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Growing Pains: Airport Expansion and Land Use Compatibility Planning in California

By Grant Boyken, Senior Research Specialist

Requested by Senator Christine Kehoe

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EXECUTIVE SUMMARY

What motivates this Council on the airport issue is simple. It is our duty to protect the quality of life in the city we all love. That means balancing economic benefits and transportation convenience against the negatives we all know far too well. It's not an easy thing to do, which helps to explain why the issue has become so controversial.

Dave Golonski
Former Mayor (City of Burbank)
June 16, 1998[1]

Aerial image of Burbank's Bob Hope airport. Photo by Norm Vargas/Ross Olson. © www.pilotage.com.

Senator Christine Kehoe requested that the California Research Bureau (CRB) analyze airport land use planning and airport governance in California; and examine issues relating to land development near airports, and airport expansion. Our review finds that land development in the vicinity of airports is governed primarily by state laws that establish county airport land use commissions (ALUCs), and by local jurisdictions that are guided by ALUC airport land use compatibility plans. These plans contain compatibility policies related to airport noise and safety issues that define the types of new structures and land uses that may be developed in various zones surrounding an airport. ALUCs have no authority over airport expansion, but base their compatibility policies on airports' long-term projections for growth. Because ALUCs have no enforcement authority, they generally serve in an advisory, as opposed to regulatory, capacity.

In contrast, development within the airport gates is the province of airport operators. Airport governance structures vary, but are generally city or county departments that receive direction from an appointed board, from elected officials of the local jurisdiction's legislative body, or both. Airport operators plan for growth and fund and manage the construction of airport facilities.

ALUCs and airport operators respond to two opposing forces that significantly shape airport operations and expansion: (1) the pressure to develop once-open land in the vicinity of airports; and (2) the continuous need to make improvements and expand airport capacity. Encroaching development diminishes the buffer between airports and the communities they serve, and can hinder airport growth as landowners' complaints about noise lead to litigation. At the same time, airports are under pressure to expand their facilities and operations due to factors such as the increasing demand for air service, post-9/11 security requirements, and the need to accommodate a new generation of wide-body passenger jets. To expand, however, airport operators must negotiate the often-conflicting goals of minimizing congestion and delay in the terminals and on the tarmac,

and minimizing the negative impacts that airport operations can have on surrounding communities.

STRUCTURE OF THE REPORT

Part I provides an overview of federal and state regulation and guidance with respect to airport land use-compatibility planning.

Part II explores the actual practice of airport compatibility planning in California by presenting the results of a CRB survey of Airport Land Use Commissions throughout the state.

Part III examines airport governance and conflicts related to the operations and development of California's major commercial airports as well as Sky Harbor International Airport in Phoenix, Arizona, and the Portland (Oregon) International Airport.

Appendix A provides an overview of the governance, regulation and management of airports at the federal, state and local levels.

Appendix B contains tables that summarize key information about the airports. The tables in Appendix B include information including:

- Airport ownership
- Governance
- Management
- Operations and Revenues
- Airport land use compatibility planning

Appendix C presents narrative profiles of each of the fifteen airports considered in the report.

Appendix D includes a copy of the CRB survey administered to Airport Land Use Commissions.

KEY FINDINGS

Regional and national benefits, local costs. Although the Federal Aviation Administration (FAA) and California's Division of Aeronautics regulate some aspects of airport operations and design, and provide some funding for airport projects, crucial decisions about airport development and policies are made at the local level by elected

city or county officials or their appointees.[*] This may have some bearing on airport policies and strategies because:

- The benefits and burdens conferred by airports have an uneven geographic distribution. While the economic impact of airport operations can reach the regional, statewide, or even national level, the majority of negative impacts such as noise are heavily concentrated within a relatively small radius around airports.
- The research literature on ports and airports suggests that compared to more autonomous, regional authorities, airports controlled by localized governance structures are likely to be more sensitive to local politics, and less able to pursue long-term strategies aimed at increasing regional benefits.[2]

Despite some federal and state regulation and guidance, airport land use compatibility planning and review is largely under local control.

- The FAA controls airways and air traffic, but has no direct authority over local land use, and cannot determine land use compatibility criteria.
- The California Department of Transportation's Division of Aeronautics issues guidelines for airport land use compatibility planning, but county airport land use commissions (ALUC) determine the actual policies adopted for the land around each airport.
- Because ALUCs have no enforcement authority, compliance with ALUC plans and review decisions are the responsibility of local jurisdictions. Conflicts are decided in the courts.

Despite ALUC planning and review activities intended to mitigate airport impacts and "provide for the orderly development" of airports,[3] conflicts over airport noise and other impacts have had a significant affect on airport operations and development in California.

- Concerns about increased traffic, noise, and other environmental impacts have given rise to opposition that has halted major airport expansion plans. Recently, Los Angeles International's Airport Master Plan was dramatically scaled back.
- Eight of California's thirteen primary commercial airports have adopted nighttime noise curfews in response to community concerns about airport noise impacts.
- Existing development and environmentally sensitive land have significantly curtailed operations and the potential for growth at a number of California's major airports. San Francisco International Airport abandoned plans to add two new runways.

---

[*] The exception among the airports considered in this report is Portland International Airport (PDX). The nine members of the Port of Portland Commission that governs PDX are appointed by the state's governor and reside in a three-county region that surrounds the airport and Port.

Several factors limit the ability of ALUCs to prevent conflicts related to airport operations:

- ALUC activities are limited to new development. Existing development and airport operations are beyond the scope of ALUC planning and review.
- ALUC compatibility plans are often out-of-date because the planning process is costly. ALUCs have limited resources and, in a California Research Bureau survey conducted for this report, they express the desire for more funding to update plans.
- Local conflicts or litigation can effectively alter ALUC compatibility plans and decisions, leading to land development that ALUC policies would otherwise have considered to be incompatible.

The research literature suggests that autonomous airport governing bodies such as regional authorities are more effective for airports that play a significant role in regional and national economies. This is because they tend to insulate airports from political interference, and are more adept at long-term planning than more politicized local governance structures.[4] For the same reasons, however, autonomous airport authorities are vulnerable to criticisms that they are not responsive to local concerns about airport impacts. In Burbank, for example, city officials and residents feel that the Airport Authority, the majority of whose commissioners represent cities that do not experience the impact of airport operations to the same extent, tends to ignore the interests of Burbank and has acted with too much independence.[5]

Regional strategies to redistribute air traffic among existing airports have been proposed as a possible alternative to airport expansion and the development of new airports. Regional coordination and planning efforts among airports have been discussed in the past, but have not been implemented to a significant degree in California.[6] Nonetheless, the idea of developing regional airport strategies to more efficiently distribute the demand for air service, and the benefits and burdens of airport operations, appears to have gained some traction recently.

I. AIRPORT LAND USE REGULATION AND GUIDANCE

FEDERAL REGULATION AND GUIDANCE

The role of the federal government in airport land use planning is limited. Although the FAA controls airways and air traffic, it has no direct authority over the operation and management of airports or local land use, and cannot dictate land use compatibility criteria. Nonetheless, several FAA-issued regulations are directly related to compatibility planning.

Regulations with respect to the height of structures

For the purpose of maintaining safe airspace around an airport, the FAA issues regulations that define standards for determining whether a structure constitutes an obstruction to navigable airspace, and establish notification requirements and procedures for conducting studies and obtaining a determination from the FAA regarding potential obstructions.[7] Even though the FAA cannot prohibit the construction of structures determined to be obstructions, it can enforce flight procedures and aircraft operational limitations that mitigate potential hazards.

Regulations related to airport noise

FAA-issued regulations also provide guidance for managing aviation noise compatibility on and around airports.[8] Regulations contained in *Part 150, Title 14 of the U.S. Code of Federal Regulations* provide for the following:

- Establish standard methodologies for measuring airport noise.
- Identify land uses which normally are compatible or incompatible with various levels of airport noise.
- Provide for voluntary development of noise exposure maps (NEMs) and noise compatibility programs (NCPs) by airport operators.
- Require review and approval of NEMs and NCPs submitted to the FAA.
- Establish procedures and criteria for making projects eligible for funding as noise abatement projects through the Airport Improvement Program.

Although the Part 150 regulations are voluntary, an approved NCP is a requirement for airports seeking federal grants for noise abatement projects. NCP approval also fulfills the FAA's requirements for evaluating the impacts of proposed restrictions on airport operations such as curfews.[9]

Regulations requiring notice and approval of airport noise and access restrictions (curfews)

Airport operators sometimes institute nighttime curfews as noise abatement measures. In 1990, the U.S. Congress passed the Airport Noise and Capacity Act (ANCA) which made

it more difficult to implement airport curfews. The purpose of ANCA was to reduce airport noise impacts by requiring air carriers to gradually phase out older, noisier, aircraft. As a concession to aircraft operators that would have to absorb the costs of upgrading their equipment, ANCA also included language that required a more restrictive process for approving airport curfews.

In response, the FAA created regulations that require airports to notify the FAA and obtain FAA approval of airport noise and access restrictions.[10] These regulations require airports seeking approval of a curfew or similar restriction to demonstrate the following:

- An adequate analysis of the costs and benefits of the proposed restriction and alternative measures; and that
- The restriction is reasonable, non-arbitrary and non-discriminatory;
- The restriction maintains safe and efficient use of navigable airspace;
- The restriction does not conflict with any existing federal statute or regulation;
- The applicant has provided adequate opportunity for public comment on the proposed restriction; and
- The restriction does not create an undue burden on the National Aviation System.

Since the implementation of these regulations in 1990, no airport has successfully gained approval for a new access restriction. All curfews that exist today were established prior to the passage of ANCA in 1990 and grandfathered in place. In 2003, however, the FAA did approve a restructuring of San Jose International's night curfew from weight-based to noise-based limits.[11]

CALIFORNIA COUNTY AIRPORT LAND USE COMMISSIONS

Section 21670 et seq., Division 9 of the Public Utilities Code establishes county airport land use commissions (ALUCs). The purpose of the commissions is "to provide for the orderly development of each public use airport in California, to promote the overall goals and objectives of California airport noise standards, and to ensure the orderly expansion of airports and the adoption of land use measures that minimize safety hazards."

Commissions do not have jurisdiction over existing land uses or over the operation of any airport pursuant to state law, but are specifically charged with the following:

- 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,
- 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,
- Prepare and adopt an airport land use compatibility plan,

- Review the plans, regulations, and other actions of local agencies and airport operators.

Appointment of airport land use commissions

California Public Utilities Code allows for a number of ALUC formats. The majority are single-purpose entities established according to Section 21670(b). Although the composition of airport land use commissions (ALUCs) can vary somewhat (e.g., where airports straddle county boundaries, or where a regional association of governments is designated as the ALUC for more than one county), single purpose commissions are generally required by law to consist of:

- Two members who represent the county, appointed by the county board of supervisors.
- Two members representing cities in the county, appointed by a committee of mayors.
- Two members with expertise in aviation, appointed by a committee of managers of all public airports within the county.
- One member who represents the general public, appointed by the other six members of the commission.

Counties may also designate another body, such as a planning agency or an airport commission, as an ALUC if the board of supervisors and the mayors of affected jurisdictions in a county determine that the body can accomplish the functions of an ALUC (Section 21670.1(a)).

San Diego is unique. The designation of the San Diego County Regional Airport Authority (SDCRAA) is written into state law (California Public Utilities Code Section 21670.3). When the SDCRAA came into existence on January 1, 2003, it assumed the ALUC duties that had previously been performed by the San Diego Association of Governments.

Developing airport land use plans

Caltrans guidance for airport land use compatibility planning is contained in the California *Airport Land Use Planning Handbook,* originally published in 1993 and updated in 2002. The handbook contains guidance for land use commissions in the following areas:

- Establishment of airport land use commissions, including the purpose and authority and duties of the commissions
- Preparation and adoption of compatibility plans
- Formulation of airport land use policies
- Commission review of local actions

- Responsibilities of local agencies
- Compatibility issues, including
    - Noise
    - Safety on the ground
    - Airspace protection

Caltrans is responsible for implementing a training and development program to assist the staff of airport land use commissions (PUC Section 21674.5).

The handbook suggests that compatibility plans should reflect the anticipated growth of the airport and related safety and noise impacts at least twenty years into the future.[12] The Division of Aeronautics encourages ALUCs to review and amend compatibility plans every five to ten years to ensure that plans are consistent with changes in state laws, local land uses, airport development and activity, and current practices for achieving noise and safety compatibility.[13]

Despite Division of Aeronautics guidelines that encourage ALUCs to keep compatibility plans current, plans for six of California's 13 primary commercial airports have not been updated within the past ten years. The plan for Oakland International Airport was last updated 20 years ago in 1986. No plan exists for Ontario International Airport, which is owned by the city of Los Angeles, but located in San Bernardino County which has no designated ALUC.

According to a report by the State's Technical Advisory Committee on Aeronautics, insufficient funding has made it difficult for many counties to develop Airport Land Use Plans, particularly as airport planning issues have become more complex and staff time and costs for handling those issues have increased.[14] In a California Research Bureau survey conducted for this report, ALUC staff agreed with this assessment.

Compatibility policies for safety and noise

Compatibility policies related to the safety of people on the ground restrict new development in the area around an airport based on residential density and non-residential intensity of use. To protect the safety of passengers and crew in flight by preventing potential obstructions to airplanes, ALUCs are guided largely by height restrictions established by the FAA in Part 77 (et seq.), Title 14 of the Code of Federal Regulations.

Plans also establish policies that define the types of land uses that are compatible with noise levels that occur within various zones, or "noise contours," around the airport. For example, a sixty-five decibel (dB) community noise equivalent level (CNEL) contour defines the geographical area around an airport that is subjected to an average noise level of sixty-five decibels. The CNEL is a cumulative measure that averages noise exposure over time, and is affected by the frequency and volume of noise events (such as aircraft operations) as well as the time of day that the noise events occur (e.g., aircraft noise at nighttime has a greater impact than during the daytime). According to the FAA, 65

decibels is somewhat louder than normal indoor conversation, and quieter than a vacuum cleaner.[15]

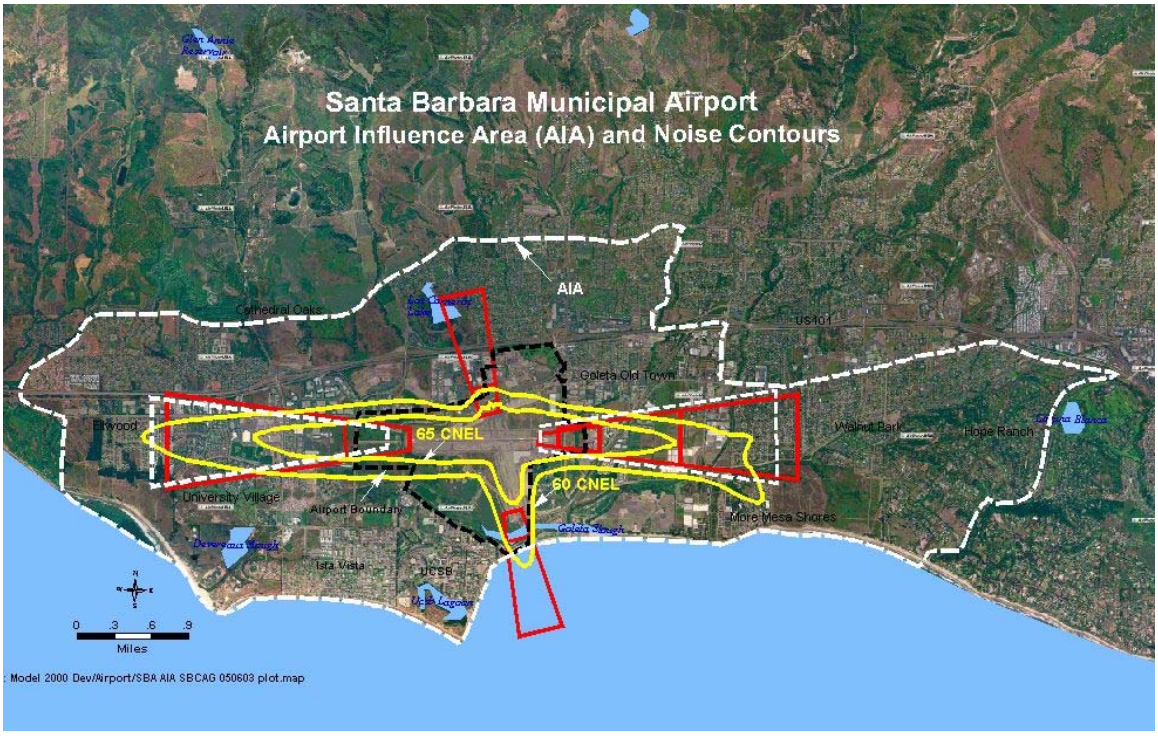

Image reproduced with the permission of the Santa Barbara County Association of Governments.

In the image above, the dashed, outer-most line represents the "Airport Influence Area" for Santa Barbara Municipal Airport, the area for which the ALUC develops a compatibility plan. The inner-most solid line is the 65 dB CNEL contour. The solid line just outside of that is the 60 dB CNEL contour.

Land use compatibility policies related to noise limit the types of new uses allowed in a particular noise contour, and may condition the approval of certain types of land uses on the implementation of noise mitigation measures such as indoor soundproofing, or the acquisition of "avigation" easements* in the airspace over neighboring properties.[16]

* An easement is a legally enforceable use of property by someone other than the owner. Easements are commonly granted to public utilities or government agencies for uses that benefit the public at large (e.g., streets). Airports acquire avigation easements in the airspace over neighboring properties in order to (1) prevent construction of buildings and towers, planting of trees, installation of lighting, or any other development that might interfere with aircraft takeoff and landing, or (2) protect against liability for any nuisance caused by airplanes using the airport, i.e., the impact of noise, fumes, and vibration on the "use and enjoyment" of properties under the flight paths to and from the airport.

ALUC review

In addition to developing compatibility plans, ALUCs are required to review several types of local land use actions, including:

- County or city general plans or specific plans whose boundaries include the influence area of a public use airport
- County or city proposals to adopt or amend zoning, building, and other land use ordinances and regulations that have implications for airport land use noise or safety compatibility
- Airport master plans, expansion plans, and construction plans for new airports.

Over time, the law has been amended to emphasize ALUC's role in reviewing plans rather than individual development projects.[17] According to the Division of Aeronautics' Airport Land Use Planning Handbook, the review of individual projects was found to be burdensome for airports located in high growth areas.[18] Currently, individual land use development projects within an airport's influence are exempt from ALUC review unless the ALUC has not yet adopted a land use plan for the airport, or the local agency with jurisdiction over the project has not revised its general or specific plan to be consistent with the plan and has not overruled the ALUC's determination that its general or specific plans are inconsistent.

A local agency may overrule ALUCs' findings of inconsistency "by a two-thirds vote of its governing body if it makes 'specific findings' that the proposed action is consistent with" the legislatively intended purposes of land use compatibility planning.[19] An appellate court ruling in 1992 found that "specific findings" of consistency means that facts and evidence must support the conclusion that a land use minimizes public exposure to excessive noise and safety hazards in the airport area.[20]

In 2003, the legislature established notification requirements for local agencies that overrule ALUCs (AB 332). A local agency that proposes to overrule an ALUC must first provide the ALUC and the State Department of Transportation, Division of Aeronautics, with the proposed decision at least 45 days prior to the decision. Any comments by the ALUC or Division of Aeronautics must be included in the final record of the local agency's final decision to overrule the ALUC.

California noise regulations for "noise problem" airports

In addition to requiring airport compatibility plans, the State Aeronautics Act also encourages compatible land uses around airports by establishing standards for aircraft-generated noise.[21] The standards require "noise problem" airports to eliminate all incompatible land uses within the sixty-five decibel "community noise equivalent level" (65dB CNEL) noise contour.[*] Incompatible uses include all residential uses, public and

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[*] A sixty-five decibel community noise equivalent level (CNEL) contour defines the geographical area around an airport that is subjected to an average noise level of sixty-five decibels.

private schools, hospitals, convalescent homes, and places of worship (unless mitigation measures are taken such as the acquisition of avigation easements and the use of acoustical insulation).[22]

By resolution forwarded to the Division of Aeronautics, County Boards of Supervisors may designate an airport as having a "noise problem."[23] Noise problem airports that have not been able to eliminate incompatible uses within the 65 dB contour must apply to the Division of Aeronautics for a variance from the standards. In granting variances, the State requires the airports to develop and implement strategies to reduce the noise impact area to zero (i.e., no incompatible uses). There are nine primary commercial airports in the state that are designated "noise problem airports," and that operate with a variance from the Division of Aeronautics. These are:

- Bob Hope Airport (Burbank)
- John Wayne Airport-Orange County
- Long Beach-Daugherty Field-Airport
- Los Angeles International Airport
- Metropolitan Oakland International Airport
- Norman Y. Mineta-San Jose International Airport
- Ontario International Airport
- San Diego International Airport
- Van Nuys Airport

In 2002, San Francisco International Airport achieved a zero noise impact area and no longer requires a variance.[24]

Airport influence area disclosure

With the passage of AB 2776, as of January 1, 2004, California law requires residential property owners to disclose to prospective buyers that the property is in the "vicinity" of an airport under three circumstances: (1) when a new subdivision is created (Business and Professions Code § 11010(a)(12); (2) when a new common-interest development such as a condominium is created (Civil Code § 1353); and (3) when a "natural hazard disclosure statement" is prepared in connection with the transfer of property (Civil Code § 1103.4).[25]

The law uses the term "airport influence area" interchangeably with "vicinity" and defines the "influence area" as "…the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission." The required notice that must be included is as follows:

Notice of Airport in Vicinity

> *This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.*

With respect to the resale of residential property, Section 1102 of the California Civil Code requires sellers to complete a Real Estate Transfer Disclosure Statement. The statement requires sellers to disclose whether they are aware of "neighborhood noise problems or other nuisances." In addition, under Section 1102.6 of the California Civil Code, a city or county may require that the seller provide specific information about the neighborhood or community. If a city or county adopts a different or additional disclosure form regarding the proximity or effects of an airport, the statement in that form must contain the information in the statement "Notice of Airport in Vicinity." If a city or county does not adopt a different or additional disclosure form, then the seller must provide the "Notice of Airport in Vicinity" disclosure, or if there is not a current airport influence map, a written disclosure of an airport within two miles of the property.

THE COURTS

The courts have rendered a number of decisions in cases related to airport land use compatibility issues in California.

ALUC compatibility planning and review

With respect to ALUC compatibility planning and review activities, the courts have addressed questions related to: (1) standards or requirements for compatibility plans; (2) findings required by local jurisdictions that overrule ALUC decisions; and (3) ALUC compliance with California Environmental Quality Act (CEQA) guidelines.

The decision in *City of Coachella v. Riverside County Airport Land Use Commission* (1989), addressed the requirements ALUCs must meet to ensure that compatibility plans qualify as valid.[26] The court determined that compatibility plans must be reasonably related to the minimization of noise and safety hazards caused by airports and held that the local ALUC's compatibility plan was not valid because it "did not contain any study contemplating the growth of the airport over the next 20 years and did not include, incorporate, or even refer to a study that might be deemed a long-term master plan."

Decisions in several cases have addressed the criteria that local jurisdictions must meet when overruling ALUC compatibility determinations. The courts have held that the burden is on the local jurisdictions to provide specific findings that a plan or a project is consistent with existing airport land use plans and policies.

In *California Aviation Council v. Ceres* (1992), an ALUC reviewed a city ordinance and found that development allowed by the ordinance was inconsistent with the Airport Comprehensive Land Use Plan (ACLUP).[27] The city overruled the ALUC's findings. Ruling against the city, the appellate court held that the law required the city to present specific findings supported with evidence. It was not sufficient for the city merely to declare that the ordinance was consistent with the ACLUP.

In two additional cases in the 1990's, courts similarly held that some form of specific evidence is required to determine whether projects or plans are consistent with airport land use compatibility plans. In *California Pilots Association v. County of Butte* (1999) the court held that the county's approval of a housing development near the Chico airport was supported by substantial evidence and thus consistent with the law.[28] In *PAH/Stanley Ranch v. County of Napa* (1999), an ALUC determined that a proposed housing development was inconsistent with the airport land use plan.[29] The court ruled in favor of the ALUC, finding that the commission's decision was supported by substantial evidence.

