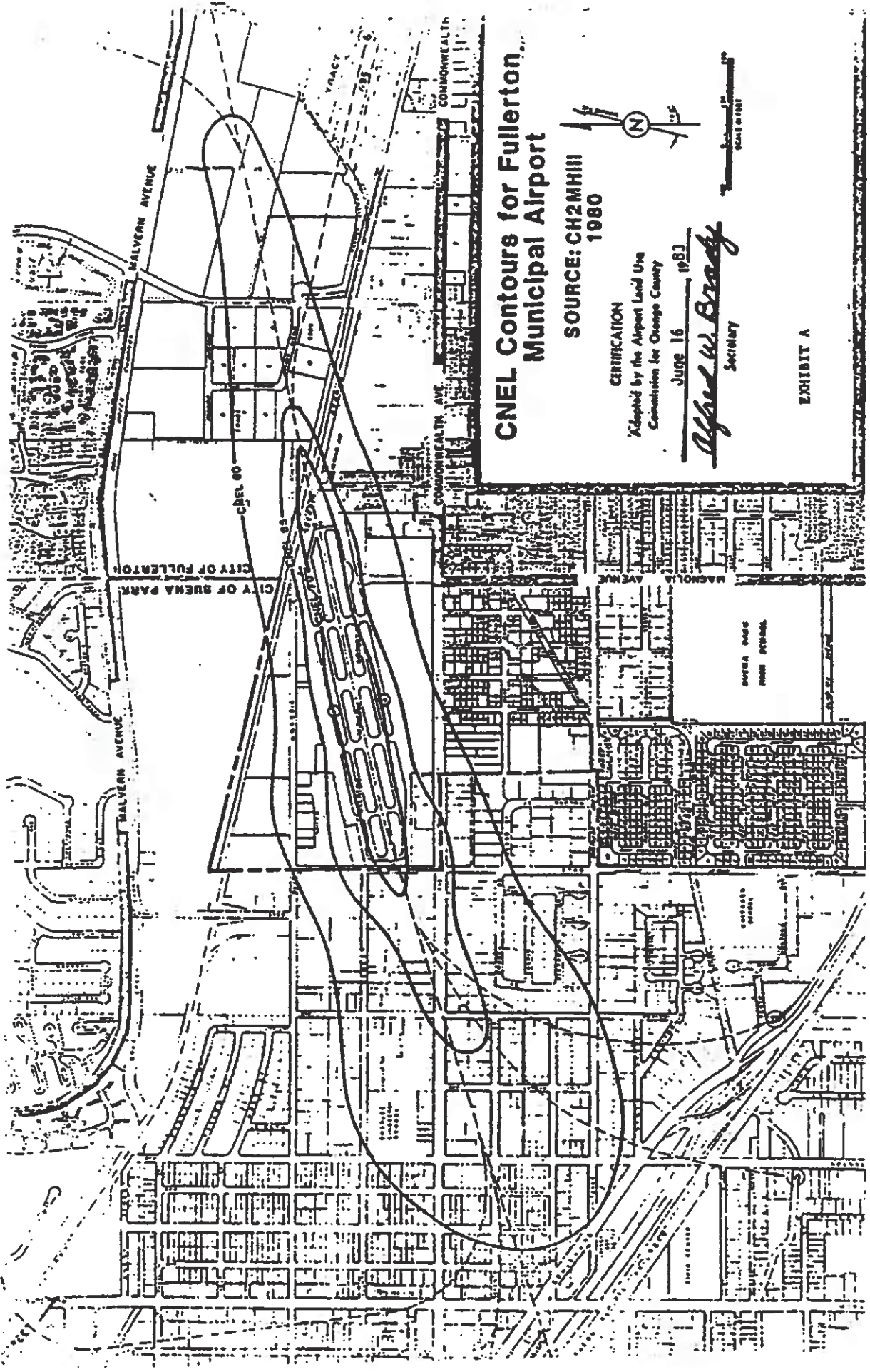
WHEREAS, the Airport Land Use Commission has consulted with the two involved agencies and has held a public hearing on an Amendment to the Airport Environs Land Use Plan for Fullerton Municipal Airport; and

WHEREAS, the Airport Land Use Commission has established that the two involved agencies have each certified separate environmental impact reports which adequately and appropriately address the associated environmental impacts; and

WHEREAS, the adoption of the current 60 and 65 CNEL contours for Fullerton Municipal Airport will enhance the consistency of planning activities between the Airport Land Use Commission and the two involved agencies;

NOW, THEREFORE, the Airport Land Use Commission for Orange County amends the Airport Environs Land Use Plan for Fullerton Municipal Airport, finding:

1. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse environmental impacts and an Environmental Impact Report need not be prepared; and
2. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse impact on the inhabitants within the vicinity of the airport; and
3. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse impact on the operation of Fullerton Municipal Airport; and that it is hereby



**CNEL Contours for Fullerton
Municipal Airport**

SOURCE: CH2MHILL
1980

CERTIFICATION

Adopted by the Airport Land Use
Commission for Orange County

JUNE 16 1982

Alfred W. Brady
Secretary

EXHIBIT A

RESOLVED, that the map for Fullerton Municipal Airport, appearing in Section 3.4 of the Airport Environs Land Use Plan and appearing in Appendix D of the proposed first revision thereof, be amended to show the 60 and 65 CNEL contours as appear on the map, "Exhibit A", attached hereto.

