State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

# Memorandum

**TAB 70**

**To:** CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

**CTC Meeting:** March 26, 2015

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Action Item

PASSED BY CTC MAR 2 6 2015 CALIFORNIA TRANSPORTATION COMMISSION

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Chief Financial Officer

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**Subject:** **APPROVAL OF THE SET-ASIDE RATIO FOR THE ACQUISITION AND DEVELOPMENT FUNDS – AIRPORT LAND USE COMPATIBILITY PLANS RESOLUTION G-15-08, AMENDING G-08-09**

## RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission) fund the Airport Land Use Compatibility Plans (ALUCP) at the current ratio of 30 percent of the Acquisition and Development (A&D) fund.

## ISSUE:

The California Public Utilities Code (PUC), Section 21675(a), requires preparation of ALUCPs for each public-use airport in the State. The preparation and updates of ALUCPs are allowable expenditures of A&D funds. ALUCPs funded with A&D funds require a 10 percent local match.

On June 26, 2008, the Commission approved Resolution G-08-09 to increase the set-aside ratio for ALUCPs from 15 percent to 30 percent. Funding ALUCPs at a ratio of ~~30~~ 25 percent of the A&D fund has been found to be the lowest reasonable percentage that allows for a small but meaningful impact in protecting against incompatible land uses in the vicinities surrounding airports, particularly for small and rural counties. The remaining ~~70~~ 75 percent of the A&D funds will be used for capital improvement projects at airports.

Typically, the total amount available annually for the A&D program is approximately $1,000,000 leaving approximately $300,000 for ALUCPs. Costs for an ALUCP may range from $100,000 to $500,000, depending on the type of ALUCP. Costs vary based on the number of airports, the unique characteristics of each airport, and the environmental documentation required for each plan. The Department prioritizes funding by giving the highest priority to those that have no ALUCP and those who's ALUCPs are outdated. Additionally, the complexities of any current issues surrounding an airport are also considered. The current Capital Improvement Plan for Fiscal Years 2014 and 2015 lists 25 ALUCPs that need to be developed or updated at an estimated cost of over $2.8 million.

ALUCPs have been proven to protect the health, safety, and welfare of the public living and working near airports and are as important to the airports as safety projects. Statutorily, ALUCPs have no impact on existing incompatible land uses but serve only to prevent new ones. Failure to have a current updated ALUCP that addresses the issues surrounding a community will result in new incompatible land uses, which fail to protect the public's interests.

The Federal Aviation Administration (FAA) provides funding to airports for Airport Master Plans (AMP) and Airport Layout Plans (ALP), but it does not provide funding for ALUCPs. An ALUCP and an AMP have fundamentally distinct and separate functions. The ALUCP focuses on the area outside of the airport property that is within its airport area of influence, while the AMP focuses on airport operations and the area under the control of the airport and contains an FAA approved ALP.

**BACKGROUND:**

Aviation is a vital link to the State's multi-modal transportation system. California's airports are critical for providing services, such as business travel, tourism, emergency response, fire suppression, and law enforcement. Airports, airlines, and businesses that support airports provide direct and indirect jobs and income throughout the State. Aviation provides tangible and intangible benefits, such as quality of life and enhanced mobility.

One of the greatest concerns facing airports today is the continued pressure brought about by incompatible land use, which threatens and limits the operations of an airport and is referred to as "encroachment." The Department's mission is to ensure that California has a safe and sustainable air transportation system of public-use airports. One of the main ways the Department accomplishes this is by assisting Airport Land Use Commissions (ALUCs) with technical expertise, guidance, and funding to develop and update ALUCPs.

In 1967, the California State Legislature authorized the creation of ALUCs to protect the "public health, safety, and welfare by encouraging orderly expansion of airports and the adoption of land use measures that minimize 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." The State requires each county's ALUC (or alternative process) to prepare an ALUCP.

The ALUCP is designed to encourage compatible land uses in the vicinity surrounding an airport. It provides for the "orderly growth of each public airport and the area surrounding the airport" while safeguarding "the general welfare of the inhabitants within the vicinity of the airport and the public in general (PUC, Section 21675(a))." The ALUCP contains criteria for making consistency determinations including building standards, and height and land use restrictions. The ALUCP is a very powerful safety instrument that protects the public and aviation users. It does this by requiring land use measures that minimize the public's exposure to potential aviation-based safety hazards within areas around public airports.

The ALUCP is not part of a city's or county's general plan. It is a separate document statutorily required by the PUC, Section 21675(a). Additionally, the importance of the ALUCP is shown in that the Government Code, Section 65302.3 (a), states that a county's or city's general plan, as well as any applicable specific plans, "shall be consistent" with an ALUCP and that every affected county or city must amend its general and specific plans as necessary to keep them consistent with the ALUCP.

The California Airport Land Use Planning Handbook recommends a comprehensive review and update of an ALUCP at least every 5 years, pursuant to PUC, Section 21674.7.(a). Of the 243 public-use airports in California, currently 78 percent have ALUCPs over 5 years old. Approximately 60 percent of the ALUCPs are over 10 years old, twice the recommended amount of time. Additionally, there are many ALUCPs that are over 20 years old, and some that are even older than 30 years, still in use today. Consistent funding for ALUCPs is vital for the protection of the California air transportation system and those communities surrounding the airports.