A case currently pending before the California Supreme Court raises questions about ALUC compliance with California Environmental Quality Act (CEQA) guidelines. In *Muzzy Ranch v. Solano County Airport Land Use Commission* (2005), a developer sued the ALUC claiming that the Travis Air Force Base airport land use compatibility plan was adopted without preparing an Environmental Impact Report.[30] The ALUC argued that the compatibility plan is exempt from CEQA because it is not a "project" as defined by the Act. The plaintiff argued that the compatibility plan is subject to CEQA because its adoption might create a displacement effect, pushing proposed development within the ALUC's planning area into other parts of the county. The appellate court found that the compatibility plan is subject to CEQA, and set aside the plan's adoption. The anticipated Supreme Court decision will likely determine the approach that ALUCs take with respect to California Environmental Quality Act (CEQA) guidelines.

State and local government regulation of noise and other airport impacts

On the question of whether state or local governments can regulate aircraft noise or other impacts, the courts have generally held that the authority of the Federal Aviation Administration and the U.S. Environmental Protection Agency preempts the powers of state and local authorities. This standard can be traced to *City of Burbank v. Lockheed Air Terminal* (1973), in which the U.S. Supreme Court invalidated a noise control ordinance the city tried to impose on the airport.[31] Several years later, however, in *National Aviation v. City of Hayward* (1976), a U.S. District Court held that jurisdictions that own airports may use their proprietary powers to limit airport impacts on surrounding communities.[32]

These rulings have guided the U.S. Court of Appeals for the Ninth Circuit on a number of subsequent California cases. In *San Diego Unified Port District v. Giantruco* (1981), the State of California required San Diego International Airport to extend its nighttime curfew as a condition of granting the airport a variance from the state's noise

regulations.[33] The court held that the application of the regulations violated the federal supremacy clause in the U.S. Constitution, and that because the state was not the proprietor of the airport, it was not entitled to impose conditions on flight operations.

At issue in *Burbank-Glendale-Pasadena Airport Authority v. City of Los Angeles* (1992) was an ordinance enacted by the Los Angeles City Council that required City Planning Commission approval for any proposed airport development project.[34] The airport wanted to extend a taxiway at a portion of the airport located within the jurisdiction of the City of Los Angeles. The court held that a "non-proprietor municipality may not exercise its police power to prohibit, delay, or otherwise condition the construction of runways and taxiways at a non-city-owned airport." The logic in this case is that because "the regulation of runways and taxiways is thus a direct interference with the movements and operations of aircraft, it is preempted by federal law."

Liability for airport impacts

In general, the courts have found that federal preemption in the field of aviation noise control does not shield airport proprietors from liability in claims related to airport noise impacts. Individuals can recover damages for airport noise if they show that after acquiring a property interest, there was significant change in the type or frequency of airport operations, the airport layout, flight patterns, nighttime operations, or the extent of noise damages.[35] To the extent that airports provide sufficient notice of development plans, however, landowners may not be able to recover damages.[36] And, due to the difficulty in showing a direct relationship between airport noise and lower real estate values, claims related to noise impacts from airport expansions have not been particularly effective.[37]

In *Aaron v. City of Los Angeles* (1974), California's Second District Court of Appeals held that federal control of airspace is no defense for an airport proprietor's failure to purchase adequate air easements, and does not preclude landowners from seeking damages for over-flights that constitute a taking of property.[38] In *Andrews v. County of Orange* (1982), the court upheld the right of homeowners to introduce evidence about what the county could have done to minimize aircraft noise from John Wayne airport.[39]

As a defense against liability in nuisance claims, airport proprietors in some cases have argued that they have a "prescriptive" easement for the airspace above properties that surround an airport. The theory is that by using the airspace for a sufficient period of time, the airport has acquired an easement, or a right, to use that airspace in the same manner without risk of liability. In contrast to courts in many other states, which have held that avigation easements cannot be acquired by prescription, California courts have not definitively answered this question.[40]

In *Institoris v. City of Los Angeles* (1989), the property owner stipulated to the fact that the City had acquired an avigation easement by prescription.[41] The issue in the case was how the avigation agreement affected the plaintiff's causes of action for nuisance and inverse condemnation. No decision was made on the issue of whether avigation

easements can be acquired by prescription because the appellate court accepted the easement without questioning whether it was legal.

In *Baker v. Burbank-Glendale-Pasadena Airport Authority* (1990), the court held that statutes of limitation prohibited plaintiffs' actions for inverse condemnation and nuisance, and argued that, "having acquired the right to interfere with plaintiffs' use and enjoyment of their properties by prescription, [the airport owner] was not required to compensate them for the easement."[42]

A recent California trial court decision restricts airport proprietors' ability to claim that they have acquired prescriptive avigation easements that protect them from liability. The court in *Cole et al. v. City of Santa Monica* (2001) ruled against plaintiffs' claims of inverse condemnation because there was not sufficient evidence of diminished property values.[43] The decision, however, also denied the city's claim of a prescriptive easement in the air above the plaintiff's property, arguing that by promising to minimize aircraft noise, the city had often recognized plaintiff's property rights.

COMPATIBILITY PLANNING IN ARIZONA AND OREGON

Later sections of this report examine expansion and land use issues at the international airports in Phoenix, Arizona and Portland, Oregon as well as California's primary commercial airports. For this reason, a brief overview of airport land use compatibility planning in Arizona and Oregon is included here.

Arizona

The State of Arizona does not "directly implement and administer general-purpose land use regulations," nor does it "mandate the establishment of planning commissions, agencies or departments in municipalities."[44] Without the requirement of comprehensive airport land use plans drafted by a county commission, planning responsibility lies with local jurisdictions within the impact area of an airport. In the area surrounding Phoenix Sky Harbor International Airport, land use regulation is the separate responsibility of Maricopa County and the cities of Phoenix, Tempe, Scottsdale, Mesa, as well as the Salt River Pima-Maricopa Indian Community.[45]

In 1987, the cities of Phoenix and Tempe voluntarily initiated an airport noise study.[46] Under Federal Aviation Regulations Part 150, such a study is required to receive federal funds for soundproofing and other noise abatement measures.[47] The study includes guidelines and policies to mitigate the impact of airport noise. It was updated most recently in 2001.[48]

In addition to noise policies, the City of Phoenix passed an ordinance in March 2006 that restricts development that could potentially interfere with air traffic. For planning purposes, the city has, historically, relied on Federal Aviation Regulation Part 77 which addresses objects that affect navigable airspace.[49] The new ordinance formalizes this policy and requires the FAA's determination that a project will not obstruct Sky Harbor flight paths before a building permit can be issued.

Phoenix city officials view the new ordinance as a means to protect the airport's ability to operate efficiently and to grow.[50] But because there is no single comprehensive airport land use compatibility plan for the entire impact area around Sky Harbor, there is no guarantee that other communities in the airport's vicinity will adhere to policy outlined in Phoenix's new ordinance. There is some uncertainty, for example, as to whether the city of Tempe, which borders Phoenix to the east, will prohibit construction of a planned high-rise condominium project if the FAA decides the structures would pose a hazard to air traffic.[51]

Oregon

As is the case in Arizona, airport land use planning in the State of Oregon is the responsibility of the local jurisdictions that surround an airport. Oregon does not require a county or regional commission to develop land use plans for airports. Under the state's "Airport Planning Rule" (APR), however, cities or counties with planning jurisdiction that includes airports or areas within airport safety and compatibility zones are required to adopt comprehensive plans and land use regulations that are consistent with the state's Aviation System Plan.[52] To assist local governments in meeting the requirements of the APR, the Oregon Department of Aviation published the *Airport Land Use Compatibility Guidebook* in 2003.

Oregon's Department of Environmental Quality requires operators of airports within the state to submit a noise abatement plan to the State Environmental Quality Commission for review and approval, and to submit reviews and revisions of the plan to the Commission every five years.[53] Since 1983, the Port of Portland has used the FAA Part 150 process to study airport noise and develop noise abatement plans. Appointees from local cities and counties serve on an advisory committee that provides input for the airport noise compatibility plan.[54] Although the FAA and the Port of Portland work with Portland, the nearby city of Vancouver (Washington), and other local governments to implement the noise abatement plan's recommendations, participation is voluntary.[55] The most recent update of the Part 150 noise study was completed in 2005. The cities of Portland and Vancouver also enforce height restrictions in their building codes that prohibit new development that could obstruct air traffic to and from Portland International Airport.[56]

II. AIRPORT LAND USE COMPATIBILITY PLANNING IN CALIFORNIA

The ALUC found it [a proposal to develop land near the boundaries of the airport Safety Zone] incompatible with our Policy Plan, but then after much back-room political strong-arming, the project again came before the commission and, what do you know, was found to be compatible with our plan…don't get me started!

California Research Bureau Survey Respondent

In order to better understand the actual practice of airport land use compatibility planning in California, the California Research Bureau conducted a survey of airport land use commissions (ALUCs). The survey examined ALUC characteristics, planning activities, and approaches to compatibility planning. (The survey instrument is contained in Appendix D of this report.)

The survey was conducted using an Internet-based survey tool (surveymonkey.com). On June 9, 2006, an announcement with a link to the survey was sent to all ALUC contacts on a list maintained by the Division of Aeronautics. The survey was closed to responses on June 23, 2006. The survey link was sent to 52 potential respondents and generated 23 responses.

ALUC CHARACTERISTICS

Respondent title or position

Twenty-one of 23 respondents reported their title or position. One-third of those responding identified themselves as executives or managers, while the remainder are "planners" or some other type of staff position.

Type of ALUC

California Public Utilities Code prescribes several organizational types of ALUCs. The majority are created as single-purpose entities established according to Section 21670(b) of the California Public Utilities Code. Counties may instead designate another body, such as a city or county planning commission, a regional association of governments[*] (or an airport governing board or commission) as an ALUC if the board of supervisors and the mayors of affected jurisdictions in a county determine that the body can accomplish the functions of an ALUC (Section 21670.1(a)). Additionally, Section 21670.1(c) provides for an "alternative process" that essentially eliminates the need for a County ALUC and allows each jurisdiction affected by airport impacts to adopt separate compatibility plans and policies.

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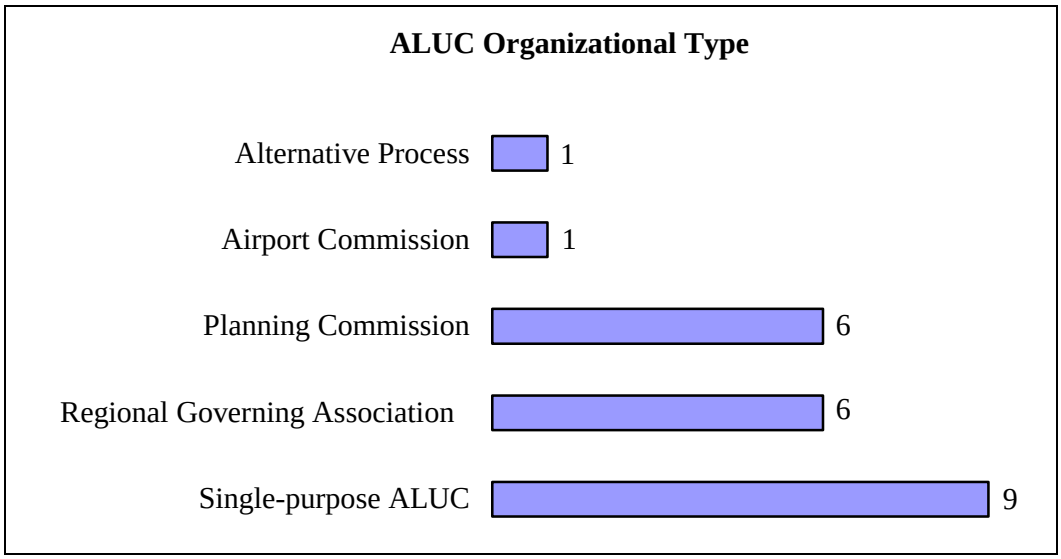
[*] For example, the Sacramento Area Council of Governments (SACOG), an association of local governments that includes four counties and fifteen cities, has been designated as the ALUC for Sacramento, Sutter, Yolo and Yuba counties.

Only one county surveyed used the alternative process:

> *The County… uses the alternate procedures for ALUC as permitted pursuant to the Pubic Utilities Code Section 21670.1. As such, the Planning Commission within each jurisdiction in which an airport is located…acts as the ALUC for that area. [California Research Bureau Respondent]*

Figure 1



County representation

Although representatives from 23 ALUCs replied to the survey, 26 counties are represented. This is because some of the ALUCs have planning responsibilities for more than one county. Figure 2 illustrates the counties that are represented in the survey.

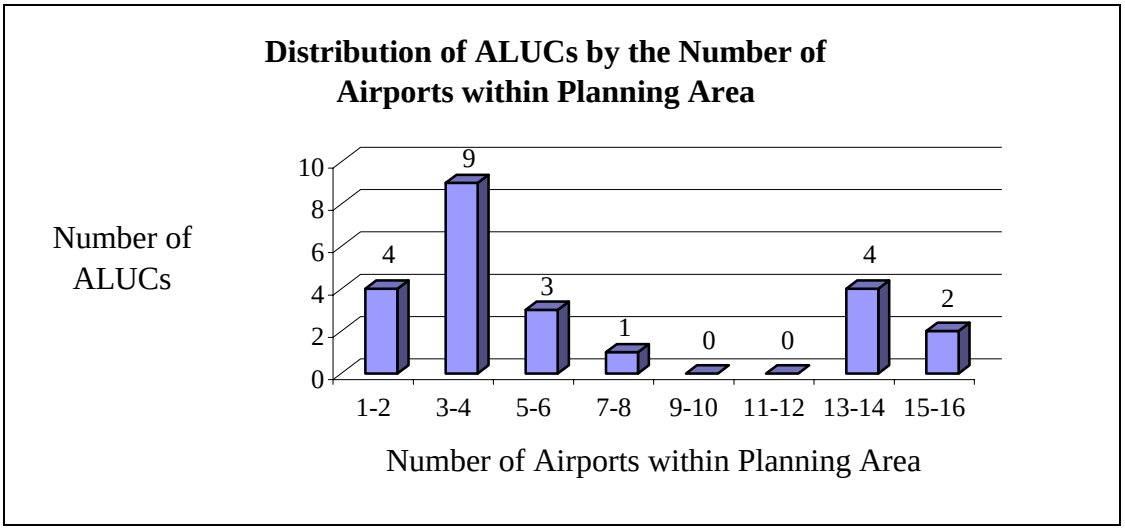
Figure 2

Counties Represented in the CRB Survey of ALUCs

Number of airports for which ALUCs have planning responsibility

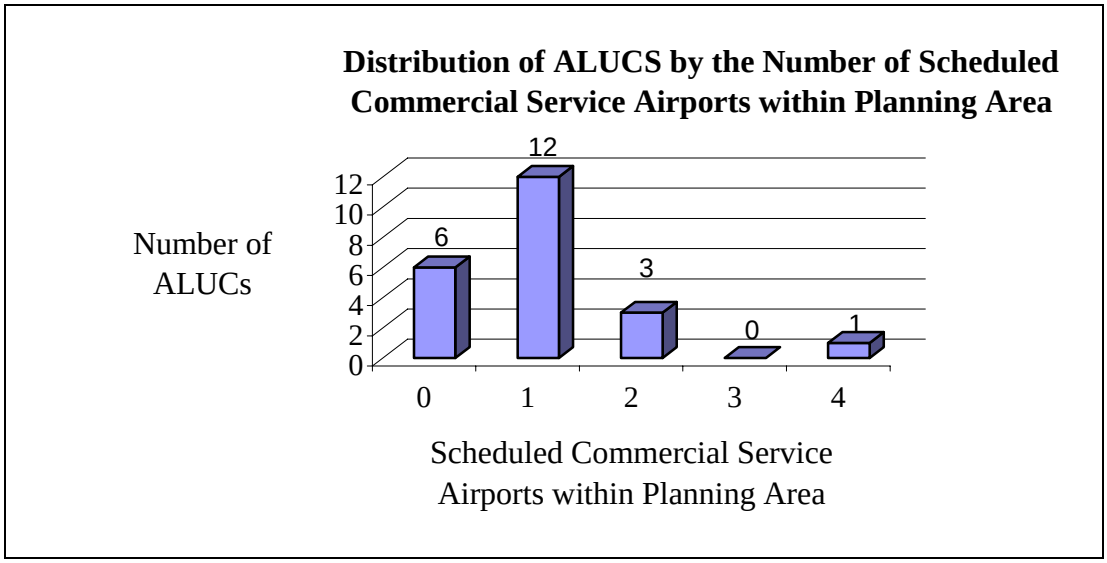
All respondents answered a question about the number of airports for which they have planning responsibilities. While the majority have planning responsibility for four or fewer airports, six ALUCs develop compatibility plans for thirteen or more airports. These totals include military airports and smaller airports that provide little or no commercial service.

Figure 3



ALUCs reported a much smaller number of commercial service airports within their planning jurisdictions.

Figure 4



COMPATIBILITY PLANNING

Most of the ALUCs surveyed have compatibility plans for all airports within their planning areas. Five, however, reported that there were no compatibility plans for at least some airports for which they have planning responsibility. In one county, "no compatibility plans [have been] prepared yet for [the] two most prominent private-use airports."[57]

Only two of the five respondents who reported that plans were not developed for all airports offered explanations. In a follow-up question, both reported that plans were currently being developed for all airports. One respondent also explained that two of the airports without plans were currently inactive.

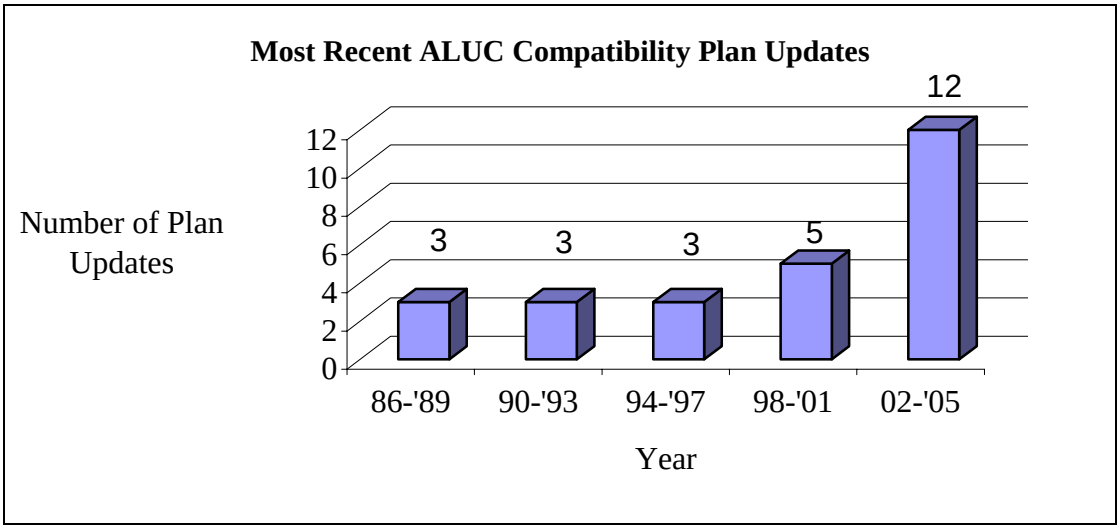
Compatibility plan updates

The Division of Aeronautics encourages ALUCs to periodically review and update compatibility plans as conditions at the airport and in the surrounding community change. As a guideline, the Division suggests that plans should be reviewed every five years. As one survey respondent explained:

> *There is no time requirement to update the compatibility plans. The California Airport Land Use Planning Handbook does encourage jurisdictions to "review and, when appropriate, to update their compatibility plans at least every five years." However, it is not a requirement.*

The CRB survey asked ALUCs to report about the most recent updates to their compatibility plans. Eighteen responded. Although nearly half of the most recent updates occurred within the last five years, some plans have not been updated for more than ten or fifteen years.

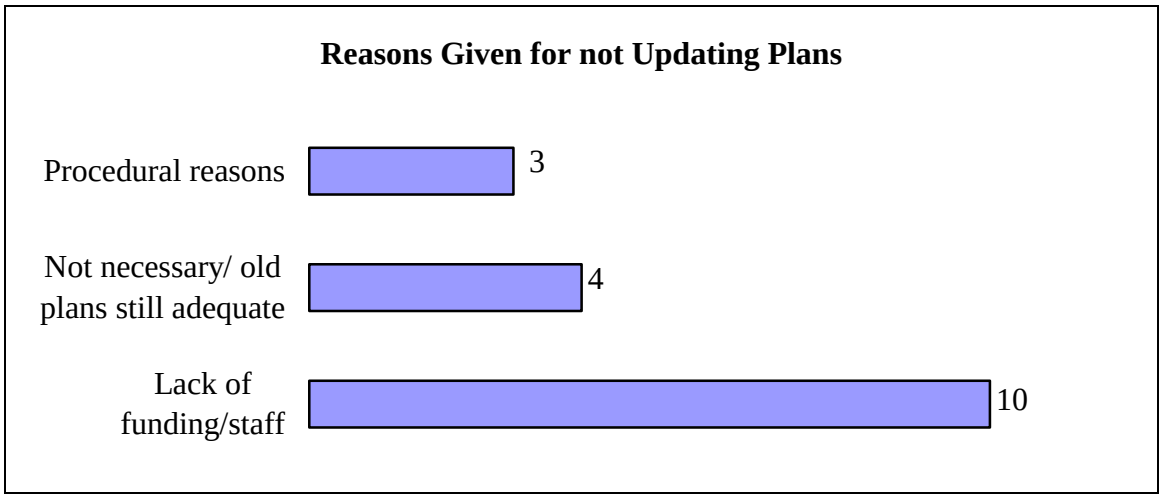
Figure 5



Reasons for not updating compatibility plans

Survey respondents offered several reasons to explain why plans have not been updated within the past five years as the Division of Aeronautics recommends. Chief among these was the lack of funding to carry out a plan update. Some respondents also suggested that there was no need to update plans because little had changed. Others cited procedural or logistical reasons, suggesting that airport land use compatibility planning would go forward after airport master plans or local general plans were completed.

Figure 6



More detailed comments support the importance of these factors on plan updates:

> *The plan has not been significantly updated because the policies are sound and remain effective and because the County Planning Department bares all costs associated with the operation of the ALUC and does not have adequate funding for a comprehensive update of the plan.*
>
> *Since the publication of the new state Handbook, [the] County has recognized the need to update all of its plans. However, for the past three years, the County has been in the process of updating our entire General Plan, Development Code, and establishing 13 new community plans. Consequently, staff and funding have not been dedicated to update the airport plans. We anticipate that the General Plan Update project will be completed by early 2007. Once this happens, the County will be able to complete the task of updating all airport compatibility plans.*
>
> *Shortage of funding availability plus the ongoing airport master plan and Part 150 updates for each of the county airports.*
>
> *Lack of demand or changes to individual airport operations haven't changed enough; also lack of funding to update plans.*

Awaiting input by local cities on their updates for their Airport Master Plans and impact on the existing Airport Land Use Compatibility Plan as well as a lack of funding from State Aeronautics for this work.

Lack of funds and support staff time.

County has growth controls in place and not much has changed over recent years.

ALUC funding, staffing, and costs of compatibility plans

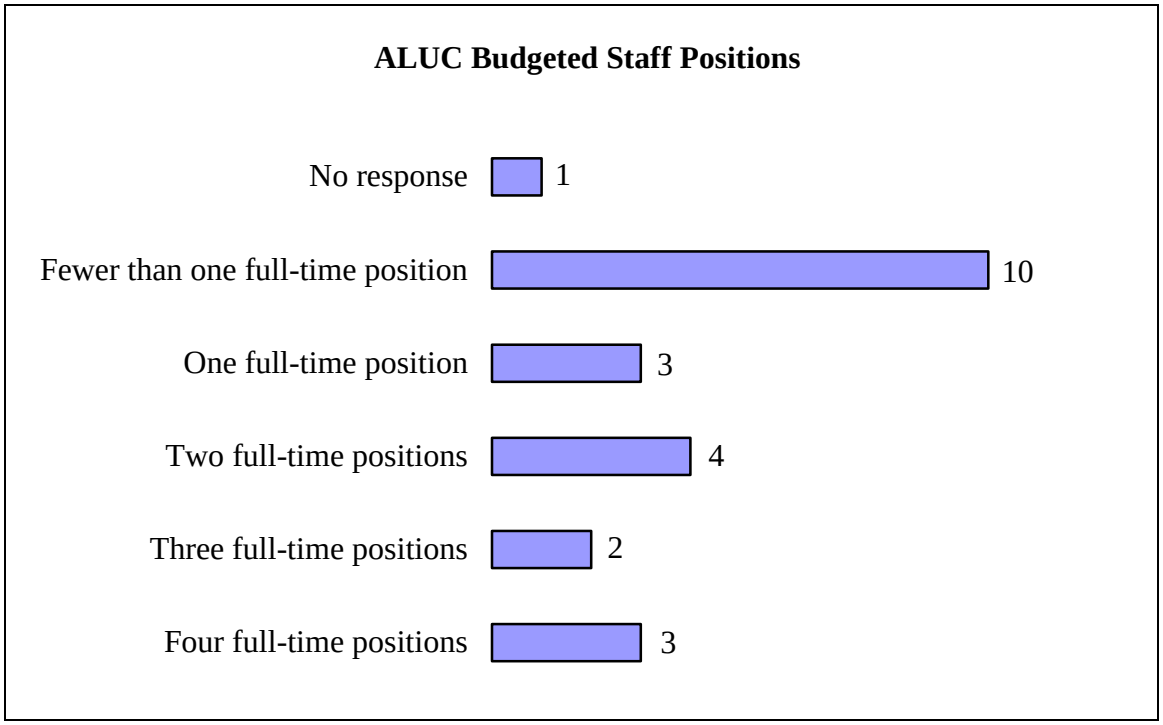
Survey respondents are clear that a lack of resources is a major obstacle to updating compatibility plans. Some ALUCs have neither a separate budget, nor a dedicated full-time staff position for airport land use compatibility planning and review activities.