I, Alfred W. Brady Secretary to the Airport
Land Use Commission for Orange County hereby certify and declare
that the foregoing Resolution was duly adopted by said
Commission on June 16, 1983

Executed this 16th day of June 1983

Alfred W. Brady
SECRETARY



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY - 18741 Airport Way North, Santa Ana, Cal. 92707

Phone: 714 833-1111

RESOLUTION No. 79-2

RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY AMENDING SEGMENT "B" OF THE AIRPORT ENVIRONS LAND USE PLAN FOR EL TORO MARINE CORPS AIR STATION.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California empowers the Airport Land Use Commission to adopt a comprehensive land use plan for the areas surrounding military airports within the County of Orange; and

WHEREAS, the Airport Land Use Commission has adopted the Airport Environs Land Use Plan for El Toro Marine Corps Air Station; and

WHEREAS, the Airport Land Use Commission has researched, studied, and evaluated updated materials concerning the location of the 60 and 65 CNEL contours for Segment "B" of the Airport Environs Land Use Plan for the El Toro Marine Corps Air Station; and

WHEREAS, the Airport Land Use Commission has held a public hearing on an Amendment to the Airport Environs Land Use Plan for El Toro Marine Corps Air Station; and

WHEREAS, the Airport Land Use Commission has evaluated this project for compliance with the California Environmental Quality Act; and

WHEREAS, on the basis of an Initial Study, a Negative Declaration was prepared for this project; and

WHEREAS, the Airport Land Use Commission has received and approved the Negative Declaration; and

WHEREAS, notice of the preparation of a Negative Declaration was posted for a period of seven days at the Clerk of the Board Office, as well as published in a newspaper of general circulation, Daily Pilot, on October 1 and 8, 1979; and WHEREAS, no written statements of opposition were received;

NOW, THEREFORE, the Airport Land Use Commission for Orange County amends the Airport Environs Land Use Plan for the El Toro Marine Corps Air Station, Segment "B" finding:

1. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse environmental impacts and an Environmental Impact Report need not be prepared; and
2. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse impact on the inhabitants within the vicinity of the airport; and

- 3. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse impact on the operation of the El Toro Marine Corps Air Station; and that it is hereby

RESOLVED, that the map for El Toro Marine Corps Air Station appearing in Section 3.4, page 13, of the Airport Environs Land Use Plan be amended to appear as the map, Segment "B" hereto attached.

RESOLVED, that the Airport Land Use Commission for Orange County recommends that Orange County prohibit the construction of residential units within the 65 CNEL area.

RESOLVED, that the Airport Land Use Commission for Orange County recommends that Orange County limit the construction of hospitals, convalescent homes, churches, schools, and other noise sensitive uses within the 65 CNEL area.

RESOLVED, that the Airport Land Use Commission for Orange County recommends that Orange County continue "Noise Studies" within the 60-65 CNEL area for the purpose of determining sound attenuation requirements for development.

RESOLVED, that the Airport Land Use Commission for Orange County recommends that provisions be made for full disclosure of Noise Impact to initial and subsequent buyers of residential and other property in Noise Impacted areas.

RESOLVED, that the Airport Land Use Commission for Orange County recommends continued and expanded use of "Noise Impacted Area" Sign Program.

RESOLVED, that the Airport Land Use Commission for Orange County recommends continued quest of Avigational Rights/Easements for all developments which are overflowed by aircraft or are within the 65 CNEL area.

