

Memorandum

To: Chair and Commissioners

Date: May 28, 2008

From: John F. Barna, Jr.
Executive Director

File No: Reference # 4.1
TAB 79
ACTION

Ref: State and Federal Legislation

Issue: Should the Commission accept the Technical Advisory Committee on Aeronautics' (TACA) recommendation:

- On the State of California participating with a national non-profit alliance of private and governmental agencies that is working on the next generation (NextGen) of navigation/safety systems for aviation; and
- On changing the Commission's position on SB 1118 (Negrete McLeod) dealing with airport land use commissions from its current position of conceptually support to support?

Recommendation:

NextGen: TACA recommends that Commission advise the Business Transportation and Housing (BTH) agency to set forth an action plan in which BTH:

- Provides leadership for California in NextGen activities and sustainable air transportation.
- Participates in the Alliance for Sustainable Air Transportation (ASAT) public-private partnership by June 15, 2008, in order to participate in a public launch of ASAT with Governor Crist of Florida.
- Helps position California so that the state can become the nation's next test bed for NextGen technology. This will enable the state to compete and receive future federal funds that become available for this technology.

Staff recommends that the Commission accept TACA's recommendation on NextGen and direct staff to send a letter to BTH urging participation and leadership in NextGen activities for California.

SB 1118 (Negrete McLeod): TACA also recommends that the Commission change its current position of Conceptually Support to Support. TACA learned at its May 14 meeting that SB 1118 was amended to address the Commission's concern that regional bodies should be permitted to be designated as an airport land use commission. TACA was also informed that SB 1118 will be heard on June 18 by the Assembly Local Government Committee, prior to the next Commission meeting.

Staff recommends that the Commission accept TACA's recommendation on SB 1118 and change its Conceptually Support position to Support. Further, staff recommends that the Commission send a letter to the author expressing the Commission's latest position.

Background:

NextGen: The Federal Aviation Administration (FAA) is transforming air traffic control from a ground-based system of radars to a satellite-based system. Using a digital satellite-based system, Next Gen will shift decision making from the ground to cockpit. Flight crews will be able to have more control over their flight paths,

reduce the distance between aircraft and land more effectively. Ground controllers will become traffic flow managers.

FAA projects that the current system will not be able to handle air traffic that is expected to increase to one billion passengers by 2015 and double current levels by 2025. San Francisco and Los Angeles are two airports that are projected to reach and exceed capacity by 2015.

The federal government is working through a public private partnership group to establish NextGen. This group is known as the Joint Planning and Development Office (JPDO) and is made up of representatives from US Departments of Transportation, Defense, Homeland Security, Commerce, the FAA, NASA, the White House Office of Science and Technology Policy and aviation experts from the private sector.

Working with and through the JPDO, the Alliance for Sustainable Air Transportation (ASAT), a public private partnership, is set up to establish and validate existing technology and prototypes necessary to set up NextGen technology on the ground at airports and in aircraft. Participation in such a public private partnership would enable California to participate proactively in a broad-based collaborative effort to develop NextGen technology and begin addressing the future of air transportation in California.

SB 1118 (Negrete McLeod) Airport Land Use Commission: The bill currently:

- Reinstates statutory language permitting an Airport Land Use Commission to be formed by a multi-county jurisdiction via a vote of the respective county board of supervisors and the city selection committee of mayors.
- Limits, beginning in January 1, 2010, the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of an airport land use commission. When a county board of supervisors and the mayors of the cities in that county agree that proper airport land use planning can be accomplished by an agency other than an ALUC, SB 1118 would require that the other agency must be a countywide body.
- Allows for a city to retain the ability of a city to assume an ALUC's duties if, before January 1, 2009, the county board of supervisors and the city councils in that county determined that certain criteria are met.

The bill retained amendments from prior versions of the bill to:

- Repeal the authority for a county to exempt itself from the requirement to set up an ALUC.
- Repeal the exemption from the requirement to set up an ALUC for a county that has only one public use airport that is owned by a city.
- Repeal the exemption from the requirement to set up an ALUC in counties that contract with Caltrans' Division of Aeronautics.
- Require that a city or county must submit its proposed land use actions, regulations, and permits in the airport's vicinity to the ALUC for review and approval. Until an ALUC adopts an ACLUP for an airport
- Repeal the ability of a public agency in Marin County to overrule the Marin County ALUC by majority-vote of the public agency's governing body