Eleven respondents report having no separate budget for ALUC activities. Of the nine ALUCs that reported having a separate budget during the current fiscal year:

- Budgets ranged from a low of $1,000 to a high of $252,950 (which included consultant costs for ongoing plan preparation);
- Reported ALUC budgets averaged $58,710, with a median of $32,000.

ALUC staff tend to be employed within planning departments. The majority of ALUCs had less than one full-time staff position dedicated to ALUC activities.

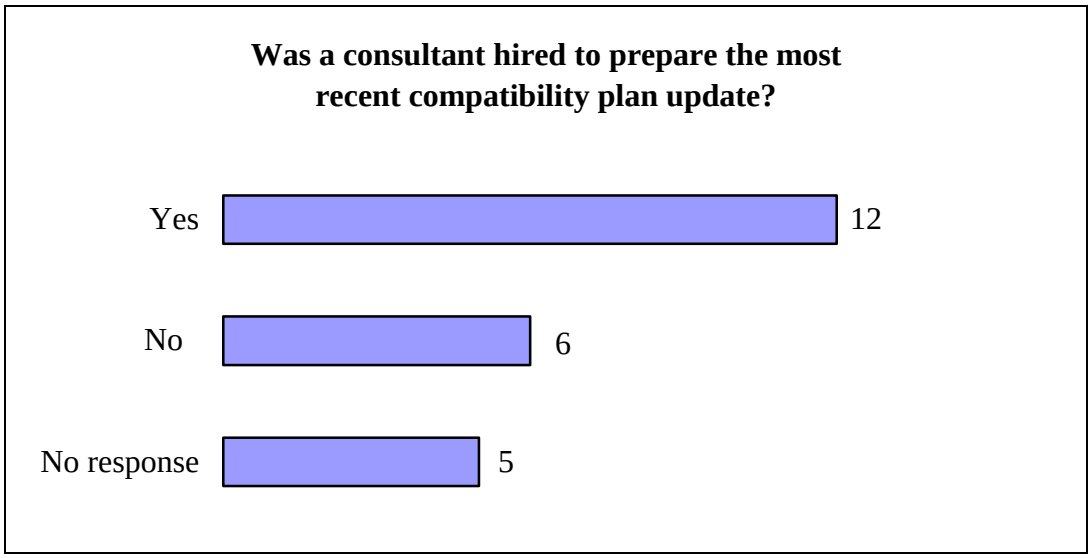
Figure 7



The CRB survey asked about the cost of the most recent compatibility plan updates. Sixteen of respondents answered. Four explained that the cost was unknown because the plans had been updated a long time ago, in some cases before the current staff were hired. The 12 respondents who did answer reported costs that ranged from several thousand dollars for staff time and printing costs to $1.5 million. The median cost was $97,500.

As responses to the following survey question illustrate, most ALUCs hire consultants to prepare plan updates.

Figure 8



Respondents were also asked to explain how the most recent compatibility plan update was funded. Most were funded through some combination of ALUC, local, state and federal funding. Fifteen of 23 ALUC contacts responded to the question and answered as follows:

Table 1. ALUC Funding for Compatibility Plan Updates

Funding source	Number of Respondents	Selected responses
ALUC budget/no outside funding	5	"Since the update was done in-house, it was part of usual ALUC staff support activities. No outside funding was used." "The last update in 1996 was done internally by the Planning staff with input from affected cities, airport staff, and the military ."
State and Federal funding	7	"The state division of aeronautics provided a grant of $80k to pay consultant costs." "Through state and federal funding but funding has not been available for the last decade."

Funding source	Number of Respondents	Selected responses
Local Funds	3	"County funds" "Airport operator was willing to pay for full cost of plan." "The local Airport District"

NOISE POLICIES

To gauge actual noise policies, respondents were asked to report the highest noise level areas, or "contours,"[*] in which specific types of land uses are "compatible" or "conditionally compatible." If an ALUC compatibility plan identifies a particular type of land use as compatible within a noise contour of a certain level, a local jurisdiction may allow that type of development without having to overrule the ALUC.

"Conditional compatibility" means that an ALUC plan identifies a particular type of land use to be compatible within a noise contour provided that certain conditions are met. For example, a plan may allow new residential uses within areas that are subjected to average noise levels of 65 decibels (65 dB CNEL) provided that the structures are insulated to provide sufficient interior soundproofing, and that the airport operator is able to obtain "avigation" easements for the properties. In some cases, airports pay to insulate homes and schools, often with funds provided through a grant administered by the FAA.

Seventeen of the 23 respondents answered this question. Only 15, however, reported conditional compatibility policies for residential uses, and only 16 reported conditional compatibility policies for commercial uses. It is possible that these omissions are because plan policies do not distinguish between compatibility and conditional compatibility. The identification of conditionally compatible uses adds complexity to plans as well as some flexibility in terms of the areas in which particular types of development are allowed.

[*] A sixty-five decibel community noise equivalent level (CNEL) contour defines the geographical area around an airport that is subjected to an average noise level of sixty-five decibels. The CNEL is a cumulative measure that averages noise exposure overtime and is affected by the frequency and volume of noise events (such as aircraft operations) as well as the time of day that the noise events occur (e.g., aircraft noise at nighttime has a greater impact than during the daytime). According to the FAA, 65 decibels is somewhat louder than normal indoor conversation, and quieter than a vacuum cleaner (*Aviation and the Environment: FAA's Role in Major Airport Noise Programs*. U.S. General Accounting Office, GAO/RCED-00-98 (April 2000)).

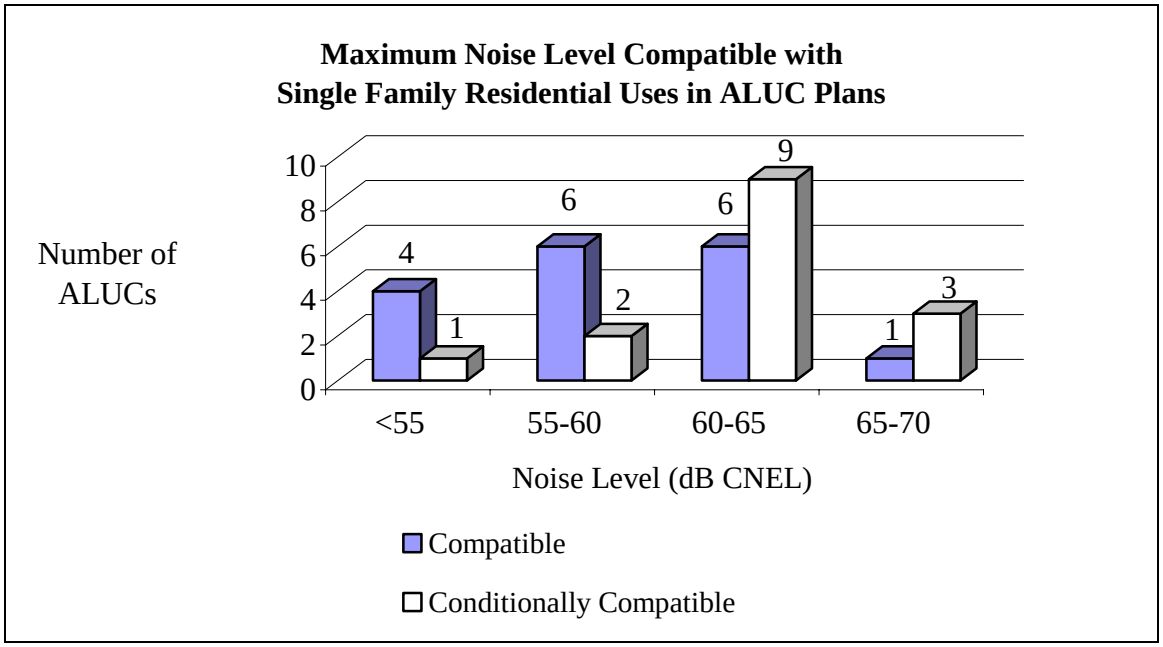
As a reference, Table 2 provides the approximate decibel levels of common sounds.

Table 2. Decibel Levels of Common Sounds

120-130 dB	Pneumatic drill
110-120 dB	Loud car horn 3 feet away
100-110 dB	Airport
90-100 dB	Inside a subway train
80-90 dB	Inside a bus
70-80 dB	Busy residential road
60-70 dB	Conversational speech
50-60 dB	Living room with music or television
40-50 dB	Quiet office
30-40 dB	Bedroom
20-30 dB	Recording studio
10-20 dB	Broadcasting studio
0-10 dB	Threshold of hearing

Source: "Noise and Hearing," U.S. Department of Labor, Occupational Safety and Health Administration, http://www.osha.gov/dts/osta/otm/noise/health_effects/soundpropagation.html.

Figure 9



For noise contours of less than 60 dB CNEL, ALUC policies tend to designate residential and non-noise-sensitive commercial and retail to be compatible uses. For ALUCs that allow residential, commercial and retail uses in areas subject to noise levels above 60 dB CNEL, policies are more likely to designate those uses as conditionally compatible.

Figure 10

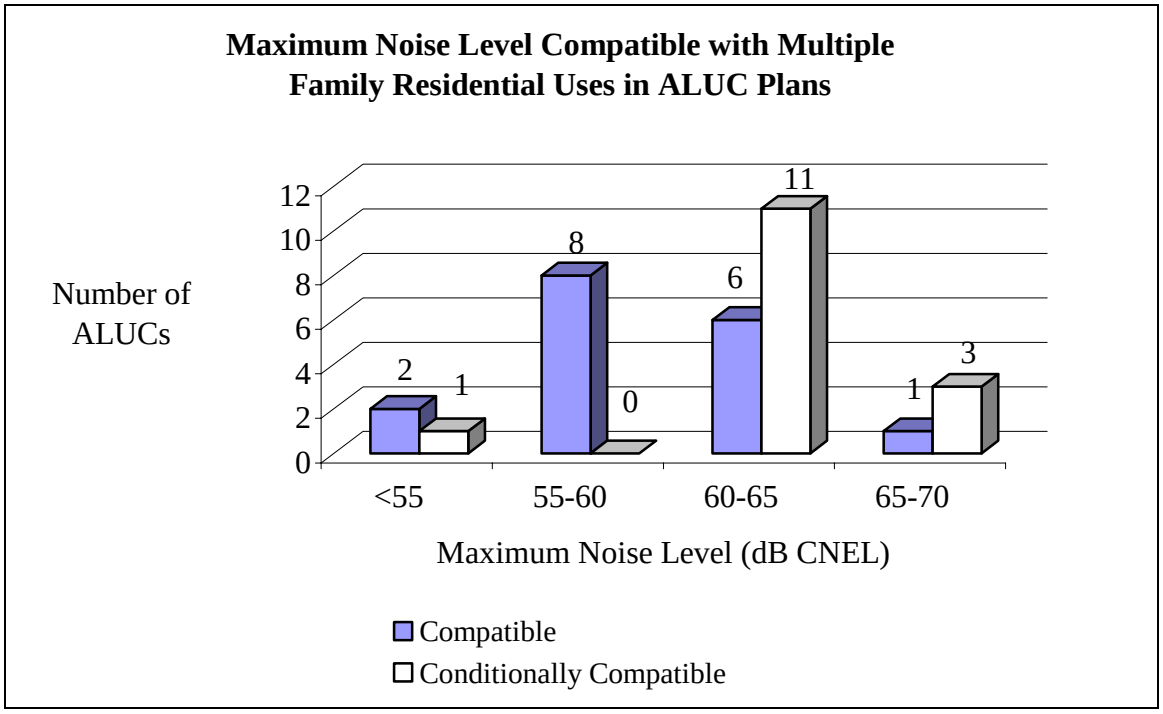
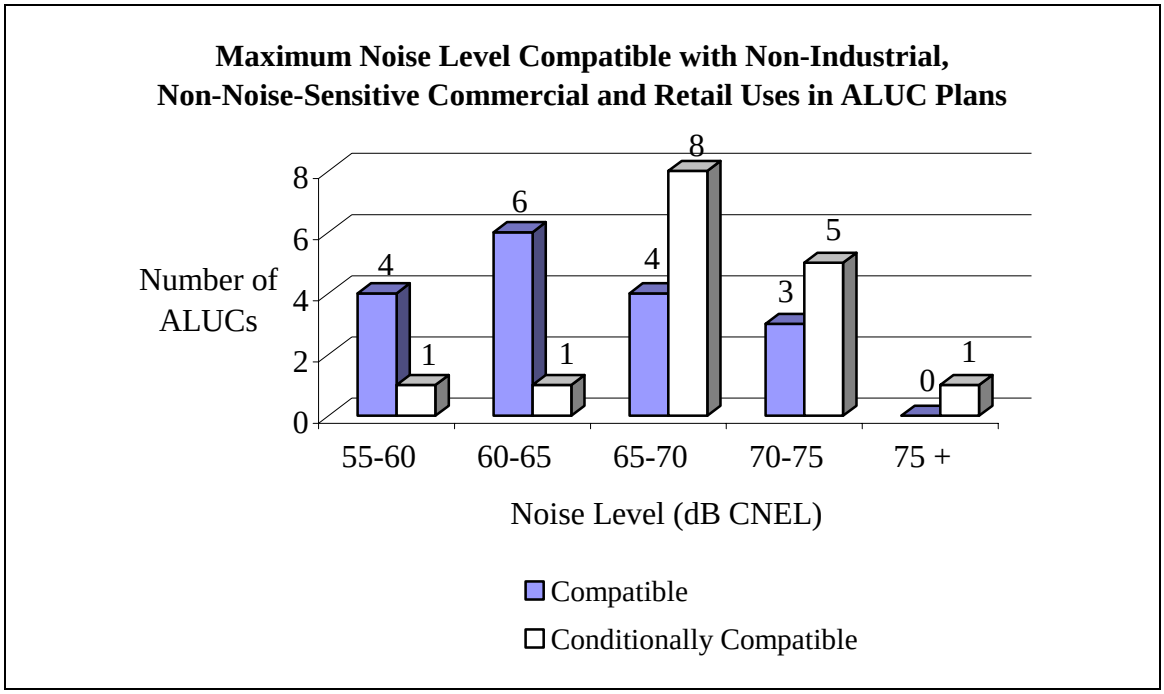


Figure 11



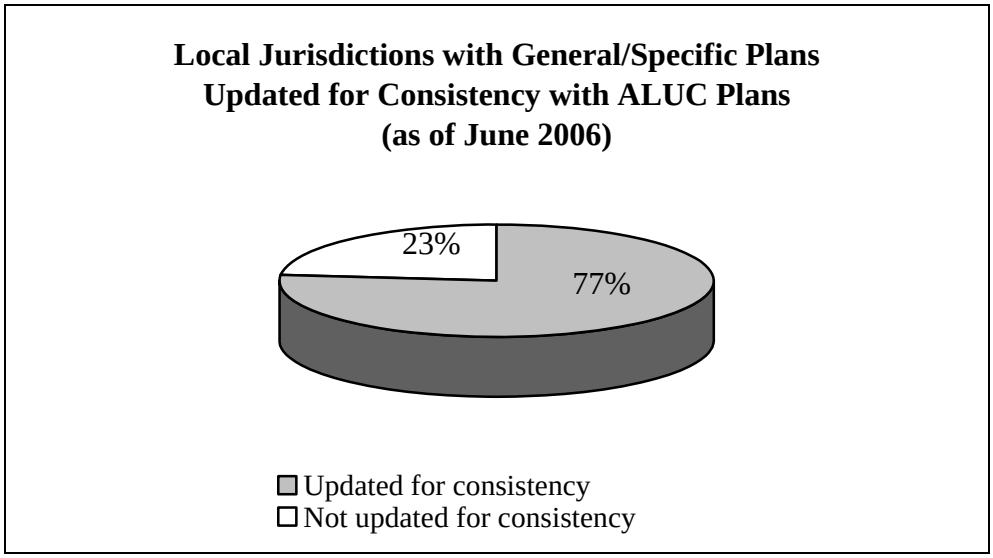
CURRENT ISSUES

Local general/specific plan consistency

State statutes require that once an ALUC has adopted or amended an airport land use compatibility plan, the county and any affected cities must update their general plans and any applicable specific plans to be consistent with the ALUC's plan.[58] If a local jurisdiction does not do so – and does not take steps to overrule all or part of the ALUC's plan – it is required to submit all land use development actions involving property within the airport influence area to the ALUC for review.[59] If, based on its review, the ALUC determines that a proposed development activity is inconsistent with the airport land use compatibility plan, the proposal may be amended, or the local jurisdiction may overrule the ALUC's determination.

The survey asked about whether affected jurisdictions had updated general and specific plans to make them consistent with ALUC compatibility plans. Eighteen of 23 respondents answered. Eleven were able to give exact numbers. Based on these eleven responses, 43 of 56 affected jurisdictions, slightly more than three-fourths, had updated their general and specific plans to make them consistent with ALUC plans, or were in the process of doing so.

Figure 12



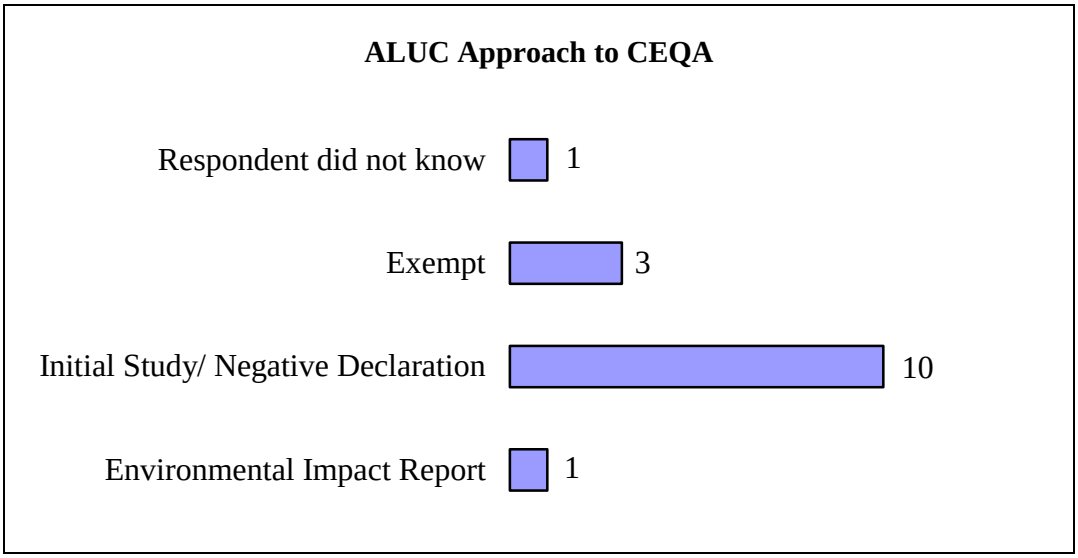
Of the remaining seven who responded to the question, four reported that the number of jurisdictions that had updated plans for ALUC consistency was unknown. Three responded that "some," "most," or "all but one" local jurisdictions had updated plans.

CEQA compliance

A case currently pending before the California Supreme Court, *Muzzy Ranch v. Solano County Airport Land Use Commission*, (2005), raises questions about the approach that ALUCs must take to comply with California Environmental Quality Act (CEQA) guidelines.[60] At issue is the environmental impact that the adoption of an airport land use compatibility plan might have and whether ALUCs are required to prepare environmental impact reports prior to adopting or amending compatibility plans.

The CRB survey asked about the approach that ALUCs take with respect to CEQA. Fifteen respondents answered the question. The most common approach was the preparation of an Initial Study and a Negative Declaration as required by CEQA. Three ALUCs reported that they considered their plans to be exempt from CEQA regulation, and one respondent explained that even though "we are going to consult with County Counsel on whether or not the Policy Plan Update qualifies as EXEMPT under CEQA."[61] The one respondent who reported conducting an Environmental Impact Report explained that the approach taken is different for each airport.

Figure 13



Defining "Airport Influence Areas"

California law requires residential property owners to disclose to prospective buyers that the property is in the "vicinity" of an airport under several circumstances. The law requires ALUCS to determine what constitutes the "vicinity" of an airport or the "airport influence area." The remarks below indicate the various approaches that ALUCs have taken to determine airport influence areas:

> *ALUC adopted the [Airport Influence Area] boundary recommended by staff in Ocbober 2003 through the use of joint consultation with all local jurisdictions and public meetings.*
>
> *Depending on airport, [Airport Influence Area] either 2 mile radius, overflight safety zone, or other.*
>
> *The County had adopted the General Plan Hazardous Overlay Maps prior to the adoption of AB 2776. When this bill was adopted, County staff reviewed each airport and plan area and processed amendments to these maps to highlight airport influence areas. The County defines airport influence areas as those areas with airport safety review areas as defined in our Development Code and each airport compatibility plan. The County requires avigation easements to be recorded for development within an airport influence area. These easements are recorded for each property developed within the area prior to issuance of a building permit. These easements will show up in the title reports for the affected parcels, giving prospective buyers full disclosure of the potential impacts of nearby airports.*
>
> *All properties located within an Airport Compatibility Zone as shown on the Compatibility Maps have a combination zoning indicating the location near an airport…. County GIS maps (available online) as well as Assessor's Parcel Maps adequately show parcels with the combination zoning.*

The airport land use compatibility plans were reviewed and it was determined that the airport planning areas already included in the plans met the criteria for airport influence areas as defined in AB 2776. Additionally, information was added to the Airport Land Use Commission web page showing the defined airport influence area for each airport.

Conflicts and litigation

Finally, the CRB survey asked about recent conflicts or litigation related to ALUC compatibility planning and review activities. Eighteen of 23 responded. Nine reported that there had been no litigation or significant conflict within the past five years. The comments of the nine respondents who indicated that there was some conflict or litigation are reproduced below:

Although not a direct challenge to ALUC plan, special provision in PUC 21670.2 was used by 2 jurisdictions to file impasse appeals against the City…over the [airport] Master Plan.

[There has been] litigation regarding [CEQA] exemption status.

Litigation re. environmental determination at time of adoption by developer of time-share inconsistent with proposed plan. Compromise resulted in changes to development plan and compatibility plan.

The ALUC found it [a proposal to develop near the boundaries of the airport Safety Zone] incompatible with our Policy Plan, but then after much back-room political strong-arming, the project again came before the commission and, what do you know, was found to be compatible with our plan.

The…County Airport Compatibility Plan affects land use in three different jurisdictions. In [two of those jurisdictions], original residential project proposals have been in conflict with the policies set forth in the Compatibility Plan. After a lengthy public process, one project was modified and the density significantly decreased to where the ALUC ultimately found the project consistent. [Another] project proposes high density residential development…in an area that penetrates navigable airspace and where at least half of the project area is within compatibility zone D that prohibits residential development. The…project is still under consideration.

Lots of conflict, no litigation to date (although it has been threatened).

III. AIRPORT GOVERNANCE STRUCTURES: MANAGING AIRPORT OPERATIONS AND EXPANSION

Burbank is not alone in resisting an airport expansion which threatens the well-being of people who live and work near an airport. Residents that surround Los Angeles International Airport, John Wayne Airport in Newport Beach, Van Nuys Airport, Santa Monica Airport or the communities around the proposed El Toro International Airport in southern Orange County have all expressed similar concerns. This problem is clearly not unique to Burbank.

Dave Golonski
Former (Burbank) Mayor
June 16, 1998[62]

While development outside the boundaries of California's airports is governed by ALUCs and local jurisdictions whose boundaries overlap "airport influence areas," development of airport facilities rests entirely with the public entities (usually cities or counties) that own and operate airports. Although the FAA and California's Division of Aeronautics regulate some aspects of airport operations and design, and provide some funding for airport projects (see Appendix A for an overview), crucial decisions about airport development and policies are made at the local level by elected officials or their appointees.