I, SHIRLI A. REITHARD Secretary to the Airport

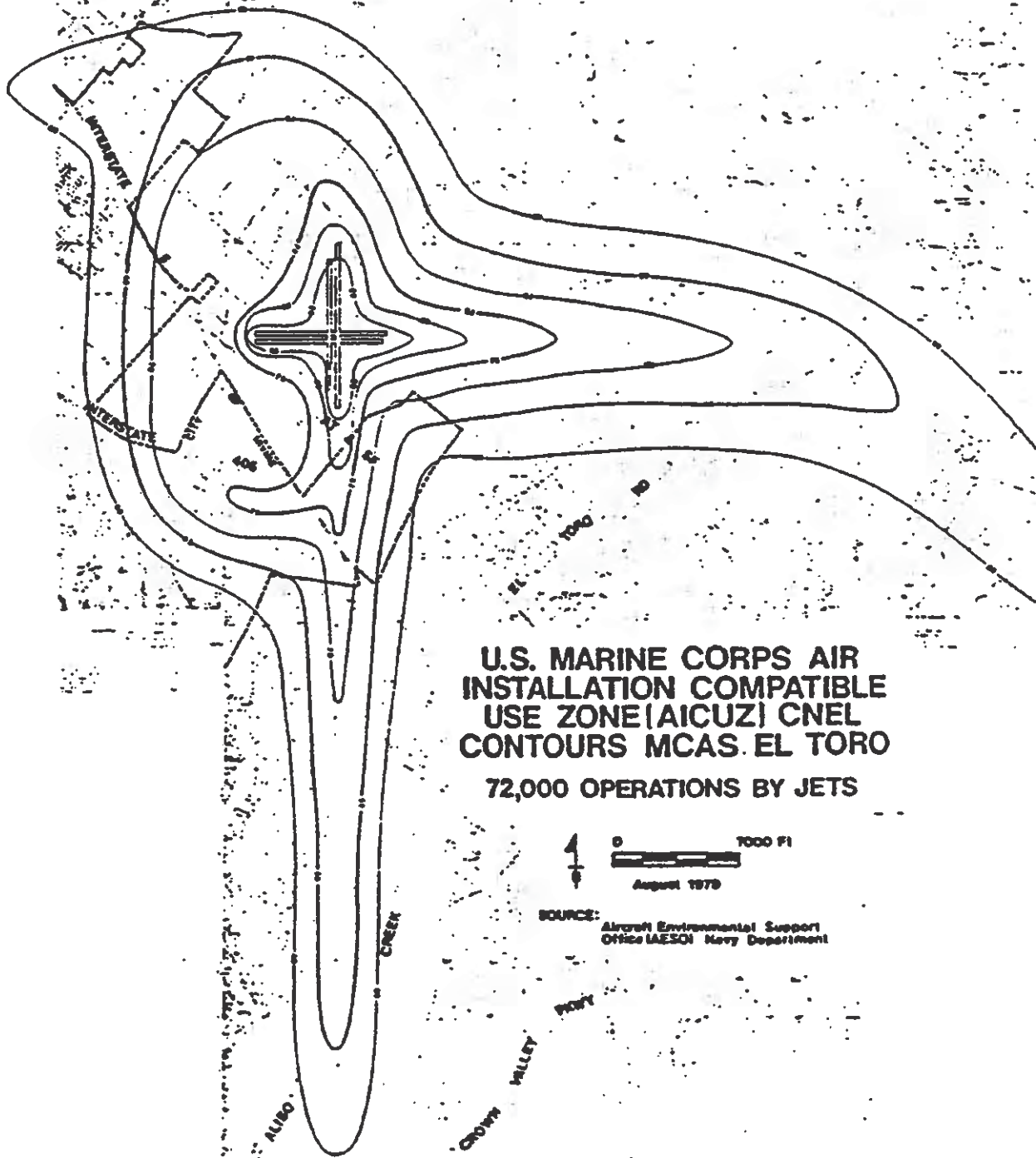
Land Use Commission for Orange County hereby certify and declare

that the foregoing Resolution was duly adopted by said

Commission on December 20, 1979.

Executed this 21st day of December 1979

Shirli A. Reithard
SECRETARY



**U.S. MARINE CORPS AIR
INSTALLATION COMPATIBLE
USE ZONE (AICUZ) CNEL
CONTOURS MCAS EL TORO
72,000 OPERATIONS BY JETS**



SOURCE: Aircraft Environmental Support
Office (AESO) Navy Department

RESOLUTION No. 79-1

RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY AMENDING SEGMENT "A" OF THE AIRPORT ENVIRONS LAND USE PLAN FOR EL TORO MARINE CORPS AIR STATION.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California empowers the Airport Land Use Commission to adopt a comprehensive land use plan for the areas surrounding military airports within the County of Orange; and

WHEREAS, the Airport Land Use Commission has adopted the Airport Environs Land Use Plan for El Toro Marine Corps Air Station; and

WHEREAS, the Airport Land Use Commission has researched, studied, and evaluated updated materials concerning the location of the 60 and 65 CNEI contours for Segment "A" of the Airport Environs Land Use Plan for the El Toro Marine Corps Air Station, known as the Aliso Viejo property; and

WHEREAS, the Airport Land Use Commission has held a public hearing on an Amendment to the Airport Environs Land Use Plan for El Toro Marine Corps Air Station; and

WHEREAS, the Airport Land Use Commission has evaluated this project for compliance with the California Environmental Quality Act; and

WHEREAS, on the basis of an Initial Study, a Negative Declaration was prepared for this project; and

WHEREAS, the Airport Land Use Commission has received and approved the Negative Declaration; and

