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April 5, 2012

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, California 95814

Dear Governor Brown:

The Aircraft Owners and Pilots Association (AOPA), a not-for-profit membership organization, represents the general aviation interests of over 400,000 members nationwide, including more than 45,000 in California. Since 1939, AOPA has been committed to ensuring the safety, future viability, and development of general aviation airports and their facilities as a part of our national transportation system.

We are writing to express our opposition to the proposal to eliminate certain sections of the Public Utilities Code regarding the establishment and operation of airport land use commissions as part of the 2012-2013 state budget package.

Since 1967 it has been State of California public policy "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 land uses." This policy has been carried out through the provisions of Public Utilities Code sections 21670 through 21679. California's airports are vital to the state's economy. A 2003 State of California study found that nine percent of the California's jobs and nine percent of the state gross product are attributable to aviation. Clearly, our airports must be protected from incompatible land uses in the airport environs. Elimination of the provisions for establishment and operation of airport land use commissions will undoubtedly lead to threats to airport viability.

It is our understanding that the proposed elimination of certain code sections is for the purpose of reducing the costs of state mandated programs on the general fund. A 1997 Commission on State Mandates Determination (CSM-4507) regarding reimbursable airport land use commissions found, "Any state reimbursement of mandated activities determined under this test claim are to be paid from the Aeronautics Account, State Transportation Fund, pursuant to the recommendation of the Department of Finance." Revenue for the Aeronautics Account is not derived from the general fund. All revenue for the aeronautics account comes from the users of aviation by way of the excise tax on general aviation fuels. Consequently, there is no impact on the general fund by state reimbursement of airport land use commission startup costs.

Therefore, we urge you to reconsider the elimination of these code provisions to maintain the carefully conceived vital protections currently in place for our public airports -- and their contribution to the economy.

Sincerely,

Gregory Pecora
Vice President, Airports and State Advocacy

cc: Ana J. Matosantos, Director of Finance
Malcolm Dougherty, Acting Director of Transportation