The purpose of this section is to: (1) describe various types of airport governance structures; (2) examine airport capacity and the need to expand or improve California's commercial airports; (3) illustrate the types of major airport expansion and improvement projects that have been recently completed and that are planned; and (4) highlight the ways in which airport land use conflicts have constrained airport operations and development.

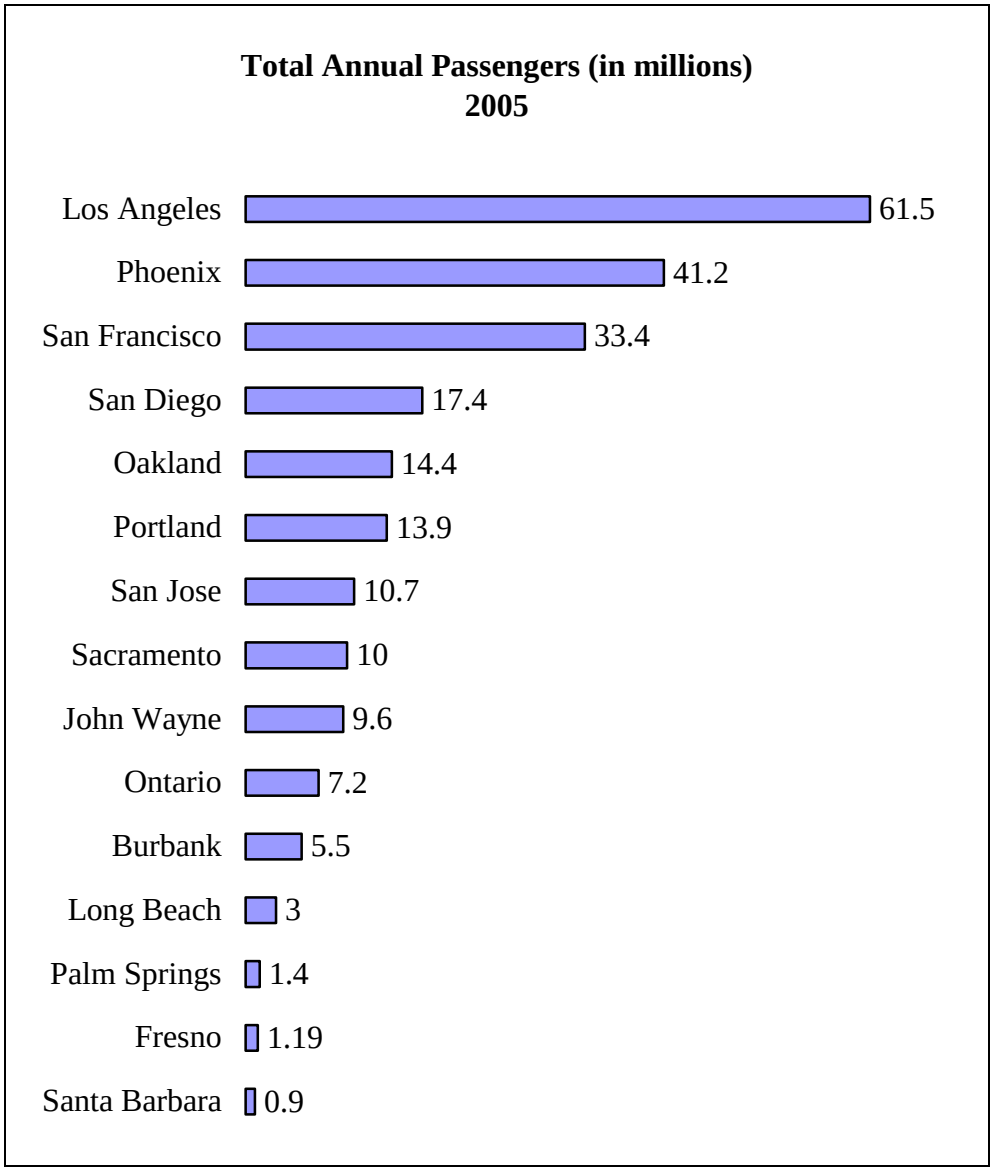
The focus of this section is the thirteen airports that the Aeronautics Division of the California Department of Transportation has identified as the State's Primary Commercial Service Hub Airports. These airports include:

- Burbank "Bob Hope"
- Fresno Yosemite International
- John Wayne – Orange County
- Long Beach
- Los Angeles International
- Oakland International
- Ontario International
- Palm Springs International
- Sacramento International
- San Diego International
- San Francisco International
- Mineta San Jose International
- Santa Barbara Municipal

California's primary commercial airports play a vital role in the economy and the transportation system of California and the U.S. as a whole. In 2001, these 13 airports served approximately 12 percent of commercial passengers who boarded airplanes at U.S. airports.[63] In 2004, more than half of California's total exports were shipped by air, primarily from California's commercial airports.[64] A 2002 study found that Los Angeles International alone handles almost one-sixth of the nation's international air cargo.[65]

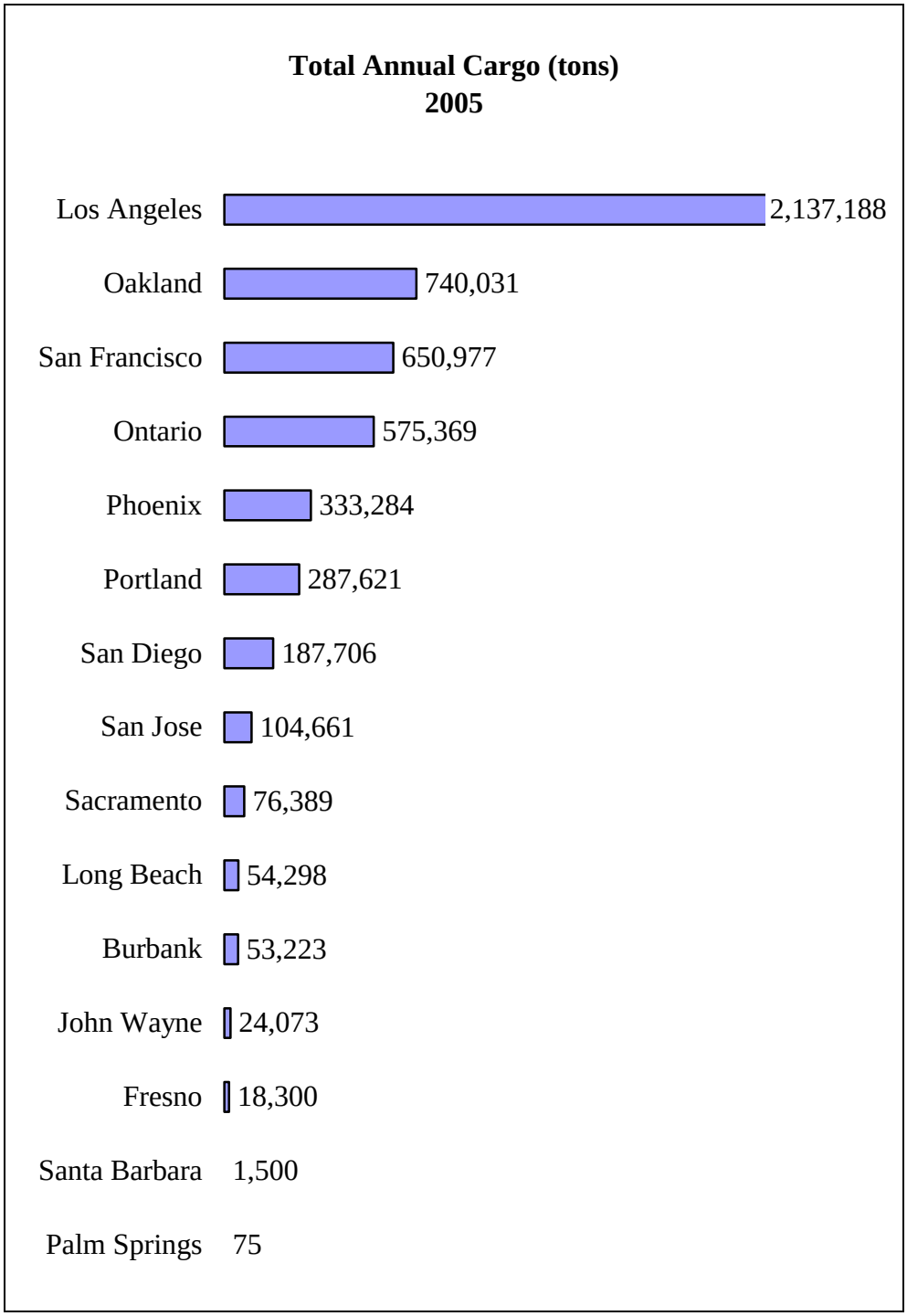
For the sake of comparison, Phoenix (Arizona) Sky Harbor International and Portland (Oregon) International Airports are considered here as well. The figures below illustrate the passenger and cargo volumes at these airports.

Figure 14



Source: These figures come from statistics maintained by each airport. Most were obtained from airport websites, some from contacts with airport representatives. Sources are referenced in the individual airport profiles in Appendix C of this report.

Figure 15



Source: These figures come from statistics maintained by each airport. Most were obtained from airport websites, some from contacts with airport representatives. Sources are referenced in the individual airport profiles in Appendix C of this report.

AIRPORT GOVERNANCE STRUCTURES

The research literature suggests that governance structures may have a significant influence on airport policies and development.[66] Some scholars, for example, argue that formally autonomous governing bodies such as regional authorities and public corporations are more stable and more adept at long-term planning than more politicized local governance structures.[67] Similarly, others contend that autonomous airport authorities are more effective for airports that play a significant role in local and national economies, because they insulate airports from political interference and promote more effective management.[68]

Table three provides an overview of the governance structures of the 15 airports considered in this report. More complete descriptions of the governance structure of each airport can be found in Appendix C.

Table 3. Airport Ownership and Governance Structures

Airport Ownership	Type of Governing Body		
	Legislative body governs directly	**Board reports to a legislative body**	**Autonomous airport board**
City	Fresno	Long Beach Los Angeles Ontario Palm Springs Phoenix San Francisco San Jose Santa Barbara	Oakland
County	Sacramento	John Wayne	
Multi-jurisdictional/ regional authority			Burbank Portland San Diego

Airport ownership

The Airports Council International-North America's *2003 General Information Survey* of 126 North American airports found that for the 90 percent of U.S. air carrier airports owned by local governments, the most common form of ownership is municipal (38%), followed by regional airport authorities (25%), single counties (17%), and multiple local government jurisdictions (9%).[69] States own five percent of the airports in the survey, and port authorities own three percent. Ronald Reagan Washington National and Dulles International airports are the only two owned by the federal government.

The airports considered in this report follow a similar ownership pattern. Two-thirds are owned by cities, but not necessarily by the city in which the airport is located. Ontario International airport is located in San Bernardino County, but is owned by the city of Los Angeles. The city/county of San Francisco owns San Francisco International Airport, which is located in San Mateo County. In addition, two of the airports, Sacramento International, and John Wayne in Orange County, are owned by counties.

A form of regional or multi-jurisdictional authority owns three of the airports. Burbank airport is owned by the Burbank-Glendale-Pasadena Airport Authority, which is established by a joint powers agreement between the three cities, and codified in California Government Code, Section 6500 et seq. The Port of Portland, a port district created by Oregon state law, owns Portland International Airport. The San Diego County Regional Airport Authority (SDCRAA) assumed ownership of San Diego International Airport in 2003. The SDCRAA was created by state law to operate the airport and plan for the region's future air transportation needs.

Airport governance

Aside from ownership, the airports considered in this report also differ in terms of their policy-making structures. Airport boards or commissions consisting of appointed members oversee all but two of the fifteen airports. The exceptions are Fresno and Sacramento, which are directly governed, respectively, by a city council and a county board of supervisors. For the 13 airports that have governing boards or commissions, members are generally residents appointed from the council or supervisory districts of the local jurisdiction that owns an airport.

In the case of regional or multi-jurisdictional ownership, rules governing member appointments generally ensure geographical representation. The Burbank-Glendale-Pasadena Airport Authority Board of Commissioners, for example, consists of nine members. The city councils of the three cities each appoint three members. The Governor of Oregon appoints members of the Port of Portland's board of commissioners from each of the three counties that constitute the port district. In San Diego, the three members of the executive committee of the SDCRAA board are appointed by the Governor of the state of California, the Sheriff of San Diego County, and the Mayor of the city of San Diego. Mayors from cities throughout the county appoint the other six members.

Airport boards or commissions for the other 13 airports vary in terms of their powers and duties. Some serve the legislative body of the local jurisdiction that owns the airport in an advisory capacity, conducting studies and making recommendations as directed. Others have broader powers and act with greater independence, but report to a legislative body that has final authority for major policy decisions.

Only four of the 13 airport boards have the autonomy to make major decisions related to airport operations and development (e.g., setting fees, issuing revenue bonds, acquiring property through eminent domain). Of these, three are the governing boards of entities that are established by state statute. These include Burbank's Bob Hope Airport

(Burbank-Glendale-Pasadena Airport Authority), Portland International Airport (Port of Portland), and San Diego International Airport (San Diego County Regional Airport Authority). The Port of Oakland, which is established by city charter, is the exception.

THE NEED FOR AIRPORT EXPANSION AND IMPROVEMENT

Most large commercial airports in the U.S. confront increased demand. Since 1985, the number of commercial air carrier departures at U.S. airports has increased by more than ninety-five percent.[70] Because of growth in passenger and cargo demand, post-9/11 security requirements, and the introduction of a new generation of wide-body passenger jets, airports require improvements to, and expansion of, airport runways, taxiways, terminals, parking and ground access.

Officials from virtually all of California's primary commercial airports express some need to make airport improvements and to expand capacity. The bullet points below highlight some of the reasons that airport officials cite to explain the need for expansion and improvement projects. A more thorough airport-by-airport treatment of the topic is included in the individual airport profiles presented in Appendix C.

Growth in passenger and cargo demand

- Los Angeles International (LAX) is one of ten airports in a regional system of airports that are expected to serve approximately 170 million annual passengers by 2030, but face a 40 percent shortfall in capacity to meet the expected demand.[71]
- The Southern California Association of Governments (SCAG) predicts that 9 million passengers will use Burbank's Bob Hope airport annually in 25 years, almost twice the current usage.[72]
- Over the past five years, daily commercial flights at the Long Beach Airport increased from six to forty-one, and the number of annual passengers has increased from 600,000 to three million.[73] There are 20 commuter flight slots to be filled.[*] The airport has forecasted 4.2 million annual passengers when this occurs.[74]
- Oakland International's master plan forecasts a doubling of the demand in passenger and cargo service by 2025.[75]
- Based on activity at Palm Springs International during the first quarter of 2006, the number of passengers in 2006 is projected to be 7.18 percent higher than in 2005.[76] The airport's Aviation Director attributes increased passenger demand to population growth in the Coachella Valley that outpaced state and county growth trends in 2005.[77]

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[*] At Long Beach, airline activity is limited by the city's noise compatibility ordinance. Forty-one airline and twenty-five commuter flights are permitted per day.

- Based on forecasts in an environmental impact statement for the airport development plan, the number of annual passengers at Phoenix's Sky Harbor International is predicted to grow by nearly 25 percent to approximately 50 million passengers in 2015.[78]
- Activity at the Portland International Airport is forecast to increase by more than 50 percent, from 263,253 annual takeoffs and landings in 2005 to 404,000 in 2010.[79]
- Traffic at Sacramento International is forecast to grow from about ten million annual passengers in 2005 to between 18 million and 20 million by the year 2020, a 15 year increase of 80 to 100 percent.[80] Airport officials claim that the airport is already operating beyond capacity because the two existing terminals are only designed to adequately serve 7.2 million passengers a year.[81]
- The San Diego County Regional Airport Authority predicts that demand at San Diego International airport will exceed capacity between the years 2015 and 2022.[82]
- An FAA report released in 2004 concludes that even with planned expansion and upgrading of terminals and runways, demand at San Francisco International could outstrip capacity by 2015.[83]
- The amount of cargo handled by the Bay Area's airports is expected to triple to 5.5 million tons by 2020.[84]

Outdated or inadequate facilities

- At Burbank's Bob Hope Airport, the absence of parking or holding space for airplanes significantly limits the frequency with which airlines can schedule arrivals, and the current terminal is significantly closer to one runway than the 750 foot "set back" that is required by the FAA.[85]
- To explain the need for proposed improvement and expansion projects at Palm Springs International, airport officials cite "landside" deficiencies such as inadequate passenger check-in and screening facilities. They also point to the necessity to "provide a new traffic control tower to adequately address the facilities deficiencies that have occurred over time and as an outgrowth of continued airfield expansion."[86]
- The San Diego County Regional Airport Authority (SDCRAA) describes San Diego International Airport (SAN) as the busiest single-runway airport in the U.S.[87] Due to the terrain and existing development, the runway has a "displaced threshold" which effectively shortens the usable portion of the runway for airplanes arriving on the standard approach from the east.

Photo of airplane landing at San Diego International Airport reproduced with permission of the San Diego County Regional Airport Authority.

- Due to San Francisco International's (SFO) runway configuration, the airport has one of the worst flight delay records among major U.S. airports.[88] SFO's cargo facilities have also been described as inadequate to accommodate future demand.[89]
- Santa Barbara Airport's terminal was built in 1945, and the last significant improvements were made in 1976.[90] According to a document on the airport's website:
    - Expansion is needed to accommodate new security requirements
    - Airline operational space which is currently inadequate
    - Improvements are needed to update deteriorating infrastructure[91]

RECENT AND PLANNED AIRPORT EXPANSION AND IMPROVEMENT PROJECTS

Phoenix (Arizona) Sky Harbor International, Portland (Oregon) International, and most of California's primary commercial airports have completed a number of expansion and improvement projects in recent years. Other projects are planned for the near future. Notable exceptions are Burbank's Bob Hope Airport and San Diego International. Due to a recent settlement with the city of Burbank, Bob Hope Airport is prohibited from expanding the existing terminal or adding new gates until 2012, and from planning a new terminal until 2015. In San Diego, development efforts have focused more on the San Diego County Regional Airport Authority's statutory mandate to find a site for the airport to place on the November 2006 countywide ballot than on making improvements to the existing airport.

Descriptions of completed and planned projects are included in the individual airport profiles in Appendix C of this report. Reflecting the steady increase in demand for passenger service, many of the major projects have involved expanding existing terminals

or adding new terminals and gates. New federal security requirements enacted in the wake of 9/11 have spurred a number of airports to expand and improve security screening areas and devices. To accommodate the next generation of wide-body jets such as the Airbus A380, San Francisco International has made improvements to runways, taxiways, passenger gates, boarding bridges and baggage carousels. Los Angeles International is in the process of making similar upgrades. Additional airport projects include the addition or improvement of cargo facilities, parking structures, rental car facilities, public transit connections, and roadways.

CONFLICTS RELATED TO AIRPORT OPERATIONS AND DEVELOPMENT

Although a number of expansion and improvement projects have been completed or planned at the airports considered in this report, most of the airports confront significant opposition that affects their plans to develop and their current operations. The following examples illustrate these conflicts. More detailed descriptions are included in the summaries of individual airports presented in Appendix C.

Community opposition to airport development projects

In a number of cases, local jurisdictions, residents and environmental groups have successfully opposed airport expansion plans.

Burbank City officials and residents have long been at odds with the Airport Authority over noise and other impacts. In 1978, the city amended the joint powers agreement to prohibit the Airport Authority from lengthening the runways or authorizing any activity that increases the size of the 65-decibel contour.[92] Recently, the city prevailed in a legal battle over the Airport authority's plans to build on land adjacent to the airport. The courts have upheld the city's argument that California's Public Utilities Code section 21661.6 requires local government approval of land acquired for the purpose of expanding or enlarging an existing publicly owned airport.[93] As a result, in 2005 the Airport Authority entered into a development agreement with the city of Burbank. Under the terms of the agreement, the Airport Authority may not add new gates for seven years and may not plan or build a new terminal for ten years.[94]

At Los Angeles International, San Francisco International, and Long Beach airports, opposition to the environmental review process from community groups, environmental groups, and from local jurisdictions have halted or significantly reduced planned expansion projects. As a result, LAX expansion plans were scaled back significantly.[95] San Francisco abandoned its plans to build two new runways in the bay.[96] In Long Beach, airport officials are awaiting a decision on an environmental impact report that includes scaled-down expansion projects as well as a "no project" alternative.[97]

Curfews and other operating restrictions

Community opposition to airport impacts such as noise have had an impact on airport operations as well as expansion. Seven of the fifteen airports considered in this report

have implemented some form of curfew that limits or bans takeoffs and landings during the night. These include:[98]

- Burbank
- Long Beach
- John Wayne
- Palm Springs
- San Diego
- San Jose
- Santa Barbara

The curfew at John Wayne Airport is the most restrictive. It limits all commercial operations from 10 p.m. (11 p.m. for landings) to 7 a.m. (8 a.m. Sundays) and imposes fines of up to $500,000. Other airports' curfews are limited to certain types of noisier aircraft, or to specific runways with fines limited to several thousand dollars. For detailed information about curfew hours, types of aircraft restricted and fines imposed, Boeing maintains an updated website of airport noise regulations at: http://www.boeing.com/commercial/noise.

In addition to curfews, local opposition to airport noise has led to a number of other operating restrictions at airports considered in this report. To speed development of a third runway, the City of Phoenix, Arizona entered into an agreement with the city of Tempe whose border lies less than a mile east of Sky Harbor airport.[99] The city of Tempe had sued the FAA for approving Sky Harbor's Environmental Impact Statement (EIS) for major projects including the runway. The agreement included a number of operating procedures designed to minimize airport noise.

Examples of other operating restrictions include:

- At Long Beach, airline activity is limited by the city's noise compatibility ordinance. Only 41 airline and 25 commuter flights are permitted per day.[100]
- Several of the airports considered in this report restrict flight patterns, particularly at night, to minimize noise impacts on surrounding communities.
- To minimize noise impacts, Ontario International designates "preferential runways" for arrival and departure between 10:00 p.m. and 7:00 a.m. and restricts nighttime engine "run ups" for maintenance.[101]

Existing development and natural features of the terrain

Existing development and the natural features of the terrain surrounding an airport also constrain airport operations and growth. San Diego is a prime example. Occupying just 615 acres, San Diego International is considerably smaller than other airports with similar levels of passenger traffic. Oakland, Portland, and Sacramento have fewer passengers annually, but occupy areas four to nine times the size of San Diego International. San Diego International has little room to grow. Hemmed in by hills and harbor, military facilities and a major freeway, there is little potential for acquiring additional land adjacent to the airport. Furthermore, due to a hill and a parking structure, the airport's

single runway has a "displaced threshold" (i.e., airplanes are required to land at a point beyond the beginning of the runway in order to ensure that the flight path steers clear of obstacles) which effectively limits the usable length of the runway by 1,800 feet on the most commonly used approach from the east.[102]

Similarly, roads, freeways and existing development limit the potential for growth at Bob Hope airport in Burbank. Although there is some land adjacent to the airport that could potentially be developed for airport use, the use of the land has been contested, and the courts have upheld the city of Burbank's argument that California Public Utilities Code section 21661.6 requires local government approval of land acquired for the purpose of expanding or enlarging an existing publicly owned airport.[103]

In addition to constraints imposed by man-made development, several of the airports considered in this report are surrounded by environmentally sensitive land that limits the potential for growth. Both San Francisco International and Oakland International have considered building runways into the San Francisco Bay, but opposition from environmental groups helped to halt San Francisco's effort,[104] and may have caused Oakland to shy away from a similar plan.[105]

The land surrounding Sacramento International Airport has been identified as a habitat for giant garter snakes and Swainson's hawks, both of which are threatened species.[106] The new Terminal A was built only after considerable litigation between county airport officials and environmental and local residential groups.[107]

In Santa Barbara, approximately 400 acres of the Goleta Slough are within the airport's boundaries.[108] Runway improvement projects have required mitigation projects to improve the slough.

REGIONAL STRATEGIES AS A SOLUTION?

Large airports that serve highly developed metropolitan areas appear to face both the greatest increases in demand and the greatest resistance to airport growth. As an alternative to expanding existing airports or building new ones, both of which can be difficult to achieve politically and economically, there have been proposals to redistribute air traffic among existing airports, shifting it to less heavily-utilized airports.