WHEREAS, notice of the preparation of a Negative Declaration was posted for a period of seven days at the County Clerk and Clerk of the Board Offices, as well as published in a newspaper of general circulation, Daily Pilot, on May 5 and 9, 1979; and WHEREAS, no written statements of opposition were received;

NOW, THEREFORE, the Airport Land Use Commission for Orange County amends the Airport Environs Land Use Plan for the El Toro Marine Corps Air Station, Segment "A," the Aliso Viejo property, finding:

1. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse environmental impacts and an Environmental Impact Report need not be prepared; and
2. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse impact on the inhabitants within the vicinity of the airport; and

3. That as a result of the proposed Airport Environs Land Use Plan boundary modification, there will be no significant adverse impact on the operation of the El Toro Marine Corps Air Station; and that it is hereby

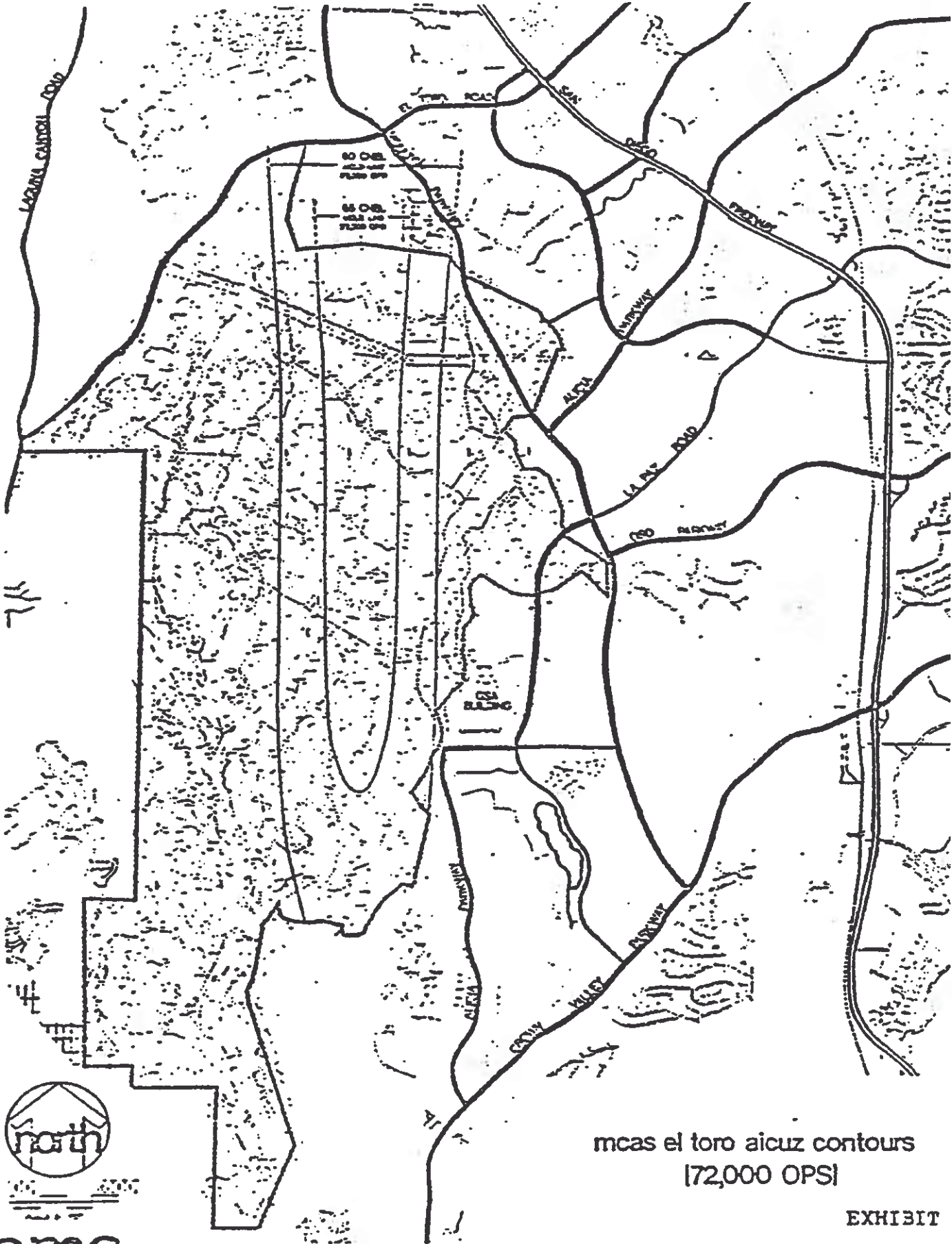
RESOLVED, that the map for El Toro Marine Corps Air Station appearing in Section 3.4, page 13, of the Airport Environs Land Use Plan be amended to appear as the map, Exhibit A, hereto attached.

I, SHIRLI A. REITHARD Secretary to the Airport Land Use Commission for Orange County hereby certify and declare that the foregoing Resolution was duly adopted by said Commission on May 17, 1979.

Executed this 17th day of MAY 1979

Shirli A. Reithard
SECRETARY

Resolution No. 79-1



ema

Plan de desarrollo municipal

EXHIBIT



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY - 18741 Airport Way North, Santa Ana, Cal. 927

Phone: 714 833-1111

RESOLUTION No. 78-1

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY CONCERNING THE USE OF LAND WITHIN 65 CNEL NOISE CONTOUR AREAS WITHIN ORANGE COUNTY.

WHEREAS, the Airport Land Use Commission for Orange County has previously adopted a policy of no residential development within 65 CNEL noise contour areas of airports within Orange County; and

WHEREAS, the Airport Land Use Commission for Orange County has previously adopted, as a mitigation measure only, the proposed construction of low-cost housing within the 65 CNEL noise contour for the Marine Corps Air Station, El Toro; and

WHEREAS, the Airport Land Use Commission for Orange County has researched, studied, and evaluated residential development within the 65 CNEL noise contours for airports within Orange County; and

WHEREAS, the Airport Land Use Commission for Orange County has considered and rejected the following land use controls for reasons stated:

High density residential development, as high density does not preclude outdoor recreational facilities unless so restricted to exclude the expected southern California amenities of barbecue areas, swimming pools, tennis courts, and/or other outdoor facilities; and

High density residential development, sound attenuated to limit intruding noise to 45 CNEL, indoor oriented without any outdoor living areas, as sound attenuation to 45 CNEL does not preclude high SENEL disruptions that interfere with conversation and social interaction and that affect the quantity and quality of sleep; and

Low and medium density residential development, sound attenuation to limit intruding noise to 45 CNEL as such sound attenuation does not preclude high SENEL disruptions that interfere with conversation and social interaction and that affect the quantity and quality of sleep and because low and/or medium density residential development usually implies space for outdoor living and recreational facilities; and

Restricting the 65 CNEL noise areas to rental units as at some later time these may become individually owned and thereby defeating the original intent; and

(Continued)

RESOLUTION No. 78-1

Restriction to "adult only" residential units as schools and playgrounds are incompatible uses within 65 CNEL noise areas because such restriction could create hardship for persons who could ill afford to move if children become part of a formerly childless household; and

Avigational easements that would protect the County but would not protect the buyer/renter of low-cost housing from harm arising from aircraft generated noise; and

Notice to potential buyers of residential units of severe noise impaction as the current terms of description are neither realistic nor understandable and because the use of CNEL, although applicable to regularly scheduled jet flights, when applied to military airport noise is misleading, as the scheduling of military jet flights is highly variable; and

Notice to potential buyers of residential units of severe aircraft generated vibrations that disrupt television and radio reception as the extent of such disruptions may not be realistically communicated; and

Agricultural zoning because it permits four-acre parcels for residential use and with variances, it permits one-half and/or one acre parcels for residential use. Hence, it does not preclude residential use within the 65 CNEL areas; and

WHEREAS, the Airport Land Use Commission for Orange County has considered the following health problems arising from aircraft noise impaction, particularly long-term noise impaction:

Data indicating that hearing damage in children may occur in a relatively short period of time; and

Noise sensitivity of individuals varies widely and sensitivity to noise may develop upon long-term exposure to high noise impact, and extremes of noise sensitivity may occur in one family to the hardship of those who are noise sensitive; and

WHEREAS, the Airport Land Use Commission for Orange County has considered the following social problems as related to aircraft noise impaction:

Low-cost housing within 65 CNEL noise areas as it would relegate the group least able to afford housing to the least desirable area from which it could be difficult to relocate as they have the fewest alternatives; and

The concept of low-cost housing within 65 CNEL noise areas because of the possibility of compounding existing social problems and because of its discriminatory implications; and

(Continued)

RESOLUTION No. 78-1

The buyer/renter expectation of outdoor living in Orange County as reasonable; and

The expectation of families with children of outdoor play areas in Orange County as reasonable; and

The quality of living as measured by expectations of outdoor living for residents of Orange County as reasonable; and

WHEREAS, the Airport Land Use Commission for Orange County has considered and rejected the following presumptions and found them wanting for reasons stated:

A renter is free to move if dissatisfied. There may not be a reasonable alternative due to the scarcity of low-cost units; and

Renters are likely to spend less time in their residences. Such persons may not have the physical and/or financial capacity to go elsewhere; and

The less affluent are less noise sensitive than the more affluent. Affluence has not been found to be a determinative factor of noise sensitivity; and

Renters are less noise sensitive than owners. Renter/owner relationship has not been found to be a determinative factor of noise sensitivity; and

NOW, THEREFORE, it is RESOLVED, that the Airport Land Use Commission for Orange County recommends that no residential units, including low-cost or affordable, be constructed within the 65 CNEL noise contour areas of airports within Orange County.