However, a significant obstacle to developing viable regional alternatives to a heavily-utilized airport such as LAX is that airlines prefer to service airports with a well-established market, well-developed infrastructure for moving passengers and cargo to-and-from the airport, and an advantageous position within the existing network of routes flown by the major air carriers.[109] Nonetheless, the idea of developing regional airport strategies to more efficiently distribute the demand for air service, and the benefits and burdens of airport operations, appears to have gained some traction recently.

With LAX expansion plans capped, focus has shifted toward strategies to redistribute air service demand throughout the region. Echoing earlier attempts to develop regional airport strategies made between 1985 and 2002, Los Angeles Mayor Antonio Villaraigosa recently urged airlines to shift some domestic passenger service to other airports in the

region.[110] In fact, Los Angeles World Airports (LAWA), the city of Los Angeles's airports department, originally acquired Ontario and Palmdale airports for this purpose.[111]

In recent years, a significant portion of domestic air service has shifted to Burbank, Long Beach, and John Wayne airports. Growth at these airports, however, is constrained by physical limits, noise curfews, and other limits on operations that have resulted from conflicts with surrounding communities.[112] Ontario Airport has been viewed as the main international alternative to LAX, but passenger growth there has lagged behind that of other regional airports.[113] Even though cargo service at Ontario has increased in recent years, in 2005, the airport handled only about one-quarter of the cargo handled by LAX.

Like LAWA, the Sacramento County Airport System owns several airports, and has taken steps to distribute air traffic among them effectively.[114] In 1967, commercial service was moved to Sacramento Metropolitan Airport (now called Sacramento International Airport), in an area outside the city with room to grow. Sacramento Executive Airport, which previously served as the region's commercial service airport, is now the primary corporate and general aviation facility in the area. Franklin Field, acquired from the military in 1947, is also used as a general aviation airport. In 1995, when the Sacramento County Airport System reopened Mather Field, a former U.S. Air Force base, most of the cargo traffic relocated from Sacramento International to Mather.

In the San Francisco Bay Area, Oakland's airport director recently suggested that a regional group should examine how best to use and develop the region's airports to accommodate future growth.[115] However, this type of regional airport coordination of airport operations has not been implemented and, according to analysts, some airports have resisted such proposals.[116]

Regional air traffic redistribution schemes do not appear to be the primary focus in San Diego. The San Diego County Regional Airport Authority's (SDCRAA) efforts to find a solution for the lack of capacity at Lindbergh field have been aimed at finding a new site for an airport. In June 2006, the SDCRAA selected Miramar, an active U.S. Marine Corps Air Station, as the site to put before the voters in November 2006. The U.S. Department of Defense, however, is strongly opposed to civilian/military joint use of the facility (for more on the site selection process, turn to the discussion of San Diego International Airport in Appendix C). The emphasis on finding a new site for an airport in San Diego, as opposed to redistributing air traffic among existing airports, is consistent with the legislation that created the SDCRAA. Section 170048(h) of the California Public Utilities Code states that in developing a plan for the future development of the region's international airport the authority shall:

> *…review all options of alternative sites, including, but not limited to, expansion of the existing airport site, use of current military installations that may become available for civilian or mix-use, and other development options available to address future airport needs.*

Although "other development options" might include regional strategies to utilize existing airports more effectively, the passage clearly emphasizes expansion or a new airport site.

A thorough discussion of regional approaches to managing air traffic and ground access to airports can be found in "Regional Airport Management Study," a report released by the Southern California Association of Governments (SCAG) in 2005.[117] The report addresses questions about the types of regional governance mechanisms and strategies that might be used to coordinate the region's airports and ground access.

Although the focus of the SCAG study is Southern California, it contains case studies of five exemplar regional airport and ground access governing arrangements: (1) Boston/ New England; (2) Sacramento; (3) Dallas-Fort Worth; (4) Washington-Baltimore; and (5) the currently inactive Southern California Regional Airport Authority (SCRAA). The authors suggest that a Southern California Regional Airport Consortium should: (1) have an inclusive membership with Los Angeles World Airports taking a lead role; (2) adopt a "structured" MOU approach, at least initially, to alleviate reservations that some members might have about entering into a more formal joint powers agreement; and (3) implement collaborative planning and marketing efforts.

APPENDIX A – AIRPORT GOVERNANCE

OVERVIEW OF THE REGULATION AND MANAGEMENT OF AIRPORTS

The U.S. Department of Transportation, Federal Aviation Administration (FAA)

- Operates air navigation facilities
- Controls airways and air traffic
- Establishes airport design standards
- Provides airport development funding

The U.S. Department of Homeland Security, Transportation Security Agency (TSA)

- Approves airport security plans
- Trains and deploys airport security screeners

The California Department of Transportation, Division of Aeronautics

- Issues permits for, and inspects public-use airports
- Conducts statewide aviation system planning
- Administers noise regulation and land use planning laws
- Provides grants and loans for safety, maintenance and capital improvement projects at airports

Airport Operators

- Operate and maintain the physical elements of an airport
- Rents space to airlines, and to aviation-related and passenger service businesses

THE FEDERAL GOVERNMENT

The FAA

The Federal Aviation Administration (FAA), an agency of the U.S. Department of Transportation, regulates aircraft and aviation, issues pilots' licenses, operates air navigation facilities, controls airways and air traffic, establishes airport design standards, and provides airport development funding. Although the FAA controls airways and air traffic, it has no direct authority over local land use and cannot dictate land use compatibility criteria.

The FAA issues Federal Aviation Regulations (FARs) that govern all aviation activities in the United States. The FARs are part of Title 14 of the Code of Federal Regulations. Components of Title 14 related specifically to airports include regulations that govern:

- **Airspace, Air Traffic and General Operating Rules:** Regulations define various classes of airspace and the rules and uses for each. These regulations also define general operating and flight rules and procedures for determining whether structures obstruct navigable airspace.
- **Certification of airports:** The FAA requires most airports with passenger-carrying operations to comply with certification requirements related to the safety and usability of airport facilities.
- **Airport Noise Compatibility Planning:** Part 150 prescribes requirements for airport operators to conduct studies of airport noise impacts and develop land use compatibility programs.
- **Federal Aid to Airports:** FAA regulations define eligibility requirements for projects at airports included in the National Airport Plan and procedures for applying for FAA funding. Regulations also prescribe the types of compliance assurances upon which funding may be conditioned.
- **Notice of construction, alteration, activation and deactivation of airports:** Regulations define notification requirements for airport operators to construct, alter, activate or deactivate an airport or a portion of an airport.
- **Passenger Facility Charges:** Regulations prescribe procedures for obtaining FAA approval of passenger facilities charges, permitted uses of revenue from passenger facilities charges, and assurances that may be required as a condition of approving passenger facilities charges.
- **Notice and Approval of Airport Noise and Access Restrictions:** Regulations prescribe notice, review and approval requirements and procedures for airport operators implementing aircraft noise and access restrictions (curfews).

The TSA

The Transportation Security Administration (TSA) was created in response to the terrorist attacks of September 11, 2001, as part of the Aviation and Transportation Security Act signed into law by President George W. Bush on November 19, 2001. TSA's mission is to protect the nation's transportation systems by ensuring the freedom of movement for people and commerce. TSA was originally located within the Department of Transportation, but since March 2003, falls under the jurisdiction of the Department of Homeland Security. The TSA issues and administers Transportation Security Regulations (TSRs) that are codified in Title 49 of the Code of Federal Regulations, Chapter XII, parts 1500 through 1699. Major provisions of the Aviation and Transportation Security Act that pertain to airports establish the following:

- Passenger and air carrier fees required to pay for the costs of providing civil aviation security services
- Airports must develop and maintain a TSA-approved security program and notify the TSA of any changes that might affect airport security
- Airports are required to designate an airport security coordinator to oversee their security programs
- The deployment of TSA-trained airport screeners to replace private screeners previously subcontracted by airlines
- A TSA-maintained system of records related to the screening of passengers and property that is exempt from certain provisions of the Privacy Act of 1974
- Enhanced screening requirements for passengers and property
- The establishment and enforcement of specific types of secured areas within airports, and required fingerprint-based criminal history record checks and personnel identification systems for individuals who have access to secured areas.

THE STATE OF CALIFORNIA

The development and operation of aircraft and airports has been the subject of a California statute since at least 1947, and is currently regulated by the State Aeronautics Act [Division 9, Section 21001, et seq., Public Utilities Code (PUC)] and its subsequent amendments. In the early 1970s, the California Aeronautics Commission became the Division of Aeronautics within the California Department of Transportation.[118]

The Division of Aeronautics issues regulations for airports that are contained in Division 2.5, Title 21 of the California Code of Regulations. These regulations are intended to be used in conjunction with Title 14, Code of Federal Regulations, FAA Advisory Circulars, and the California Public Utilities Code.

The functions of the Division of Aeronautics include:

- Issuing permits for, and inspecting hospital heliports and public-use airports

- Making recommendations regarding proposed school sites within two miles of an airport runway
- Authorizing helicopter landing sites at or near schools
- Conducting aviation system planning to provide for the integration of aviation into transportation system planning on a regional, statewide, and national basis
- Administering noise regulation and land use planning laws for the purpose of fostering compatible land use around airports and encouraging environmental mitigation measures to lessen noise, air pollution, and other impacts caused by aviation
- Providing grants and loans for safety, maintenance and capital improvement projects at airports[119]

The California Department of Transportation (Caltrans), Division of Aeronautics was given the responsibility to prepare and maintain a California Aviation System Plan pursuant to statues added in 1989 (Section 21701, et seq., PUC). The California Aviation System Plan includes elements which:

- Summarize aviation activity in California and establishes goals and objectives for aviation improvement
- Address issues such as aviation safety, airport noise, airport ground access, transportation systems management, airport financing, airport land use compatibility planning, and institutional relationships
- Encompass the aviation elements of the regional transportation plans prepared by each transportation planning agency, including regional air transportation matters relating to growth, capacity needs, county activity, airport activity, and statewide activity in order to evaluate the impacts of regional activity in relation to the statewide air transportation system
- Consider statewide air transportation matters relating to growth in order to evaluate the state aviation system and to designate a sufficient number of general aviation and air carrier public use airports for state funding in order to provide an acceptable level of air service and safety
- Compare and contrast the regional plan alternative with the state plan alternative including, but not limited to, airport noise, air quality, toxic waste cleanup, energy, economics, and number of passengers served
- Describe the ten-year capital improvement plan for each airport, based on adopted master plans (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

AIRPORT OPERATORS

Federal legislation defines an airport operator as "a person that operates an airport serving an aircraft operator or a foreign air carrier."[120] The California Code of Regulations, Title 21, Chapter 6, Article 1, section 5001, defines an airport proprietor as "the holder of an airport permit issued by the department pursuant to Article 3, Chapter 4, Part 1, Division 9, of the California Public Utilities Code."

For the purpose of this report, an airport operator is the entity responsible for the administration, management, operation, maintenance, and improvement of an airport's physical elements such as runways, fueling facilities, aircraft parking and hangars, and passenger terminals. These responsibilities are typically carried out by employees of the airport operator and through contracts with private companies. Airport operators rent space to:

- Aviation-related businesses and to businesses that serve passengers
- Commercial passenger and cargo air carriers
- Private flying schools and executive aircraft facilities
- Car rental companies
- Restaurants and shops

As the fifteen airports examined in this report illustrate, airport operators vary in terms of type and governance structure. But in general, airport operators are cities, counties, or public agencies that are governed by a board or commission whose members are appointed by elected officials from the jurisdiction or entity that owns the airport. In some cases, such as San Francisco International, airports may be located outside the physical boundaries of the jurisdiction that owns the airport.

SOURCES OF FUNDING FOR AIRPORT IMPROVEMENT AND EXPANSION

Major airport projects are typically funded through some combination of bonds backed by airport revenues and state and federal funding programs that vary in terms of the types of airports that are eligible. The various types of airports are defined as follows:[121]

Primary/ commercial: Commercial service airports with more than 10,000 boarded passengers annually.

Reliever: Airports designated by the Federal Aviation Administration to relieve congestion at Commercial Service Airports, and to provide improved general aviation access to the overall system.

General Aviation: This category includes publicly and privately owned, public-use airports that board 2,500 or more passengers annually and receive scheduled airline service.

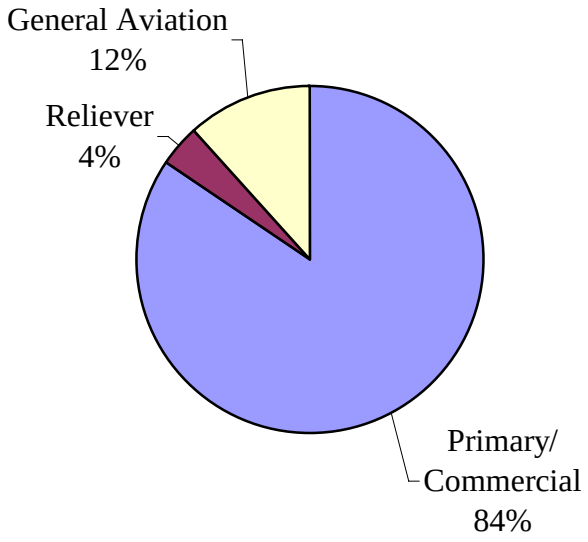
Non-NPIAS: These are airports not included in the FAA's National Plan of Integrated Airport Systems (NPIAS).

Inclusion in NPIAS is at the discretion of the FAA, and is limited to publicly-owned airports. Additional factors that the FAA considers for NPIAS participation include factors such as: the type of airport; whether or not commercial service is available; the number of passengers served by commercial service; the number of aircraft based at the airport; the types of approaches available; the number of aircraft operations each year; military aircraft based at the airport; and whether or not the airport is a scheduled United States mail carrier stop.

As figures A-1 and A-2 illustrate, federal funds primarily flow to larger commercial airports, while state funds are allocated to smaller general aviation airports and airports not included in the FAA's National Plan of Integrated Airport Systems (NPIAS).

Figure A-1

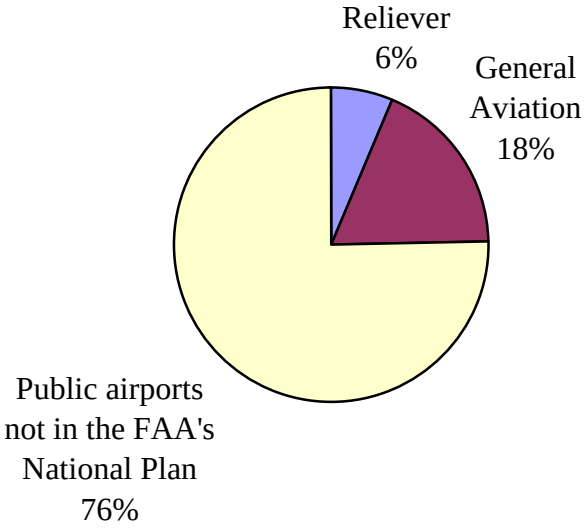
FAA Funds Allocated to California Airports, 2006
($907.6 million)



Source: *2006 - 2010 California Aviation System Plan Capital Improvement Plan*, California Department of Transportation, Division of Aeronautics.

Figure A-2

State Funds Allocated to California Airports, 2006
($28.6 million)



Source: *2006 - 2010 California Aviation System Plan Capital Improvement Plan*, California Department of Transportation, Division of Aeronautics.

Federal Airport Improvement Program

The federal Airport Improvement Program (AIP) is the FAA's major airport infrastructure investment program. It provides grants to the nation's airports for capital projects such as runways, taxiways and major facilities. Since 1970, the majority of AIP funding has been supported by direct and dedicated user fees through the Airport Trust Fund, which is predicted to grow to more than $16 billion by fiscal year (FY) 2007.

Federal airport grant programs are funded from taxes and fees specifically collected for that purpose. As of January 2000, these included a 7.5 percent domestic ticket tax and a $2.50 per-person per-flight-segment fee for all flights, except to certain rural airports. A $12.00 international arrival tax and a $12.00 international departure tax (both adjusted for the annual rate of inflation, beginning January 1, 1999), a 6.25 percent tax on domestic air freight, a 4.3 cents-per-gallon domestic air fuel tax, and taxes on the fuel used in small planes and for non-commercial purposes. These revenues are credited to the Aviation Trust Fund, created by Congress in 1970 to fund improvements to airports and the nation's air traffic control system. The FAA dispenses grants to airports out of the trust fund for projects under the Airport Improvement Program (AIP), which had total outlays of $3.5 billion in 2005.

Eligible projects include improvements to enhance airport safety, capacity and security, and address environmental concerns. In general, sponsors can use AIP funds on most airfield capital improvements or repairs except for terminals, hangars, and non-aviation

development. Projects related to airport operations and revenue-generating improvements are typically not eligible for funding. Operational costs—such as salaries, maintenance services, equipment, and supplies—are also not eligible for AIP grants.

In order to receive a grant under the Airport Improvement Program, airport sponsors must agree to 37 grant assurances that set out the responsibilities of the project sponsor and include compliance with all applicable federal statutes, executive orders, federal regulations, and Office of Management and Budget circulars.[122]

State of California Airport Funding Programs[123]

All state grant programs for airports are funded from the Aeronautics Account in the State Transportation Fund. Tax revenues, which are collected on general aviation (GA) fuel, are deposited in the Aeronautics Account. GA jet fuel is taxed at 2¢ per gallon and aviation gasoline is taxed at 18¢. These taxes generate about $7 million per year.[124] The Aeronautics Account has several other revenue sources (i.e., interest that is earned on its cash balance and the sale of documents like the state aeronautics chart).

The California Revenue and Taxation Code (§ 8352.3) spells out priorities for the expenditure of funds from the Aeronautics Account. These funds are allocated: (1) To the State Controller and the Board of Equalization for administering the collection of fuel taxes, (2) For state operations (Caltrans' Division of Aeronautics and its staff), and (3) To fund grants to airports.

The Public Utilities Code (§ 21682 through § 21683.2) specifies the priorities for the allocation of Aeronautics Account funds to airports: (1) Annual Grants, (2) Airport Improvement Program (AIP) Matching Grants, and (3) Acquisition & Development Grants. The majority of state funds are allocated to general aviation airports – smaller airports that generally do not have scheduled commercial service. California's major commercial airports are only eligible for Acquisition and Development grants.

Annual Grants

Purpose: These are state grants to eligible airports for use at the sponsor's discretion subject to applicable laws and regulations, with prior approval from CalTrans.

Sponsor eligibility: To receive the Annual Grant, the airport cannot be designated by the Federal Aviation Administration (FAA) as either a Reliever or a Commercial Service airport. The airport must be owned by an eligible public agency (e.g., a city, county or airport district).

Uses and restrictions: The Annual Grant can fund projects for "airport and aviation purposes" as defined in Section 21681(f) of the State Aeronautics Act. Also, the Annual Grant can fund fueling facilities, restrooms, showers, wash racks, and operation and maintenance.

The Annual Grant can provide part of the sponsor's match for projects that are funded by FAA grants as long as the project is otherwise eligible for state funding. Accrued monies can be used at another eligible airport if the sponsor owns more than one airport. Any expenditures (or transfers of funds) require prior approval from CalTrans.

Funding level: $10,000 per year. If the Aeronautics Account does not have sufficient funds, the Annual Grant amount is reduced in proportion to the funds available. Up to five year's worth of Annual Grants may be accrued at the sponsor's discretion. Any accrued funds are held by the State.

Matching requirement: No local match is required for an Annual Grant

AIP Matching Grants

Purpose: These are state grants to eligible airports allocated by the California Transportation Commission (CTC). The grant assists the sponsor to meet the local match for Airport Improvement Program (AIP) grants from the FAA.

Sponsor eligibility: The sponsor must meet the same eligibility requirements as for the Annual Grant; however, reliever airports can receive AIP Matching grants. The airport must also meet FAA eligibility requirements. The sponsor certifies its state eligibility annually (a reliever airport need certify only when applying for a state grant). The project must be included in the division of Aeronautic's Capital Improvement Plan (CIP).

Uses and restrictions: A FAA AIP grant can be matched with state funds. The matching rate is fixed in law. State funds for an AIP Matching grant cannot be allocated until the federal grant has been accepted by the sponsor. A federal AIP grant can fund some types of projects (such as access roads and rescue vehicles) that are not otherwise state-eligible. Generally, state matching is limited to projects that primarily benefit general aviation.

Funding level: The amount that is set aside for AIP Matching grants is determined by the CTC when it adopts the biennial Aeronautics Program. The goal for the set-aside is to have an amount that will be sufficient to match all possible AIP grants. Unused set-aside funds are available for additional Acquisition and Development grants.

Matching requirement: The local match for an AIP grant is ten percent of the project's cost. The state's AIP Matching grant provides 4.5 percent of the project's eligible costs (i.e., five percent of the AIP grant). The sponsor pays the remaining 5.5 percent. The Annual Grant can be applied toward the sponsor's portion of the local match for an AIP grant.

Acquisition and Development (A&D) Grants

Purpose: These are state grants to eligible airports for eligible projects subject to allocation by the California Transportation Commission.

Sponsor eligibility: The sponsor must meet the same eligibility requirements as for the Annual Grant. However, reliever and commercial Service airports are also eligible for A&D grants. A city or county may receive grants on behalf of a privately owned, public-use airport (see Public Utilities Code (PUC) section 21602). An airport land use commission (ALUC) can receive funding to either prepare or update a comprehensive land use plan (CLUP).

Uses and restrictions: An A&D grant can fund projects for "airport and aviation purposes" as defined in Section 21681(f) of the State Aeronautics Act.

Funding level: The minimum amount of an A&D grant is $10,000. The maximum amount that can be allocated to an airport in a single fiscal year is $500,000. This $500,000 maximum can occur as a single grant or multiple grants. The amount available for A&D grants is what is left in the Aeronautics Account after funding State Operations, Annual Grants and AIP Matching.

Matching requirement: The local match can vary from ten percent to 50 percent of the project's cost. The match rate is set annually by the CTC. The Annual Grant may not be used for the local match to an A&D grant.

Capital Improvement Program (CIP)

The CIP is an element of the California Aviation System Plan (CASP). Requirements for the CASP and the CIP are specified in PUC § 21701 through § 21706 Projects are selected for A&D grants from the CIP and included in the State's biennial Aeronautics Program in accordance with criteria that have been adopted by the California Transportation Commission. Inclusion in the CIP is a prerequisite for a project being considered for either an A&D grant or an AIP Matching grant.

The CIP is prepared by the department and regional transportation planning agencies (RTPAs) with airport management, RTPA staff, the FAA, and the department working together to assess the airport's needs, and determine appropriate funding sources for worthwhile projects.

The CIP is designed to list all projects, whether they are funded locally or by FAA grants or state grants. As such, the CIP is part of the Regional Transportation Plan (RTP) in which the RTPAs address all of their region's transportation needs. RTPs and the CIP are developed in "odd" years.

Airport Revenue Bonds

In addition to federal and state funding programs, airport capital improvements are funded through the sale of revenue bonds. Revenue bonds are repaid, with interest, from the revenue that the new facility generates.

The revenue collected from businesses, passengers and shippers using the airport covers most of the operating expenses associated with operating the airport. Typically, companies doing business at an airport (airlines, car rental companies, restaurants, stores, etc.) pay rents for the space they occupy. Businesses may also pay a gross-receipts fee based on the total value of their business at the airport. Airlines generally pay flight fees, based on the weight of each aircraft that lands or departs. Airlines may also pay aircraft parking and fueling fees.

Since 1992, many airports have been charging airline passengers a fee, known as a passenger facility charge (PFC), which the airlines collect as an add-on to the airfare. Beginning in 2000, Congress authorized an increase in the maximum PFC rate that airports can charge passengers - $4.50 per segment, with a cap of $18.00 for a roundtrip. These taxes must be pledged to specific capital improvements that will: (1) preserve or enhance safety, capacity or security of the national air transportation system; (2) reduce noise; or (3) enhance competition between or among air carriers. Every PFC is tied to specific capital improvement projects that have been approved by the FAA, and the fee expires when all of the money needed for the approved projects has been raised (unless new projects have been approved under a separate application).

APPENDIX B – AIRPORT SUMMARY TABLES

Source material for the information contained in the following tables can be found in the endnotes for the individual airport profiles contained in Appendix C.