I, George E. Perry, Secretary to the Airport Land Use Commission for Orange County hereby certify and declare that the foregoing resolution was duly adopted by said Commission on December 21, 1978

Executed this 5th day of January 1979


Secretary

RESOLUTION NO. 77-1

RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY ADOPTING AN AMENDMENT TO THE AIRPORT ENVIRONS LAND USE PLAN AND APPROVING THE ENVIRONMENTAL IMPACT REPORT FOR THAT AMENDMENT.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California empowers the Airport Land Use Commission to adopt a comprehensive land use plan for the areas surrounding military airports within the County of Orange; and

WHEREAS, the Airport Land Use Commission has an adopted Airport Environs Land Use Plan for El Toro Marine Corps Air Station; and

WHEREAS, the Airport Land Use Commission has held public hearings on an Amendment to the Airport Environs Land Use Plan for El Toro Marine Corps Air Station; and

WHEREAS, this Amendment is a project in terms of the California Environmental Quality Act and an EIR was reviewed and considered by the Airport Land Use Commission;

NOW, THEREFORE, the Airport Land Use Commission for Orange County finds that the EIR is complete and adequately addresses the environmental impacts of the Amendment and that;

- a) Election of the No Project Option presented in the EIR would not adequately fulfill the spirit of the ALUC's legislative mandate. Inhabitants near the air station would not be adequately protected by local jurisdiction planning which allows residential construction in identified high noise impact areas as documented in the EIR;
- b) The ALUC has considered other noise disturbance criteria but has chosen the 65 CNEL standard for the reasons stated in the Commission's Airport Environs Land Use Plan;
- c) The Commission has chosen the 60 and 65 CNEL contours developed by Ultrasystems as the best estimates available;
- d) The Commission has not chosen to use alternative project designs (a), (b), (c), (d), or (e) as presented in the EIR because each of these would allow some number of persons to be adversely affected by aircraft noise;
- e) Substantial discretion is allowed to local jurisdictions to minimize the impacts of this project by (1) redesigning residential units to limit noise disturbance and (2) replanning areas to replace incompatible uses within the impact area with compatible uses from outside the impact area;

(Continued)

f) The following were identified in the EIR as significant effects:

1. The loss of available dwellings,
2. the economic impact to land owners,
3. the increase in the cost of housing,
4. the loss of low and moderate income dwellings,
5. the loss of employment in the building and trade industry,
6. the outflow of dollars from Orange County,
7. the shifting of population,
8. the increased vehicle emissions and,
9. the economic loss within utility assessment districts.

As to each of the above significant effects, the changes or alterations which could mitigate or avoid their impact are within the jurisdiction of other public agencies and such changes can be adopted by the other agencies, if other agencies take advantage of the provisions within the AELUP which allow for sound attenuated, indoor oriented residential construction. The land use guidelines within the AELUP allow apartment like structures with central air conditioning to be located within high noise impact areas. The Commission finds that the replacement of single family units with such multiple family units would eliminate many of the adverse impacts enumerated in the EIR.

- g) The AELUP contains implementation procedures which minimize delays in processing. The prolongation of the planning and developing process which will result from the adoption of this Amendment to the AELUP is a necessary consequence of the fulfillment of the ALUC's legislative mandate to protect the airport and the inhabitants near the airport.

NOW, THEREFORE, BE IT RESOLVED THAT THE Airport Land Use Commission for Orange County amends Section 2.2.1 of the Airport Environs Land Use Plan to read as follows:

(Continued)

2.2.1 Marine Corps Air Station, El Toro

The original plan adopted on April 17, 1975 was amended by the Commission on June 16, 1977.

CNEL CONTOURS - The Commission utilized the average annual CNEL contours depicted in "An Update of the Noise Contours for El Toro Marine Corps Air Station" prepared by Ultrasystems, Inc., for the Board of Supervisors, County of Orange, dated May, 1976.

These contours were developed on the basis of 1975 and 1976 operations data and the latest available information concerning noise characteristics of military aircraft.* Both the 60 CNEL and 65 CNEL contours depicted on the map in section 3 were the products of the Ultrasystems' report.

ACCIDENT POTENTIAL ZONES - An analysis of the ten year accident history and the operational characteristics of MCAS, El Toro, was conducted in accordance with the adopted AICUZ methodology. The analysis revealed no justification for extending the limits of Accident Potential Zone "B" farther than 10,000 feet from the runway ends. No Accident Potential Zone "A" was placed at the end of Runway 3/21 because it is not presently in use nor are there any plans for its use. The AICUZ methodology was strictly observed on all other runways. This analysis was based on the same operations data which appears in the Ultrasystems' noise contour report discussed above.

PLANNING AREA - The Commission expanded the planning area adopted April 17, 1975 to include all that area embraced by the Ultrasystems' 1976 average annual 60 CNEL contour.

TWENTY YEAR FUTURE - (This section will not be drafted until a statement is received from the Marine Corps regarding future plans for El Toro. However, it is assumed that a continuation of present operations is a reasonable requirement for adoption of this plan.)

* Aerospace Medical Division, "Community Noise Exposure Resulting from Aircraft Operations: Acquisition and Analysis of Aircraft Noise and Performance Data," Wright-Patterson Air Force Base, Ohio, and Bolt Beranek and Newman, Inc., Canoga Park, California, AHRM-TR-73-107, August, 1975.

(Continued)

and that is hereby

RESOLVED, that the map for El Toro Marine Corps Air Station appearing in Section 3.4 of the Airport Environs Land Use Plan be amended to appear as the map hereto attached, and that it is hereby

RESOLVED, that for purposes of implementation of the amended Airport Environs Land Use Plan for El Toro Marine Corps Air Station, all that area within the City of Irvine which is regulated by the North Irvine (Northwood II) Planned Community Regulations adopted November 11, 1975 by the City Council of the City of Irvine be considered already devoted to incompatible uses by the Airport Land Use Commission.

AYES: Ablott, Beverburg, Doan, Dostal, Foringer, Hudson

NOES: Bresnahan

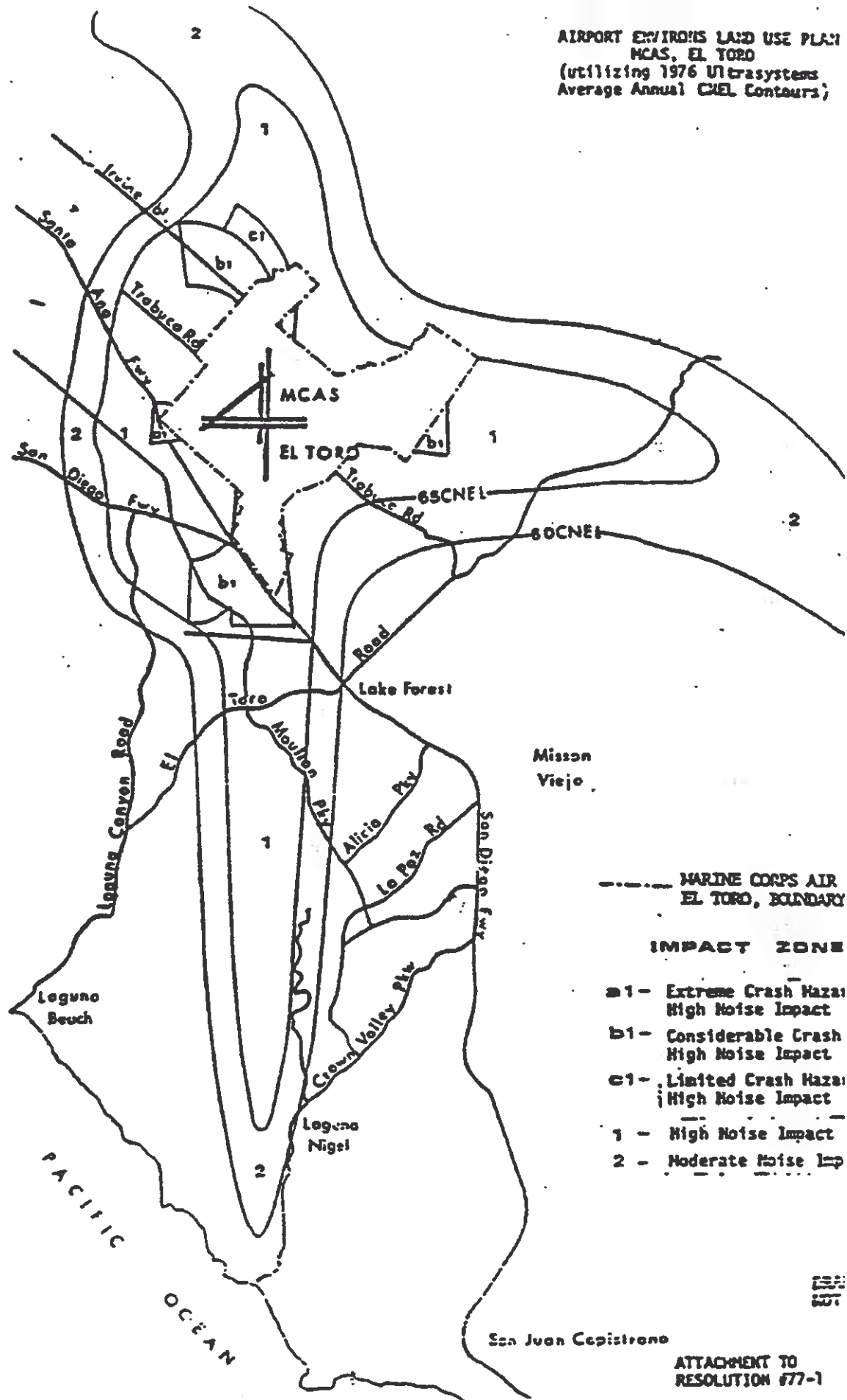
ABSTENTIONS: None

I, KENNETH J. DELIND, Secretary to the Airport Land Use Commission for Orange County hereby certify and declare that the foregoing resolution was duly adopted by said Commission on June 16, 1977.