Table B-1. Airport Ownership (Burbank, Fresno, John Wayne, Long Beach, Los Angeles)

	Burbank	**Fresno**	**John Wayne**	**Long Beach**	**Los Angeles**
Owner	Burbank-Glendale-Pasadena Airport Authority	City of Fresno	Orange County	City of Long Beach	City of Los Angeles
Airport Located in Owner's Jurisdiction	Yes	Yes	Yes	Yes	Yes
Operator (Years Operated)	B-G-P Airport Authority (29)	City of Fresno, Department of Airports (58)	Orange County Airport Commission (67)	City of Long Beach Airport Advisory Commission (83)	City Airport Commission (Los Angeles World Airports (LAWA) Board) (78)
Operator Type	Joint Powers Agency	City	County	City	City
Operator's Additional Airports/Seaports	None	Fresno Chandler Executive Airport	None	None	Ontario, Van Nuys, and Palmdale airports
Year Opened	1930	1948	1939	1923	1928

Table B-2. Airport Ownership (Oakland, Ontario, Palm Springs, Phoenix, Portland)

	Oakland	Ontario	Palm Springs	Phoenix	Portland
Owner	City of Oakland	City of Los Angeles	City of Palm Springs	City of Phoenix	Port of Portland
Airport Located in Owner's Jurisdiction	Yes	No	Yes	Yes	Yes
Operator (Years Operated)	Port of Oakland (79)	Los Angeles World Airports (LAWA); a department of the city (78)	City of Palm Springs (42)	City of Phoenix (70)	Port of Portland (70)
Operator Type	City Agency	City	City	City	Port District
Operator's Additional Airports/Seaports	Seaport and commercial real estate	Ontario, Van Nuys, and Palmdale airports	None	Two general aviation airports (Deer Valley and Goodyear)	Other airports, marine terminals, industrial parks
Year Opened	1977	1923	1939 (1964 for commercial use)	1935	1940

Table B-3. Airport Ownership (Sacramento, San Diego, San Francisco, San Jose, Santa Barbara)

	Sacramento	San Diego	San Francisco	San Jose	Santa Barbara
Owner	County of Sacramento	San Diego County Regional Airport Authority (SDCRAA)	City/County of San Francisco	City of San Jose	City of Santa Barbara
Airport Located in Operator's Jurisdiction	Yes	Yes	No	Yes	Yes (annexed)
Operator (Years Operated)	County of Sacramento (39)	SDCRAA (3)	City/County of San Francisco (79)	City of San Jose (41)	City of Santa Barbara (65)
Operator Type	County	Local Agency	City/County	City	City
Operator's Additional Airports/Seaports	Mather Airport, Sacramento Executive Airport, Franklin Field	Acts as County ALUC	None	None	None
Year Opened	1967	1928	1927	1965	1932

Table B-4. Airport Boards and Commissions (Burbank, Fresno, John Wayne, Long Beach, Los Angeles)

	Burbank	Fresno	John Wayne	Long Beach	Los Angeles
Governing Board or Commission	Burbank-Glendale-Pasadena Airport Authority Board of Commissioners	No Board/City council determines airport policies	Orange County Airport Commission	Long Beach Airport Advisory Commission	LAWA Board of Commissioners
Number of Board Members	9	7 city council members	5	9	7
Appointed by	City Councils of the 3 cities	Elected (city council)	County Board of Supervisors	Mayor; affirmed by City Council	Mayor; City Council approves
Term length (years)/term limits	4/No term limits	4/Two consecutive terms (city council)	4/No term limits	2/4 terms	5
Qualifications	None	Residency	Residency	Residency	Residency
Annual Salary	None	$44,100 (city council)	None	None	None
Per-meeting stipend	$200 per meeting*	No	$75	None	None
Travel Expenses	Mileage	Vehicle allowance	Mileage	No	No
Entity with the authority to acquire property and issue revenue bonds	B-G-P Airport Authority	City council	County Board of Supervisors	City Council	LAWA Board; City Council has veto/approval power

* Board president receives $300 per meeting and a $50 per week allowance for expenses.

Table B-5. Airport Boards and Commissions (Oakland, Ontario, Palm Springs, Phoenix, Portland)

	Oakland	Ontario	Palm Springs	Phoenix	Portland
Governing Board or Commission	Port of Oakland Board of Commissioners	LAWA Board of Commissioners	Palm Springs International Airport Commission	Phoenix Aviation Advisory Board	Port of Portland Board of Commissioners
Number of Board Members	7	7	17	9	9
Appointed	Yes	Yes	Yes	Yes	Yes
Appointed by	Mayor; City Council Approves	Mayor; City Council Approves	Cities in the Coachella Valley	City Council	Governor; ratified by State Senate
Term length (years)/limits	4/no term limits	5	3/Service limited to 2 terms (not to exceed 7 years)	4/service limited to two terms	4/service limited to two terms
Qualifications	Residency	Residency	Residency	Residency	Residency
Salary	No	No	No	No	No
Per-meeting stipend	No	No	No	No	No
Travel/other expenses	No	No	No	No	Yes
Entity with the authority to acquire property and issue revenue bonds	Port of Oakland Board of Commissioners	LAWA Board; Los Angeles City Council has veto/approval power	Palm Springs City Council; Commission serves in an advisory capacity	City Council	Port of Portland Board of Commissioners

Table B-6. Airport Boards and Commissions (Sacramento, San Diego, San Francisco, San Jose, Santa Barbara)

	Sacramento	**San Diego**	**San Francisco**	**San Jose**	**Santa Barbara**
Governing Board or Commission	None; **County Board of Supervisors** determines airport policy	San Diego County Regional Airport Authority Board	San Francisco Airport Commission	San Jose Airport Commission	Santa Barbara Airport Commission
Number of Board Members	5 County supervisors	9	5	7	7
Appointed/Elected	Elected (county supervisors)	Appointed	Appointed	Appointed	Appointed
Appointed by	--	Governor, County Sheriff, County Mayors	Mayor	City Council	City Council
Term length (years)/limits	4/No (county supervisors)	4/4 members are limited to a single term (see Appendix C)	4/No	3/Limited to two terms	4/Limited to two terms
Qualifications	Residency (supervisors)	Residency	None	Residency	Residency
Salary	$82,044 (county supervisor salary)	$149,160 (3 Executive Committee Members; 6 are unpaid)	None	None	None

Table B-6. (continued)

Per-meeting stipend	None	$100 (max. $400/mo.; limited to the six non-salaried members)	$100/month	None	None
Travel/Other Expenses	Mileage/auto allowance	Yes	No	Yes	No
Entity with the authority to acquire property and issue revenue bonds	County board of supervisors	SDCRAA Board	San Francisco Board of Supervisors	San Jose City Council	Santa Barbara City Council

Table B-7. Airport Management (Burbank, Fresno, John Wayne, Long Beach, Los Angeles)

	Burbank	Fresno	John Wayne	Long Beach	Los Angeles
Airport Director appointed by	Private Management Firm	City Manager	County Executive Officer	City Manager	LAWA Board
Airport Director salary	N/A – Director is not a public employee; compensation not a matter of public record	$66,000 - $141,240	$148,215	$119,551	$298,313
Benefit Amount		Not available	$26,000	$45,000	$118,430
Executive Staff Hired by	Airport Director	Civil service	Airport Director hires Assistant Airport Director	City Manager	Airport Director

Table B-8. Airport Management (Oakland, Ontario, Palm Springs, Phoenix, Portland)

	Oakland	Ontario	Palm Springs	Phoenix	Portland
Airport Director appointed by	Port Board of Commissioners	LAWA Board	City Manager	Civil Service	Port of Portland Board of Commissioners
Airport Director salary	$240,000	$298,313	$125,568	$160,243	$246,806
Benefit Amount	$81,600	$118,430	$40,000	$72,109	$54,239
Executive Staff Hired by	Civil Service	Airport Director	Aviation Director	Civil Service	Airport Director

Table B-9. Airport Management (Sacramento, San Diego, San Francisco, San Jose, Santa Barbara)

	Sacramento	San Diego	San Francisco	San Jose	Santa Barbara
Airport Director appointed by	County Executive	SDCRAA Board	Mayor	City Manager	City Administrator; approved by City Council
Airport Director salary	$149,544 to $164,868	$225,838	$224,753	$189,000	$116,853 to $140,224
Benefit Amount	$60,168	$90, 896	$75,742	$56,700	$44,000
Executive Staff Hired by	Airport Director	Airport Director	Airport Director	Airport Director and City Manager	Airport Director

Table B-10. Airport Operations (calendar year 2005) and Revenue (fiscal year 2004/2005) – (Burbank, Fresno, John Wayne, Long Beach, Los Angeles)

	Burbank	Fresno	John Wayne	Long Beach	Los Angeles
Annual passengers (millions)	5.5	1.19	9.6	3.0	61.5
Annual Cargo (tons)	53,223	18,300	24,073	54,298	2,137,188
Annual Operations (takeoffs and landings)	135,630	141,404 (including commercial, general aviation, military)	349,936 (102,859 commercial)	353,011 (28,939 commercial)	576,142
International destinations (non-stop flights)	0	1	0	0	~40
Curfew	Yes	No	Yes	Yes	No
Runways	2 (6,866 feet; 5,801 feet)	2 (9,222 feet; 7,206 feet)	2 (5,700 feet; 2,887 feet)	5 (10,000 feet; 6,192 feet; 5,423 feet; 4,470 feet; 4,267 feet)	4 (12,091 feet; 11,096 feet; 10,285 feet; 8,925 feet)
Airport Acreage	558	2,300	500	1,166	3,425
PFC* Revenue	$11 million	$1.8 million	$0†	$4.2 million	$113.7 million

* A passenger facility charge (PFC) is a fee that airports charge passengers. Airlines collect the fee by adding it to the airfare.
† Will implement a $4.50 PFC July 1, 2006.

Table B10. (continued)

Landing Fee Revenue	$3.14 million	$2.2 million	$10.4 million	$3.7 million	$134 million
Tenant Rent Revenue	$11.15 million	$2.0 million	$15.2 million	$6.4 million	$101 million
Concessions Revenue	$7.52 million	$2.2 million	$17.8 million	$4.7 million	$129.4 million
Parking revenue	$17.75 million	$3.6 million	$32.7 million	$8.2 million	$65 million
Cost per enplaned passenger*	$1.79	$5.85	$8.00	$3.90	$6.00

* The cost per enplaned passenger (CPE) is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operator, divided by the number of passengers.

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Table B-11. Airport Operations (calendar year 2005) and Revenue (fiscal year 2004/2005) – (Oakland, Ontario, Palm Springs, Phoenix, Portland)

	Oakland	Ontario	Palm Springs	Phoenix	Portland
Annual passengers (millions)	14.4	7.2	1.4	41.2	13.9
Annual Cargo (tons)	740,031	575,369	75	333,284	287,621
Annual Operations (takeoffs and landings)	187,693	79,156	92,853	555,256	263,253
International destinations (non-stop flights)	6	0	2	16	6
Curfew	No	No	Yes	No	No
Runways (length)	4 (10,000 feet; 6,212 feet; 5,454 feet; 3,372 feet)	2 (12,198 feet; 10,200 feet)	2 (10,001 feet; 4,952 feet)	3 (11,489 feet; 10,300 feet; 7,800 feet)	3 (11,000 feet; 8,000 feet; 7,001 feet)
Airport Acreage	2,500		923	3,130	2,000
PFC* Revenue	$29 million	$1 million	$2.9 million	$83.8 million	$27.1 million
Landing fees	$15.6 million	$13.9 million	$1.6 million	$30.1 million	$26.8 million
Rent	$56 million (rent and concessions)	$30 million	$3.1 million	$69.5 million	$52.8 million

* A passenger facility charge (PFC) is a fee that airports charge passengers. Airlines collect the fee by adding it to the airfare.

Table B-11. (continued)

Concessions	Included in Rent	$15.6 million	$4.7 million	$26.4 million	$9.3 million
Parking revenue	$42.4 million	$17 million	$2 million	$54.1 million	$36.3 million
Cost per enplaned Passenger*	$5.33	$12.05	$2.00	$4.44	$12.94

* The cost per enplaned passenger (CPE) is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operator, divided by the number of passengers.

Table B-12. Airport Operations (calendar year 2005) and Revenue (fiscal year 2004/2005) – (Sacramento, San Diego, San Francisco, San Jose, Santa Barbara)

	Sacramento	San Diego	San Francisco	San Jose	Santa Barbara
Annual passengers (millions)	10.0	17.4	33.4	10.7	0.9
Annual Cargo (tons)	76,389	187,706	650,977	104,661	3,080
Annual Operations (takeoffs and landings)	162,397	220,210	352,871	198,314	151,713 (40,558 scheduled commercial)
International destinations (non-stop flights)	2	6	32	4	0
Curfew	No	Yes	No	Yes	Yes
Runways	2 (8,601 feet; 8,600 feet)	1 (9,401 feet)	4 (11,870 feet; 10,602 feet; 8,648 feet; 7,500 feet)	3 (11,000 feet; 11,000 feet; 4,599 feet)	3 (6,052 feet; 4,183 feet; 4,179 feet)
Airport Acreage	5,500	615	2,383	3,425	860
PFC* Revenue	$24.5 million	$33.7 million	$60.9 million	$21.8 million	$1.8 million
Landing Fees	$17.1 million	$22.6 million	$303.0 million (landing fees and rent)	$8.3 million	$1.0 million

* A passenger facility charge (PFC) is a fee that airports charge passengers. Airlines collect the fee by adding it to the airfare.

Table B-12. (continued)

Rent	$14.1 million	$18.0 million	Includes Landing Fees	$16.4 million	$0.8 million
Concessions	$54.3 million	$26.6 million	$74.5 million	$19.8 million	$1.2 million
Parking	$40.1 million	$23.2 million	$56.7 million	$56.7 million	$2.9 million
Cost per enplaned passenger*	$5.21	$6.54	$14.47	$4.33	$4.29

* The cost per enplaned passenger (CPE) is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operator, divided by the number of passengers.

California State Library, California Research Bureau

Table B-13. Airport Land Use Compatibility Plans and Policies (Burbank, Fresno, John Wayne, Long Beach, Los Angeles)

	Burbank[125]	**Fresno**[126]	**John Wayne**[127]	**Long Beach**[128]	**Los Angeles**[129]
Name of ALUC	Los Angeles County ALUC	Fresno County ALUC	John Wayne Airport Board	Los Angeles County ALUC	Los Angeles County ALUC
ALUC Staff	Los Angeles County Department of Regional Planning	Fresno County Department of Public Works and Planning	John Wayne Airport Board	Los Angeles County Department of Regional Planning	Los Angeles County Department of Regional Planning
Year Current plan adopted	1991	1986	1975	1991	1991
Year Current plan last revised	2004	1990	2002	2004	2004
Maximum noise level (dB CNEL) residential/ commercial-retail uses*	65/70	65/75	65/65	65/70	65/70

* For example, a sixty-five decibel community noise equivalent level (CNEL) contour defines the geographical area around an airport that is subjected to an average noise level of sixty-five decibels. Plans vary in terms of how various types of land uses are defined and categorized. Some separate uses into many subcategories while others do not. For a more accurate view of noise policies, readers are urged to view the actual compatibility plans referred to in the table.

Table B-14. Airport Land Use Compatibility Plans and Policies (Oakland, Ontario, Palm Springs, Phoenix, Portland)

	Oakland[130]	**Ontario**[131]	**Palm Springs**[132]	**Phoenix**[133]	**Portland**[134]
Name of ALUC	Alameda County ALUC	San Bernardino does not have an ALUC*	Riverside County ALUC	N/A	N/A
ALUC Staff	Alameda County ALUC		Riverside County Planning Department	N/A	N/A
Year Current plan adopted	1986	No plan exists.[135]	2005	1987 (FAA "Part 150" noise study)	1983 (FAA "Part 150" noise study)
Year Current plan last revised	1986		2005	2001	2005
Maximum noise level (dB CNEL) residential/ commercial-retail uses†	0/75	No plan exists.[136]	60/75	75/75+	65/80

* San Bernardino County uses the "alternative process" defined in California Public Utilities Code Section 21670.1. Each jurisdiction affected by an airport acts as its own ALUC.

† For example, a sixty-five decibel community noise equivalent level (CNEL) contour defines the geographical area around an airport that is subjected to an average noise level of sixty-five decibels. Plans vary in terms of conditions required for compatibility (e.g., soundproofing insulation) and how various types of land uses are categorized. Some separate uses into many subcategories while others do not. For a more accurate view of noise policies, readers are urged to view the actual compatibility plans referred to in the table.

Table B-15. Airport Land Use Compatibility Plans and Policies (Sacramento, San Diego, San Francisco, San Jose, Santa Barbara)

	Sacramento[137]	**San Diego**[138]	**San Francisco**[139]	**San Jose**[140]	**Santa Barbara**[141]
Name of ALUC	Sacramento Area Council of Governments	San Diego County Regional Airport Authority	Alameda County ALUC	Santa Clara County ALUC	Santa Barbara County Association of Governments
ALUC Staff	Sacramento Area Council of Governments	San Diego County Regional Airport Authority	Alameda County ALUC	Santa Clara County ALUC	Santa Barbara County Association of Governments
Year Current plan adopted	1984	1992	1996	1973	1982
Year Current plan last revised	1994	2004 2005 (draft)	1996	1992	1993
Maximum noise level (dB CNEL) residential/ commercial-retail uses[*]	60/75	~65/~65[†]	70/80	65/75	65/70

[*] For example, a sixty-five decibel community noise equivalent level (CNEL) contour defines the geographical area around an airport that is subjected to an average noise level of sixty-five decibels. Plans vary in terms of conditions required for compatibility (e.g., soundproofing insulation) and how various types of land uses are categorized. Some separate uses into many subcategories while others do not. For a more accurate view of noise policies, readers are urged to view the actual compatibility plans referred to in the table.

[†] The 2005 draft plan incorporates noise and safety considerations into a single zoning recommendation map. This means that compatibility policies do not correspond precisely to noise contours. Policies in the draft would allow new residential and non-noise-sensitive commercial uses in a zone that approximately corresponds to the 65-decibel noise contour.

APPENDIX C. AIRPORT PROFILES: GOVERNANCE, MANAGEMENT, OPERATIONS, REVENUES AND EXPANSION

BURBANK

Ownership: Burbank-Glendale-Pasadena Airport Authority, a joint powers agency, owns Burbank's Bob Hope Airport. Although a portion of the airport is located within the boundaries of the city of Los Angeles, the terminal, parking areas and the majority of the runways and support areas are located within the boundaries of Burbank.[142]

The airport first opened in 1930.[143] In 1977, the Lockheed Corporation sold the airport it had used for manufacturing operations to the cities of Burbank, Glendale and Pasadena. The city of Burbank was motivated to purchase the airport, in part, due to concerns that an outside operator might not be responsive to the community's concerns about noise and other impacts.[144] The Federal Aviation Administration (FAA), fearing single-city control of a vital airport in the national air system, urged other cities to join Burbank in the purchase.[145] Glendale and Pasadena joined Burbank, and entered into a joint powers agreement that allowed the three cities to own and operate the airport.[146]

Governance: The Airport Authority is a joint powers agency as defined in California Government Code Section 6500 et seq. The joint powers agreement and section 6546.1 of the California Government Code define the roles, responsibilities, powers and limitations of the Airport Authority and its nine-member board of commissioners including:

- The purpose of the Airport Authority is to acquire, operate, repair, maintain, improve and administer airport property.
- The Airport Authority may exercise all powers conferred by statute "subject only to such restrictions upon the manner of exercising such powers as are imposed on the City of Burbank in the exercise of similar powers...."
- The Authority may issue revenue bonds to acquire, repair, or improve airport facilities and to finance or refinance projects.
- The Authority "may employ or engage, on an independent contractor basis or otherwise, an Airport Manager, which may be a corporation, partnership, firm or individual…"
- The Authority may make and enter into contracts, employ agents and employees, acquire property, exercise the power of eminent domain, and incur debts, liabilities or obligations.
- The Airport Authority has the power of eminent domain over

non-residential property, pursuant to Government Code sections 37350.5 and 50470.[*]

- The Airport Authority "shall not permit or authorize any activity in conjunction with the airport which results in an increase in the size of the noise impact area…as established pursuant to Title 21, California Administrative Code, Chapter 2.5, Subchapter 6."
- The Airport Authority "shall implement the noise monitoring requirements set forth in Title 21, California Administrative Code, Chapter 2.5, Subchapter 6."
- The Airport Authority "shall not authorize or permit the lengthening of runways."
- The Airport Authority may not exercise eminent domain powers to purchase condemned real property that was zoned for residential use prior to March 24, 1978.

The joint powers agreement has been amended several times. In 1978 it was amended to add the office of the Assistant Secretary and to insert provisions to prohibit the lengthening of runways and to prohibit the exercise of eminent domain over property that is zoned for residential use. The second amendment to the agreement, also in 1978, was to change the name of the Airport and the Authority. The third amendment occurred in 1980, and defined qualifications for the offices of Treasurer and Auditor, and established rules governing the handling of funds and auditing procedures. The agreement was amended again in 1991 to consolidate and incorporate previous amendments into the original agreement. In 2003, another amendment to the agreement changed the name of the airport from the Burbank-Glendale-Pasadena Airport to Bob Hope Airport.

A nine-member board of commissioners governs the Airport Authority. The city councils of Burbank, Glendale and Pasadena each appoint three commissioners to staggered four-year terms. There is no limit to the number of terms that can be served. The joint powers agreement lists no specific qualifications or requirements, but commissioners have always been residents of the city that appoints them.[147] Airport Authority officers are chosen at an annual election held in July.

Airport Authority commissioners receive no salary, but are compensated for meeting attendance and other expenses associated

[*] Government Code section 37350.5 permits a city to "acquire by eminent domain any property necessary to carry out any of its powers or function." Section 50470 empowers local agencies to acquire real property "by purchase, condemnation, donation, lease, or otherwise," for use as an airport.

with their duties. All commissioners receive a $75 per month travel allowance. The president receives $300 per meeting and a $50 per week allowance for expenses. The other eight commissioners receive $200 per meeting.[148]

Management: Since its inception in 1977, the Airport Authority has employed a private contractor, TBI Airport Management, to provide management of the airport facility.[149] The airport is somewhat unique in this respect, as only 13 of the 517 U.S. airports that offer commercial passenger service have management contracts with private companies.[150]

The employees of TBI provide management, administration, engineering, operations and maintenance service under the contract with the Airport Authority.[151] The executive director is an employee of the firm and serves at the pleasure of the Authority. The executive director hires the deputy director and other staff. Since the director is not a public employee, information regarding the director's salary and other compensation is not available.[152]

In addition to TBI, the Airport Authority contracts with an outside firm to operate its parking lots and parking lot shuttle service, and another to provide aircraft rescue and firefighter services at the airport. The Airport Authority, however, is the direct employer of sworn peace officers of the Burbank-Glendale-Pasadena Airport Authority Police Department.

Airport Operations and Revenue In 2005, the airport served a total of 5.5 million passengers, 53,223 tons of cargo, and had 135,630 takeoffs and landings.[153] The airport currently has no non-stop passenger service to international destinations.[154]

The airport maintains a "Voluntary curfew" that asks scheduled airlines to refrain from scheduling or operating between 10:00 p.m. and 7:00 a.m. daily. The noise rules define a list of jet aircraft approved for 24-hour operations. Violators may be subject to fines of $3,557 for unauthorized landings and takeoffs.[155]

The airport has two runways measuring 6,866 feet and 5,801 feet respectively.[156] The airport occupies approximately 558 acres.[157]

In 2005, the airport's revenues included:[158]

Passenger facilities charges:	$11 million
Landing fees:	$3.14 million
Rent:	$11.15 million
Concessions:	$7.52 million
Parking:	$17.75 million

In 2005, the Airlines Cost per Enplaned Passenger (CPE) was $1.79.[159] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects:

Several reasons suggest the need for improvement and expansion projects at Burbank's Bob Hope Airport:

- The Southern California Association of Governments (SCAG) predicts that nine million passengers will use the airport annually in 25 years, almost twice the current usage.[160]
- The absence of parking or holding space for airplanes significantly limits the frequency with which airlines can schedule arrivals.[161]
- The current terminal is significantly closer to one runway than the 750 foot "set back" that is required by the FAA.

In 2002, in the wake of 9/11, a Terminal Security Enhancement Project added 40,000 square feet to accommodate federal government security requirements.[162] The main additions were space for additional passenger queuing and baggage inspection in the main lobby; additional space for security checkpoints; additional space for extensive luggage electronic screening equipment and the attendant conveyor systems to handle the luggage; widening of the Terminal A passenger corridor for safer terminal evacuation; and housing for police/security personnel and equipment. Construction took place from September 2002 to July 2003.

No significant improvement or expansion projects are currently planned. A 2005 agreement with the city of Burbank prohibits the Airport Authority from expanding the existing terminal or gates for a period of seven years, and from planning or building a new passenger terminal for at least ten years.

The joint powers agreement prohibits the Airport Authority from lengthening the runways or authorizing any activity that increases the size of the 65-decibel contour.[163] At the urging of the city, the airport voluntarily enforces a nighttime curfew on commercial passenger carriers, limiting the number of flight operations. And, physically, the airport is hemmed in by roads, freeways, and existing development.