Executed this 17th day of June 1977


SECRETARY

**AIRPORT ENVIRONMENTAL LAND USE PLAN
MCAS, EL TORO
(utilizing 1976 UTCASystems
Average Annual CIEL Contours)**



----- MARINE CORPS AIR EL TORO, BOUNDARY

IMPACT ZONE

- a1 - Extreme Crash Hazard
High Noise Impact
- b1 - Considerable Crash Hazard
High Noise Impact
- c1 - Limited Crash Hazard
High Noise Impact
- 1 - High Noise Impact
- 2 - Moderate Noise Impact

RESOLUTION #75-3

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY CONCERNING ACCIDENT
POTENTIAL ZONES AROUND CIVIL AIRPORTS.

WHEREAS, the Airport Land Use Commission for Orange County has previously resolved that the potentiality of aircraft accidents outside the boundary of an airport may be incompatible with the general welfare of the inhabitants within the vicinity of an airport; and

WHEREAS, the Airport Land Use Commission for Orange County has researched, studied, and evaluated accident data for civil aircraft operating in California; and

WHEREAS, the aircraft operations at the civil airports in Orange County are relatively typical of aircraft operations throughout California; and

WHEREAS, the Airport Land Use Commission for Orange County has studied and evaluated the aircraft accident data for civil airports within Orange County; and

WHEREAS, the data for civil aircraft accidents in California indicates that the locations of off-airport accidents are in no discernible pattern; and

WHEREAS, the accident data studied indicates that there is no relationship between overall accident locations and accident locations around individual airports;

NOW, THEREFORE, it is RESOLVED, that the Airport Land Use Commission for Orange County shall designate accident potential zones around civil airports on the basis of study and evaluation of each airport's accident history and operational characteristics.

I, Brian Douglas Secretary to the Airport Land Use Commission for Orange County hereby certify and declare that the foregoing resolution was duly adopted by said Commission on April 3 19

Executed this 3 day of April, 19

Brian Douglas
SECRETARY

RESOLUTION NO. 75-1

RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY ADOPTING STANDARDS AND CRITERIA FOR THE ESTABLISHMENT OF PLANNING BOUNDARIES FOR USE IN COMPREHENSIVE LAND USE PLANS.

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to formulate a Comprehensive Land Use Plan for the areas surrounding all public airports within its jurisdiction; and

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires that above said Comprehensive Land Use Plans provide for the orderly growth of the area surrounding airports and safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general; and

WHEREAS, Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission for Orange County to establish planning boundaries; and

WHEREAS, the Airport Land Use Commission for Orange County has researched, studied, and evaluated available materials concerning guidelines for the establishment of above said planning boundaries; and

WHEREAS, the Airport Land Use Commission for Orange County held a public hearing and invited the participation of affected jurisdictions and persons in the process of determining standards and criteria for the establishment of planning boundaries;

NOW, THEREFORE, the Airport Land Use Commission for Orange County hereby adopts the following standards and criteria for establishing planning boundaries; and therefore it is hereby

RESOLVED, that aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport and in order to measure the impact of aircraft noise on the inhabitants within the vicinity of an airport, the Airport Land Use Commission for Orange County adopts the Community Noise Equivalent Level methodology as specified in the Noise Standards for California Airports (Title Four, California Administrative Code); and it is hereby

RESOLVED, that the potentiality of aircraft accidents outside the boundary of an airport may be incompatible with the general welfare of the inhabitants within the vicinity of an airport and in order to designate such accident potential zones near military airports the Airport Land Use Commission for Orange County adopts the Department of the Navy, Aircraft Installation Compatible Use Zone Program methodology as attached; and it is hereby

(Continued)

RESOLVED; that objects affecting navigable airspace within the vicinity of airports is incompatible with the safety of air navigation and in order to limit such obstructions, the Airport Land Use Commission for Orange County adopts the regulations regarding Notices of Proposed Construction or Alteration as contained in Federal Aviation Regulations Part 77; and it is hereby

RESOLVED, that the delineation of the Planning Area of the Airport Land Use Commission for Orange County will generally include those areas embraced by the 60 dB CNEL contours and accident potential zones.

I, BRIAN DOUGLASS, Secretary to the Airport Land Use Commission for Orange County hereby certify and declare that the foregoing resolution was duly adopted by said Commission on JANUARY 9, 1975.

Executed this 9th day of January, 1975


SECRETARY