The city and the Airport Authority have engaged in a long-running legal dispute over who can decide how additional land that the airport acquired from Lockheed will be developed. The Airport Authority has argued that the joint powers agreement authorizes the Authority to acquire and develop land without the city's approval.

The courts have upheld the city's argument that California's Public Utilities Code section 21661.6 requires local government approval of land acquired for the purpose of expanding or enlarging an existing publicly owned airport.[164] In February 2005, the Airport Authority entered into a development agreement with the city of Burbank. Under the terms of the agreement, the Airport Authority may not:

- Expand the square footage of the existing passenger terminal building for a period of seven years;
- Increase the number of commercial airline passenger gates above the fourteen gates that currently exist at the terminal building for a period of seven years; or
- Plan or build a new passenger terminal for at least ten years.

Also under the terms of the agreement, the city of Burbank agreed to allow the Airport Authority to purchase and use a large parking lot near the terminal, and agreed not to rezone any of the property subject to the development agreement for seven years.[165]

FRESNO

Ownership: The Fresno Yosemite International Airport has been owned and operated by the city of Fresno since 1948.[166] The airport is located within the boundaries of the city of Fresno. Fresno Yosemite International is the only major air carrier airport in the California's San Joaquin Valley.[167] The city also owns and operates Fresno Chandler Executive Airport.[168]

Governance: Fresno Yosemite International Airport is governed directly by the seven City Council members of the city of Fresno. Council members are elected to staggered four-year terms.[169] After serving two consecutive terms, council members must wait for a period of one full term before serving again.[170] Under the city's Mayor-Council form of government, "all legislative matters which must be passed by the City Council, except as provided in this Charter" are subject to the Mayor's veto.[171]

By ordinance, the current salary for Fresno City Council members is $44,100 per year. An increase to $65,000 per year is under consideration. The Mayor's annual salary is $99,000 with a proposed increase to $130,000. City Council members receive a vehicle allowance and have the option to participate in the city's Health and Welfare benefit program.[172]

Management: The annual salary for the Director of Aviation can range from $66,000 to $141,240.[173] The Director is eligible to receive a $300 monthly transportation allowance in addition to health, vision, dental and pension benefits.[174] Airport administrative staff are hired through the

City of Fresno personnel recruitment process.[175]

Airport Operations and Revenue:

In 2005, the airport handled:[176]

- 1.19 million passengers
- 18,300 tons of cargo
- 141,404 takeoffs and landings (this figure includes commercial, general aviation and military operations).

The airport has one international flight. Mexicana Airlines offers five-times-weekly nonstop jet service to Guadalajara, Mexico.[177]

The airport has two runways (9,222 feet and 7,206 feet).[178]

In 2005, the airport's revenues included:[179]

Passenger facilities charges:	$1.8 million
Landing fees:	$2.2 million
Rent:	$2.0 million
Concessions:	$2.2 million
Parking:	$3.6 million

In 2005, the Airlines Cost per Enplaned Passenger (CPE) was $5.85.[180] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects:

An estimated 263,257 passengers passed through the airport during the first quarter of 2006, an increase of 2 percent from the first quarter of 2005.[181]

In 2002, an old concourse was demolished and a new concourse and additional parking was added.[182] In 2006, a Federal Inspection Facility was completed to accommodate international flight.[183]

Recent projects include the concourse expansion which added gates, passenger boarding bridges, airline offices, and concessions areas; construction of a new entrance road; expanded parking lot; new concourse aprons; taxiway improvements; and improvements for handling air cargo.[184]

Projects planned for the next five years include: baggage claim expansion; security checkpoint expansion; ticketing lobby renovation; new gates; concession areas renovation; construction of a consolidated rental car facility; and a thirteen-acre taxiway rehabilitation.[185]

JOHN WAYNE

Ownership: John Wayne Airport is owned and operated by Orange County.[186] The airport, which is located entirely within the County, opened as a flying school in the early 1920s and was purchased by the county in 1939.[187]

Governance: The Orange County Airport Commission governs John Wayne Airport. Each of the county's five Supervisors appoints one of the five commission members.[188] Airport commission members serve terms of four years that coincide with the staggered terms of appointing supervisors.[189] Airport Commission members do not receive a salary, but are reimbursed for travel related to their duties and entitled to $75 per meeting, up to $300 in a month.[190]

The Airport Commission serves the County Board of Supervisors in an advisory capacity, including:[191]

- Recommending plans for the development, maintenance, and operation of John Wayne Airport and other airports which may be acquired or operated by the County.
- Advising the Board and making recommendations on matters pertaining to airports or air transportation.
- Making investigations as necessary.
- Holding hearings.

Management: The Airport Director is appointed by the County Executive Officer. The Assistant Airport Director is appointed by the Airport Director.[192] The Airport Director has an annual salary of approximately $148,215.[193] The John Wayne Airport budgets approximately $26,000 annually toward the Airport Director's benefits.[194] This includes health, dental, an optional benefit plan, miscellaneous insurances and a car allowance.

Airport operations and revenues: In 2005, the airport handled:[195]

- 9.6 million passengers
- 24,073 tons of cargo
- 349,936 takeoffs and landings (28,939 commercial)

The airport has no non-stop passenger service to international destinations.[196]

The airport has two runways (5,700 feet and 2,887 feet).[197]

The airport enforces a curfew.[198] It is closed to takeoffs from 10 p.m. (11 p.m. for landings) to 7 a.m. (8 a.m. Sundays) for all commercial aircraft operations. Violations can result in fines of up to $500,000

and disqualification of the air carrier from using the airport.

In the fiscal year July 2004 to June 2005, the airport's revenues included:[199]

Passenger facilities charges:	$0 million
Landing fees:	$10.4 million
Rent:	$15.2 million
Concessions:	$17.8 million
Parking:	$32.7 million

In 2005, the Airlines Cost per Enplaned Passenger (CPE) was $5.85.[200] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

John Wayne did not have a passenger facility charge in the past, but implemented a $4.50 passenger facility charge starting July 1, 2006.[201]

Recent/planned improvement and expansion projects:

There have been no major improvements during the past five years.[202]

Construction is scheduled to begin by the end of 2006 on some projects for John Wayne's Airport Improvement Program. This program is expected to take about five years. It will include a third terminal; six new gates and security check points, additional commuter/regional jet facilities; and additional parking. The airport will also update existing facilities as part of an overall Capital Improvement Program.[203]

LONG BEACH

Ownership:

The Long Beach Airport is owned and operated by the city of Long Beach. According to an article on a website, the airport began as a beachfront landing strip and flight school,[204] and was sold to the city in 1923.

Governance:

The nine-member Long Beach Airport Advisory Commission governs the airport.205 Commission members are appointed by the Mayor of Long Beach and affirmed by the City Council. They serve staggered two-year terms and may serve four consecutive terms, but are not eligible for reappointment after serving a fourth term. To be eligible to serve, commission members must reside in the city of Long Beach. Commission members do not receive a salary or any other form of compensation.

The Commission serves the City Council in an advisory capacity with the following duties:[206]

- To consult with and advise the city council in formulating

city policies regarding the development and operation of the Long Beach municipal airport

- To study, and analyze problems which have been referred to it by the city council, including, but not limited to: (1) a review of the master plan for the municipal airport; and (2) a review of fees, rental schedules and standards of service of the municipal airport and recommendations for change.
- The commission does not have supervisory powers over the actions or duties of city employees. Neither the commission nor its members are concerned with day-to-day airport operations, construction, maintenance or repair activities, or other routine matters at the airport.

Management: The airport director is appointed by the City Manager.[207] The airport director's current annual salary is $148,215.[208] The director's benefits are budgeted at approximately $45,000.[209]

Airport operations and revenues: In 2005, the airport handled:[210]

- 3.0 million passengers
- 54,298 tons of cargo
- 353,011 (28,939 commercial) takeoffs and landings

The airport does not have non-stop passenger service to international destinations.

The airport has five runways (10,000 feet, 6,192 feet, 5,423 feet, 4,470 feet, and 4,267 feet).[211]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[212]

Passenger facilities charges:	$4.2 million
Landing fees:	$3.7 million
Rent:	$6.4 million
Concessions:	$4.7 million
Parking:	$8.2 million

In 2005, the Airlines Cost per Enplaned Passenger (CPE) was $3.90.[213] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects: Over the past five years, daily commercial flights increased from six to forty-one, and the number of annual passengers increased from 600,000 to three million.[214] There are still 20 commuter flight slots to be filled. The airport has forecasted 4.2 million annual passengers

when this occurs.[215]

Within the past five years, the airport added about 13,000 square feet of modular buildings for increased boarding lounge capacity; two additional baggage claim devices; and a 5,000 square-foot covered, "outdoor" bag screening area.[216]

For three years, the airport has been processing plans/EIR to replace the temporary structures with permanent structures, and to add some additional capacity at the terminal to accommodate the passenger loads expected when all permitted flights are being flown.[217] The proposed project would add about 46,000 square feet to the airport's existing 56,000 square feet, and construct a 4,000 space parking structure to replace its current remote parking site. The EIR is considering lesser-sized projects, and a "no project" alternative. Some policy direction on this is expected by the end of 2006.[218]

LOS ANGELES

Ownership: The city of Los Angeles has owned and operated Los Angeles International Airport (LAX) since 1928, when the site was known as Mines Field.[219] Commercial airline service began in 1946. The airport is located entirely within the city of Los Angeles.[220]

Los Angeles World Airports is a proprietary department of the city of Los Angeles responsible for operating Los Angeles International, Ontario International, Van Nuys, and Palmdale Regional Airports.[221] LAWA also operates three other airports. Ontario International, and Palmdale Regional airports are located outside of the City of Los Angeles.

Governance: A seven-member Board of Airport Commissioners governs LAWA. Commissioners are appointed by the Mayor of Los Angeles and approved by the City Council.[222] They serve staggered five-year terms. Aside from residency in the city, there are no special qualifications or requirements that commissioners must possess.[223] One must live near Los Angeles International Airport, and another must live near Van Nuys Airport. Commissioners receive no compensation or benefits. The following powers and duties of the Board of Airport Commissioners are defined in Sections 630-632 of the Los Angeles City Charter:

- The Board of Airport Commissioners has the possession, management and control of all airports, airport sites and all equipment, accommodations and facilities for aerial navigation, flight, instruction and commerce belonging to the City.
- The board has the power to "fix and collect rates and charges

for the use of the Airport Assets and any other service provided by the department."

- The board has the power to "make and enforce all necessary rules and regulations governing the use and control of City owned or controlled airports."
- The board has the power to purchase, lease, acquire, condemn, design, erect, maintain, improve, repair and operate all property, improvements, utilities, equipment, supplies or facilities as it may deem necessary or convenient…. The power of condemnation shall only be exercised with approval of the Council."

Even though the LAWA Board controls all airport assets, City Council approval is required for almost all decisions.[224] Los Angeles City Charter and Code require that after a Board or Commission with jurisdiction over a city department approves a decision, the City Council committee that has jurisdiction has five meeting days with which to oppose the decision.[*] If the Council committee does not consider the decision in that time period, it becomes effective automatically.

Management: The department general manager is the official City title given to the Executive Director of Los Angeles World Airports (LAWA).[225] The mayor appoints the department general managers, who are approved by the City Council.[226] The LAWA Executive Director/General Manager appoints all other LAWA executives.[227]

In addition to an annual salary which is currently set at $298,313, the Executive Director receives retirement, health and worker's compensation benefits valued at approximately $118,430.[†] Section 633 of the Los Angeles City Charter gives the Airport General Manager the power and duty to:

- Enforce all orders, rules and regulations adopted by the board

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[*] In an e-mail correspondence on May 9, 2006, Mark Adams, Manager, Government Affairs Division, Los Angeles, Los Angeles World Airports, explained that:

> "The Board's authority is generally laid out in Sections 600-636, inclusive, but pertinent sections are scattered throughout the Charter. The veto authority was approved in City's Proposition 5 a number of years ago and was memorialized in Section 245 of the new City Charter approved in 2000. The Charter also states that certain Board actions require the explicit approval of the City Council (e.g., Section 373 for contracts over three years, Section 606 for leases over five years). Council has the right to veto any Board decision, but Board actions generally stand approved without Council intervention. I'd estimate that fewer than 10% of Board actions require explicit approval by the City Council."

[†] E-mail correspondence from Olivia Riter, Los Angeles World Airports, Human Resources Division, September 13, 2006.

- Supervise and manage the design, construction, maintenance and operation of all work or improvements authorized or ordered by the board
- Designate and assign airport space at the established rates or charges and subject to the rules and regulations of the department
- Carry out all powers and duties of the department delegated by the board

Airport Operations and Revenue:

In 2005, the airport handled:[228]

- 61.5 million passengers
- 2,137,188 tons of cargo
- 576,142 takeoffs and landings

The airport has non-stop passenger service to approximately 40 international destinations.[229]

The airport has 4 runways (12,091 feet, 11,096 feet, 10,285 feet, and 8,925 feet).[230]

LAWA is conducting a study to seek FAA approval of a noise restriction (curfew) that would prohibit the easterly departure of all aircraft, with certain exemptions, between the hours of 12:00 Midnight to 6:30 a.m.[231]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[232]

Passenger facilities charges:	$113.7 million
Landing fees:	$134 million
Rent:	$101 million
Concessions:	$129.4 million
Parking:	$65 million

In 2005, the Airlines Cost per Enplaned Passenger (CPE) was $6.00.[233] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects:

LAX is one of ten airports in a regional system of airports that are expected to serve approximately 170 million annual passengers by 2030, but face a 40 percent shortfall in capacity to meet the expected demand.[234] As the primary airport in that system, LAX absorbs a disproportionate share of the current demand.

According to LAWA, in 2005 LAX handled about 70 percent of the

passengers, 75 percent of the air cargo, and 95 percent of the international passengers and cargo traffic in the five-county Southern California region.[235]

In 1997, a $14-million renovation of the LAX international terminal was completed. In 1999, the airport completed a series of capital improvements including a $6-million noise mitigation project to insulate surrounding houses and multi-family buildings located near LAX, a $4.4-million child care center, and a $3-million stucco repair project.[236]

In 2001, LAX expansion plans were scaled back to allow the airport to grow to accommodate 78 million annual passengers (MAP), rather than the 98 MAP originally considered necessary to meet future demand.[237]

In 2005, the Los Angeles City Council voted to approve airport improvements necessary to accommodate the Airbus A380.[238] Planned improvements include runway and taxiway renovation, larger terminal gates, and expanded baggage carousels.[239]

In January 2006, the Los Angeles City Council approved a settlement of lawsuits against the LAX Master Plan. Among key provisions of the settlement, LAWA will:

- Discontinue passenger operations at some narrow-body gates at the rate of two gates per year starting in 2010.
- Create a community-based planning process to review controversial airport projects and recommend alternative projects.
- Provide funding to nearby communities totaling $266 million over a 10-year period for: (1) noise mitigation; (2) job training and increased job opportunities; (3) traffic mitigation; (4) street removal and landscaping; and (5) street lighting. An additional commitment of $60 million will be spent by LAWA on various air quality and environmental justice programs.
- Invite the Federal Aviation Administration, the Southern California Association of Governments, Southern California counties and airport operators to participate in a working group to plan for regional distribution of air traffic demand.
- Seek input from interested parties on how LAWA can address the concerns of airport neighbors.

In September, 2006, LAWA established bus service from Van Nuys airport to LAX that allows passengers to check their bags and receive boarding passes at Van Nuys. The service is intended to relieve congestion at LAX ticket counters.[240]

OAKLAND

Ownership: The City of Oakland has owned the airport since it was built in 1927. The Port of Oakland, a department of the City of Oakland known as the "Port Department," has always operated the airport. The airport is located entirely within the boundaries of the City of Oakland.[241] Port of Oakland Commissioners have "control over the use of—and income from—properties within a 16,645-acre swatch of San Francisco Bay and Oakland Estuary shoreline that stretches from the borders of Emeryville in the north to San Leandro in the south."[242] In addition to the airport, the Port of Oakland owns and operates seaport facilities and more than 400 acres of developable land.[243]

Governance: The powers and responsibilities of the Port and its Board of Commissioners are defined in the Oakland City Charter, Article VII (Port of Oakland), Sections 700-728. The Charter gives the Board the power to:

- Sue and defend in the name of the City in matters within the jurisdiction of the Board.
- Acquire, sell, maintain, operate or build Port property in conformity with the general plan of the City.
- Enter into contracts, subject to the City's bid limit and race and gender participation programs, and to the City's living wage and labor standards.
- Issue revenue bonds.
- Exercise the right of eminent domain within the "Port Area."
- Adopt and enforce ordinances, orders, regulations.
- Authorize the operation of properties, facilities and utilities by a private person, firm, association or corporation.
- Grant, and receive income from, all leases, concessions, easements, and privileges within the "Port Area."
- Approve City Council actions within the "Port Area."
- Acquire, construct or complete any project, or issue any revenue bonds, without consent, approval, orders or permission from the Council or any municipal officer or board of the City of Oakland.

The Port of Oakland is controlled and managed exclusively by a seven-member Board of Port Commissioners, nominated by the Mayor and appointed by the Oakland City Council. Commissioners must reside in the City of Oakland.[244] Aside from the residency requirement, there are no special qualifications or requirements that

commissioners must posses. Commissioners receive no compensation or benefits for their service.

Management: The Board of Port Commissioners appoints the Port of Oakland's Executive Director. The Port Executive Director currently receives an annual salary of $240,000.[245] The executive director's benefits amount to approximately $81,600 (34% of salary) annually.[246]

The Board also appoints the Secretary of the Board, and the Port Attorney and Legal Assistant. Other airport employees are hired through the city's civil-service personnel system.[247]

Airport Operations and Revenue: In 2005, the airport handled:[248]

- 14.4 million passengers
- 740,031 tons of cargo
- 187,693 takeoffs and landings

The airport has non-stop passenger service to six international destinations.[249]

The airport has 4 runways (10,000 feet, 6,212 feet, 5,454 feet, and 3,372 feet).[250]

In the fiscal year July 2004 to June 2005, the airport's revenues in the following categories were:[251]

Passenger facilities charges:	$29 million
Landing fees:	$15.6 million
Rent and concessions:	$56 million
Parking:	$42.4 million

As of May 2006, the Airlines Cost per Enplaned Passenger (CPE) for fiscal year 2005/06 was $5.33.[252] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects: The airport's master plan forecasts approximately 18 million annual passengers (MAP) in 2010, and 30 MAP in 2025.[253] This increase would more than double the number of air passengers that traveled through the airport in 2005. With growth driven by the rise of domestic low-fare air carriers, Oakland International recently surpassed Mineta San Jose International as the Bay Area's second largest passenger airport.[254] Overall, Oakland handled more than one-fourth of airline passengers served by the Bay Area's three principal airports in 2005.[255]

Cargo demand is also expected to increase at Oakland International. The amount of cargo handled by the Bay Area's airports is expected to triple to 5.5 million tons by 2020.[256] In 2005, Oakland International led the other two airports in the handling of cargo. More than half of the cargo handled by the three airports went through Oakland International Airport.[257] Due to congestion at San Francisco International Airport caused by weather delays and outdated facilities, much of the growth in domestic cargo service are expected to occur at Oakland International and San Jose International airports.[258]

In 2002 and 2003, the airport undertook roadway improvement projects to improve ground access to the airport.[259] In 2006, the airport completed a new baggage screening system.[260] Work has begun on a $300 million project to improve and expand an existing terminal.[261]

Growth in service at the airport is expected to peak by the year 2025 unless a new runway is built.[262] Port officials, however, have recommended against a proposal to build a new runway out into the bay due to high costs and environmental issues.[263]

Oakland's airport director, Steve Grossman, suggests that a regional group should take the lead in examining how best to use and develop the region's airports to accommodate future growth.[264] This type of regional airport planning has not been pursued in the Bay area and may prove difficult. San Francisco airport officials have "strenuously resisted efforts to coordinate operations at the Bay Area's three principal airports," according to analysts.[265]

ONTARIO

Ownership: Ontario International Airport is located in Ontario, California, approximately thirty-five miles east of downtown Los Angeles.[266] The airport opened in 1923, was purchased by the City of Ontario in 1927, and became a part of Los Angeles' regional airport system in 1967 when the Los Angeles City Department of Airports (now called Los Angeles World Airports) co-signed a joint powers agreement with the City of Ontario.[267]

Los Angeles World Airports (LAWA) is a proprietary department of the City of Los Angeles that is responsible for operating Los Angeles International, Ontario International, Van Nuys, and Palmdale Regional Airports.[268]

Governance: A seven-member Board of Airport Commissioners governs LAWA. Commissioners are appointed by the Mayor of Los Angeles and approved by the City Council, [269] and serve staggered five-year terms. Commissioners must reside within the City of Los Angeles. One must live near Los Angeles International Airport, and another must live near

Van Nuys Airport. Commissioners receive no compensation or benefits.

The following powers and duties of the Board of Airport Commissioners are defined in Sections 630-632 of the Los Angeles City Charter:

- "The Board of Airport Commissioners shall have the possession, management and control of all airports, airport sites and all equipment, accommodations and facilities for aerial navigation, flight, instruction and commerce belonging to the City."
- The board shall have the power and duty to "fix and collect rates and charges for the use of the Airport Assets and any other service provided by the department."
- The board shall have the power and duty to "make and enforce all necessary rules and regulations governing the use and control of City owned or controlled airports located inside and outside of the City and the use of airways and waterways proximate to these airports incident to aerial navigation."
- "The board shall have the power and duty to purchase, lease, acquire, condemn, design, erect, maintain, improve, repair and operate all property, improvements, utilities, equipment, supplies or facilities as it may deem necessary or convenient for Departmental Purposes. The power of condemnation shall only be exercised with approval of the Council."

Even though the LAWA Board possesses, manages and controls all airport assets, it is important to note that City Council approval is required for almost all Board decisions.[270] Los Angeles City Charter and Code require that after a board or commission with jurisdiction over a city department approves a decision, the City Council committee that has jurisdiction over the topic has five meeting days with which to oppose the decision.[271] If the Council committee does not consider the decision in that time period, it becomes effective automatically. Thus, all decisions by city commissions and boards, such as the LAWA Board are subject to City Council approval.

Management: The Department General Manager is the chief executive of Los Angeles World Airports (LAWA).[272] The Mayor appoints the Department General Manager, who is approved by the City Council.[273] The LAWA General Manager appoints all other LAWA executives.[274]

In addition to an annual salary which is currently set at $298,313, the Executive Director receives retirement, health and worker's

compensation benefits valued at approximately $118,430.[*] Section 633 of the Los Angeles City Charter gives the Airport General Manager the power and duty to:

- Enforce all orders, rules and regulations adopted by the board
- Supervise and manage the design, construction, maintenance and operation of all work authorized by the board
- Designate and assign airport space at the established rates or charges, subject to the rules and regulations of the department
- Carry out all powers and duties of the department delegated by the board.

Airport Operations and Revenue:

In 2005, the airport handled:[275]

- 7.2 million passengers
- 575,369 tons of cargo
- 79,156 takeoffs and landings

The airport does not have non-stop passenger service to international destinations.[276]

The airport has two runways (12,198 feet and 10,200 feet).[277]

In the Fiscal Year July 2004 to June 2005, the airport's revenues included:[278]

Passenger facilities charges:	$1 million
Landing fees:	$13.9 million
Rent:	$30 million
Concessions:	$15.6 million
Parking:	$17 million

As of May 2006, the Airlines Cost per Enplaned Passenger (CPE) for fiscal year 2005/06 was $12.05.[279] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects:

By 2030, passenger demand at Ontario is expected to double while cargo demand is expected to triple compared to demand at the airport in 2004.[280] Airport officials predict that the airport will exceed its current capacity of approximately ten million annual passengers sometime in the next decade.[281] Los Angeles Mayor Antonio

[*] E-mail correspondence from Olivia Riter, Los Angeles World Airports, Human Resources Division, September 13, 2006.

Villaraigosa recently urged airlines to shift some domestic passenger service to other airports in the region.[282] Ontario Airport has been viewed as the main international alternative to LAX.[283]

In 2002, the airport added an additional 2,200 parking spaces.[284] The Environmental Impact Statement/Environmental Impact Review for a new airport Master Plan is currently being conducted. The Master Plan calls for expanding terminals and relocating runways.[285]

PALM SPRINGS

Ownership: Palm Springs International Airport is owned and operated by the City of Palm Springs. The airport opened in 1939 as an airfield for the U.S. Army Air Forces and was sold to the city of Palm Springs in 1961. Commercial service at the airport began in 1964. The airport serves the Coachella Valley area of Riverside County.

Governance: The fifteen-member Palm Springs International Airport Commission advises the City Council on airport policy.[286] The Commission is made up of members from cities throughout the Coachella Valley. The Mayor of Palm Springs appoints eight members. The five cities of Palm Desert, Cathedral City, Indian Wells, Rancho Mirage and La Quinta each appoint one member. One member is appointed by the Riverside County Board of Supervisors. The cities of Indio, Desert Hot Springs and Coachella appoint a rotational member.

Commission members serve staggered three-year terms.[287] Their service is limited to two terms (not to exceed seven years). To be eligible to serve, commission members must be residents of the jurisdictions from which they are appointed. Commission members receive no compensation.

The Commission serves in an advisory capacity to the Palm Springs City Council. Chapter 2.16, Section 60 of the Palm Springs Municipal Code defines the matters on which the Commission has the power and duty to advise the city council. These include issues such as:

- Long-term airport development plans
- Airport financing and leasing arrangements
- Annual airport operating budget
- Coordination with agencies, committees, and local jurisdictions on airport-related matters

Management: The Director of Aviation is hired by the City Manager of the city of Palm Springs.[288] The Director's annual salary is currently set at $125,568 with a benefit package typical of a city employee that is valued at approximately $36,000. The Director of Aviation is responsible for staffing the Airport with consultation from the city's Human Resource Department.

Airport Operations and Revenue:

In 2005, the airport handled:[289]

- 1.4 million passengers
- 75 tons of cargo
- 92,853 takeoffs and landings

The airport has non-stop passenger service to two international destinations.[290]

The airport has 2 runways (10,001 feet and 4,952 feet).[291]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[292]

Passenger facilities charges:	$2.9 million
Landing fees:	$1.6 million
Rent:	$3.1 million
Concessions:	$4.7 million
Parking:	$2 million

The Cost per Enplaned Passenger (CPE) is $2.00.[293] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects:

Annual passengers at the airport increased by 13 percent in 2003, and have increased every year since then. Airport officials suggest that the increase in passenger demand is a result of population growth in the Coachella Valley, and demonstrates the need for expansion.[294]

Palm Springs International recently opened a new passenger screening facility, and is in the process of building a new eight-gate regional terminal and completing airfield improvements.[295] Also planned is a new air traffic control facility.[296]

PHOENIX

Ownership:

The city of Phoenix purchased Sky Harbor Airport from the Acme Investment Company in 1935. The airport's approximately 3,130 acres are located within the boundaries of the city.[297] In addition to Sky Harbor, Phoenix owns two general aviation airports; Phoenix Deer Valley and Phoenix Goodyear. The city's Aviation Department operates all three airports.

Governance:

A nine-member Phoenix Aviation Advisory Board serves in an advisory capacity to the Mayor and the City Council. Members are appointed to four-year terms by the City Council. A board member

may serve two terms.[298] There are no special qualifications or residency requirements for appointment to the Board. Aviation Advisory Board members receive no compensation or benefits.[299] The powers and duties of the Board are limited to:

- Submitting recommendations on basic airport policies to the City Council
- Reviewing and making recommendations to the City Council on major airport projects, concession contracts and leases[300]

Management: The Aviation Director manages the airport system, oversees the city's Aviation Department, and reports to a Deputy City Manager.[301] The Aviation Director is hired through the city's civil service system[302] and currently receives an annual salary of $160,243.[303] Benefits, which include a defined-benefit pension plan and a health plan, are budgeted at approximately $72,109 annually.[304] The Director's travel expenses are reimbursed.

Airport Operations and Revenue: In 2005, the airport handled:[305]

- 41.2 million passengers
- 333,284 tons of cargo
- 555,256 takeoffs and landings

The airport has non-stop passenger service to 16 international destinations.[306]

The airport has 3 runways (11,489 feet, 10,300 feet, and 7,800 feet).[307]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[308]

Passenger facilities charges:	$83.9 million
Landing fees:	$30.1 million
Rent:	$69.5 million
Concessions:	$26.4 million
Parking:	$54.1 million

The Cost per Enplaned Passenger (CPE) is $4.37.[309] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects: More than 41 million passengers traveled through Sky Harbor International in 2005.[310] Based on forecasts in an environmental impact statement for an airport development plan, that number is predicted to grow by nearly 25 percent to approximately 50 million passengers in 2015.[311]

To accommodate growing demand for air service, the City has completed recent improvement projects.[312] A third runway was added in 2000. The airport recently completed a 3,600-space parking garage, a consolidated rental car center and a new concourse for Southwest Airlines.[313] A new control tower and an explosive trace detection system for checked baggage are currently under construction.[314] Projects planned for the near future include an automated train to connect to light rail and a new terminal to replace an existing terminal.[315]

Sky Harbor's expansion plans have met with some controversy. Concerns about increased noise, pollution, and other impacts associated with airport growth have led some to argue for the development of more commercial airline service at Williams Gateway airport in nearby Mesa, Arizona, as an alternative.[316] Opposition has been particularly strong in Tempe which has argued that Phoenix Sky Harbor and the FAA did not meet their legal requirements in the environmental impact statement which declared the airport's new development plan to be the preferred alternative.[317]

PORTLAND

Ownership: The Port of Portland, established as a Port District (as defined in Chapter 777 of the Oregon Revised Statutes) has owned and operated Portland International Airport (PDX) since it was completed in 1940. The airport is located within city boundaries. The city grants a conditional use permit to the Port of Portland to use the land for an airport.[318] In addition to PDX, the Port operates three additional airports, five marine terminals, seven industrial parks, and the Portland shipyard.

Governance: A nine-member commission governs the Port of Portland. Commissioners are appointed by the Governor of Oregon and ratified by the State Senate. They serve terms of four years, and are limited to two terms.[319] Aside from residency requirements, there are no additional qualifications or requirements for Commissioners. At least two commissioners must be residents of each of the three counties that constitute the port district (Clackamas, Multnomah, Washington). All must be U.S. citizens and residents of the State of Oregon. Commissioners serve without compensation, but do receive reimbursement for travel to meetings.[320]

Chapter 778 et seq. of the Oregon revised statutes confers the following powers and duties related to airport operations on the Port of Portland and its commissioners:

- The Port may acquire, hold, use, dispose of and convey real

and personal property.

- The Port may enter into contracts necessary to fulfill its duties subject to a competitive bidding process.
- The Port may supply aircraft with fuel and other supplies at reasonable cost.
- The Port may acquire property by purchase, condemnation or other lawful methods.
- The Port may issue revenue bonds.
- The Port may assess, levy and collect taxes upon all taxable real and personal property situated within its boundaries as required to pay expenses and debts.
- The Port may construct, operate, equip and maintain public parks, marinas and other recreational facilities on land owned by the port.
- The Port may provide research or technical assistance for the planning, promotion or implementation of commercial, industrial or economic development projects upon request by any city, county or municipal corporation within the port.[321]

Management: The Port of Portland's executive director is appointed by the Port Commissioners. The executive director's annual salary for FY 2005-2006 is $246,806.[322] The executive benefits amount to approximately $54,239 annually.[323] The executive director also receives an annual automobile allowance of $7,500 and is eligible to receive a discretionary bonus of up to ten percent. Benefits include life insurance, health insurance including medical, dental, and vision, and participation in a defined-benefit pension plan and a deferred compensation plan.

The Executive Director hires the various Port Directors who, together with a staff of approximately 700, oversee day-to-day management of the organization as well as the planning, development and implementation of projects.[324]

Airport Operations and Revenue: In 2005, the airport handled:[325]

- 13.9 million passengers
- 287,621 tons of cargo
- 263,253 takeoffs and landings

The airport has non-stop passenger service to six international destinations.[326]

The airport has 3 runways (11,000 feet, 8,000 feet, and 7,001 feet).[327]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[328]

Passenger facilities charges:	$27.1 million
Landing fees:	$26.8 million
Rent:	$52.8 million
Concessions:	$9.3 million
Parking:	$36.3 million

The Cost per Enplaned Passenger (CPE) is $12.94.[329] The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.

Recent/planned improvement and expansion projects:

Activity at the airport is forecast to increase by more than 50 percent, from 263,253 annual takeoffs and landings in 2005 to 404,000 in 2010.[330]

In 2001, PDX completed an $800 million terminal expansion project and light-rail link.[331] In 2003, the City of Portland extended the Port's conditional use permit for the airport, thus renewing approval for projects from the 2000 PDX Master Plan.[332] Among the 37 projects included in the master plan are the expansion of a passenger terminal, the construction of new cargo facilities, the extension of the airport's two existing runways, and the eventual construction of a third runway.[333]

SACRAMENTO

Ownership:

Sacramento International Airport (SMF) opened in 1967 as Sacramento Metropolitan airport.[334] The airport is located entirely within the boundaries of Sacramento County. In addition to SMF, the county owns Mather Airport, a converted Air Force base that now handles a significant volume of air cargo traffic, Executive Airport, and Franklin Field. The Sacramento County Airport System, a department of the County of Sacramento, operates all four airports.

Governance:

In contrast to the other airports examined in this study, SMF has no separate policy or advisory board or commission. The five elected members of the County Board of Supervisors function as the airport's policy-making body. Directly underneath the Board is the County Executive who is appointed by the Board.[335]

There are no term limits for county supervisors.[336] Supervisors currently earn annual salaries of $82,044.[337] Their salaries are governed by an ordinance that sets their compensation at 55 percent of the salary of a Sacramento Superior Court Judge.[338] Supervisors receive travel reimbursement for county business and a monthly auto

allowance for use of a private vehicle, health and dental benefits, and the option to contribute to a deferred compensation plan.[339]

The County Executive receives an annual salary of about $198,000 as well as $15,000 for business allowances and over $50,000 in benefits.[340]

Management: The County Executive appoints and supervises the Director of Airports. The Director of Airports manages airport operations and appoints Airport System senior staff.[341] Chapter 2.16, Section 30 of the Sacramento County Code defines the duties and responsibilities of the director of the Sacramento County Airport System. These include:

- To be responsible for the planning, development, management, and operation of county airport properties, facilities, and services.
- To make recommendations for the establishment of airport operating rules and regulations, and to supervise the enforcement of such rules and regulations.
- To conduct studies to determine current and future facility and service needs, and to make recommendations for the present and future capital improvement and service programs.
- To conduct the necessary studies and make recommendations on lease policies and performance standards with respect to airport users and concessionaires.
- To conduct negotiations with airlines, concessionaires, and other prospective users of airport facilities, and to make recommendations on award of contracts.
- To explain, interpret, and supervise the enforcement of contracts, leases, agreements, permits and regulations.
- To be responsible for the preparation and justification of the annual budget.

The salary range for the Sacramento County Director of airports is $149,544 to $164,868 per year.[342] The Director of Airports also receives a 3.35 percent "management differential" (additional pay in lieu of other benefits), pension and health benefits, and an annual vehicle allowance of $5,400. The budgeted value of the Director's benefits for the fiscal year ending June 30, 2006 is $60,168.[343]

Airport Operations and Revenue:

In 2005, the airport handled:[344]

- 10 million passengers
- 76,389 tons of cargo
- 162,397 takeoffs and landings

The airport has non-stop passenger service to two international destinations.[345]

The airport has two runways (8,601 feet and 8,600 feet).[346]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[347]

Passenger facilities charges:	$24.5 million
Landing fees:	$17.1 million
Rent:	$14.1 million
Concessions:	$54.3 million
Parking:	$40.1 million

The Cost per Enplaned Passenger (CPE) is $5.21 for the fiscal year July 1, 2006 to June 30, 2007. It was $5.73 for the previous fiscal year. The CPE is used as a benchmark in the airline industry to determine how much it costs airlines to move a passenger through an airport. It is calculated by determining the fees that airlines pay to the airport operated divided by the number of passengers.[348]

Recent/planned improvement and expansion projects:

Traffic at SMF is forecast to grow from about 10 million annual passengers in 2005 to between 18 million and 20 million by the year 2020, a fifteen year increase of 80 to 100 percent.[349] Airport officials claim that the two existing terminals are only designed to adequately serve 7.2 million passengers a year.[350]

A new terminal was completed in 1998 that nearly doubled the passenger capacity of the airport.[351] A consolidated rental car facility was added in the 1990s and a new parking structure completed in 2004.[352]

The airport completed a master plan in 2004 that outlines a range of projects designed to accommodate future growth, make the airport more competitive, and create more efficient security procedures.[353] Among the projects proposed in the Master Plan are the addition of a third runway, the expansion of an existing runway, the extension of a county road to provide additional ground access, the replacement of an existing terminal, and the additions of a new hotel, parking structure, and light-rail station.[354] The replacement of an existing terminal is slated to begin in 2008.[355]

In the past, development at SMF has met with opposition from residents concerned with airport noise, and from environmental groups concerned about the impact of new development on airport land. The land surrounding the airport has been identified as a habitat for giant garter snakes and Swainson's hawks, both of which are threatened species.[356] The new Terminal A was built only after considerable litigation between county airport officials and environmental and local residential groups.[357]

SAN DIEGO

Ownership: The airport known today as San Diego International Airport was dedicated in 1928. In 2003, ownership of the airport was transferred from the San Diego Unified Port District to the San Diego County Regional Airport Authority (SDCRAA).[*] The SDCRAA was established to operate the airport and to develop a plan for its future development.[358]

Governance: A nine-member board governs the SDCRAA. Three paid members serve as the executive committee. One of these is appointed by the Governor and confirmed by the State Senate. Another is appointed by the Sheriff of the county of San Diego and confirmed by the San Diego County Board of Supervisors. The third member of the Board's executive committee is appointed by the Mayor of the city of San Diego and confirmed by a majority vote of the San Diego City Council. Mayors from throughout the county appoint the other six Board members. Aside from residential requirements, there are no special educational or experience-based qualification requirements for Board members.[359]

The three members of the Board's executive committee earn an annual salary that is currently set at $149,160, and are eligible for health benefits. The remaining six Board members are compensated at the rate of $100 per meeting, or a maximum of $400 per month. They may also be reimbursed for travel and other business-related expenses.[360]

All SDCRAA Board members are appointed to four-year terms. Four members – those who represent the North Coastal area cities, the North Inland area cities, the South Area cities and the East Area cities – are limited to a single term.[361] Every four years the position for each of the four areas must alternate between an elected mayor from one of the cities in the respective area, followed the next four years by a citizen who lives in one of the cities in the area.[362]

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[*] The SDCRAA is defined in the California Public Utilities Code as "a local agency within the meaning of Section 54307 of the Government Code."

The three members of the Board's executive committee may be reappointed by their respective appointing authority (i.e., the Governor, the Mayor of San Diego and the San Diego County Sheriff). These members have no limit on the number of terms they can serve.[363]

Additionally, one Board member is the Mayor of San Diego or the Mayor's appointed alternate (the alternate must be a San Diego City Council member). The Mayor or the alternate can only serve on the Board while they serve in elected office.[364]

Finally, one member of the Board must be a citizen who lives in the City of San Diego. This member is appointed by the Mayor of San Diego. The term of office is four years, but there is no limit on the number of terms the appointee can serve.[365]

Section 17000 et seq. of the California Public Utilities Code defines the powers and responsibilities of the SDCRAA. Key provisions include:

- The authority shall be responsible for developing all aspects of the airport facilities that it operates.
- The authority may adopt and enforce rules and regulations for the administration, maintenance, operation, and use of its facilities and services.
- The authority may acquire property within or outside its area of jurisdiction in order to further its purposes.
- The board shall have or exercise the right of eminent domain.
- The authority may issue revenue bonds.
- The authority may receive state and federal grants for purposes of planning, constructing, and operating an airport and for providing ground access.
- The authority may contract with any department or agency of the United States, with any state or local governmental agency, or with any person upon those terms and conditions that the authority finds are in its best interests.
- The authority shall have the exclusive responsibility within its area of jurisdiction to study, plan, and implement any improvements, expansion, or enhancements at existing or future airports within its control.
- The authority shall adopt a comprehensive plan on the future development of San Diego's regional international airport. In developing its plan, the authority shall review all options of alternative sites, including, but not limited to, expansion of the

existing airport site, use of current military installations that may become available for civilian or mixed-use, and other development options.

- The authority shall submit the particular site recommendation in the form of a local ballot proposition to the San Diego County Registrar of Voters for placement on either the November 2, 2004, or the November 7, 2006, countywide election ballot.
- The authority shall be the only agency, public or private, in the county of San Diego that is eligible to take ownership of airports owned by the United States government and are declared surplus or are otherwise made available to state or local governmental agencies.

No other agency in the county of San Diego may apply for grants for funding significant expansion activities, including, but not limited to, specific efforts to increase air capacity, unless the application is first approved by the authority as being consistent with the regional air transportation plan adopted by the authority.

Management: The Airport Authority's Board appointed CEO/President oversees the airport's budget and operations, and appoints the Authority's senior executives.[366]

The CEO/President receives an annual salary currently set at $225,838. In 2005, a 7 percent bonus was awarded to the CEO/President. For the fiscal year ending June 30, 2007, the total budgeted amount for the Airport Authority CEO/President's benefits is $90,896.[367]

Airport Operations and Revenue: In 2005, the airport handled:[368]

- 17.4 million passengers
- 187,706 tons of cargo
- 220,210 takeoffs and landings

The airport has non-stop passenger service to 6 international destinations.[369]

The airport has 1 runway (9,401feet).[370]

In the fiscal year July 2004 to June 2005, the airport's revenues in the following categories were:[371]

Passenger facilities charges:	$33.7 million
Landing fees:	$22.6 million
Rent:	$18.0 million
Concessions:	$26.6 million
Parking:	$23.2 million

The Cost per Enplaned Passenger (CPE) in the fiscal year ending June 30, 2007 is $6.54.[372]

Recent/planned improvement and expansion projects:

Airport officials describe San Diego International Airport (SAN) as the busiest single-runway airport in the U.S.[373] The SDCRAA predicts that the airport will exceed capacity between the years 2015 and 2022.[374] At just 615 acres, San Diego International is considerably smaller than other airports with similar levels of passenger traffic, and it has little room to grow.

Steve Erie, a political scientist from the University of California, San Diego argues that the airport's lack of capacity is already having a negative impact on the region's economy, and increasing the burden on LAX to handle cargo and passengers that would otherwise be accommodated at the San Diego airport.[375]

Despite fairly widespread agreement that the existing airport is not adequate, there is no consensus on a solution. Supporters of the existing site argue for the current airport's convenience due to its relatively small size and proximity to downtown San Diego. Richard Carson, a professor of economics at the University of California, San Diego, argues that the cost of developing a new airport site would be prohibitive and that the economic losses attributed to the current airport's lack of capacity have been overestimated.[376]

The State Legislature created the SDCRAA largely for the purpose of planning the future development of the airport. The SDCRAA is required to review all options for addressing future airport needs, including military sites and the expansion of the existing airport. The SDCRAA is also required to submit a site recommendation for a countywide advisory vote on November 7, 2006.[377]

Through May of 2006, the SDCRAA was considering nine airport sites. These included the existing airport, a desert site in Imperial County, five military sites, and two sites in the eastern portion of the county.[378] The Imperial County site, touted by some as ideal because of its potential for growth, had been criticized as being too remote to be practical. Concerns had been raised about the cost of road and rail projects to link the airport to the San Diego area.

On June 5, 2006, the Board of the San Diego County Regional Airport Authority voted 7-2 to approve the U.S. Marine Corps' MCAS Miramar base as the site of the new airport to be placed on the county-wide election ballot in November 2006.[379]

The selection of Miramar is controversial. Pentagon officials have argued against joint-use military sites, arguing that civilian use is incompatible with military uses.[380] A federal law passed in 1996 also

expressly prohibits any form of joint-use of Miramar by civilian aircraft.[381] More recently, Congressman Duncan Hunter, R-Alpine, Chair of the House Armed Services Committee, introduced a provision in a defense authorization bill (H.R. 5122) to prohibit civilian air operations at local military bases. Specifically, the bill would "prohibit use or conveyance of property for civilian airport purposes" at MCAS Miramar, Camp Pendelton and NAS North Island. The House passed the bill May 11, 2006, and it is currently being considered in the Senate.[382]

SAN FRANCISCO

Ownership: San Francisco International Airport (SFO) opened in 1927 as Mills Field Municipal Airport. The airport is owned and operated by San Francisco, but is located approximately fifteen miles south of the city in San Mateo County. SFO is a department within the consolidated governments of the City and County of San Francisco.

Governance: The Airport Director oversees day-to-day operations of the airport while a five member Airport Commission serves as the policy-making body for the airport.

The Mayor appoints airport commissioners to staggered four-year terms.[383] Commissioners do not have term limits, but must be reappointed at the end of a four-year term.[384] There are no specific training or educational requirements or qualifications for commissioners.[385] Commissioners receive $100 per month and are eligible for health benefits, but do not receive pension benefits or any other forms of compensation.[386]

The Airport Commission's powers are somewhat limited in that Board of Supervisors approval is required in order to issue revenue bonds and to set airport rates, fees and charges. Sections 4.102 and 4.115 of the San Francisco Charter confer the following powers and responsibilities on members of the Airport Commission:

- Responsibility for the construction, management, supervision, maintenance, extension, operation, use and control of all property under the Commission's jurisdiction.
- Authority to plan and issue revenue bonds for airport-related purposes.
- Authority to formulate, evaluate and approve goals, objectives, plans, budgets and programs and set policies consistent with the overall objectives of the city and county.
- Responsibility to recommend to the Mayor, for submission to the Board of Supervisors, airport rates, fees, and similar charges.

- Responsibility to submit to the Mayor at least three qualified applicants for the position of department head, and to conduct investigations into any aspect of governmental operations within its jurisdiction, and make recommendations to the Mayor or the Board of Supervisors.

Management: The Director of Airports is chosen by the Mayor from a pool of candidates compiled by the Airport Commission.[387] The Director appoints the airport's executive staff, consisting of six deputy directors and one chief operating officer.[388] The administrative and management powers and duties of the Director of Airports, and of all other San Francisco department heads, are defined in Section 4.126 of the San Francisco Charter.

In addition to an annual salary of $224,753, the director receives benefits that are budgeted at $75,742.[389] Benefits include a pension plan, health benefits, flexible employer-paid benefits, term life insurance, and the use of a city vehicle.[390]

Airport Operations and Revenue: In 2005, the airport handled:[391]

- 33.4 million passengers
- 650,977 tons of cargo
- 352,871 takeoffs and landings

The airport has non-stop passenger service to 32 international destinations.[392]

The airport has four runways (11,870 feet, 10,602 feet, 8,648 feet, and 7,500 feet).[393]

In the fiscal year July 2004 to June 2005, the airport's revenues in the following categories were:[394]

Passenger facilities charges:	$60.9 million
Landing fees and rent:	$303 million
Concessions:	$74.5 million
Parking:	$56.7 million

The Cost per Enplaned Passenger (CPE) in the fiscal year ending June 30, 2007, is $14.47.[395]

Recent/planned improvement and expansion projects: An FAA report released in 2004 concludes that even with planned expansion and upgrading of terminals and runways, demand at SFO could outstrip capacity by 2015.[396] In addition, due to its runway configuration, SFO has one of the worst flight delay records among major U.S. airports.[397]

The airport has undertaken a number of projects to increase capacity.

In 2003, the airport completed a major construction program that included a new 2.5 million square-foot international terminal, an automated people mover, new entrance roadways and parking facilities, a consolidated rental car center, expanded cargo facilities, a Bay Area Rapid Transit (BART) station, and a museum.[398]

In 1998, with the backing of then-San Francisco Mayor Willie Brown, the airport launched a project to build two new runways in the San Francisco Bay.[399] The runways were viewed as a means to relieve congestion, accommodate forecast growth in air traffic, and improve the airport's capacity during inclement weather. In 2003, airport officials halted the plan, reportedly due to concerns about the ailing airline industry and to fierce opposition from environmental groups.[400]

SAN JOSE

Ownership: The airport currently known as Norman Y. Mineta San Jose International (SJC) opened in 1965. The airport is owned and operated by the city of San Jose and is located entirely within the boundaries of the city. SJC is operated by the City Airport Department.

Governance: The city's seven-member airport commission advises the city Council on airport policies.

Airport commissioners are appointed by the Council to three-year terms and may serve for two terms.[401] Commissioners must be residents of San Jose, but are not required to possess any other specific skills or qualifications. Commissioners receive no compensation or benefits.[402]

The Commission serves primarily in an advisory capacity to the City Council. The commission's powers are limited to conducting studies and reviews and reporting findings and recommendations to the City Council and the Director of Aviation.[403] The powers and responsibilities of the Airport Commission are defined in Chapter 2, Section 8, Parts 30 and 420 of the San Jose Municipal Code.

Management: The Director of Aviation is responsible for the day-to-day management of airport operations and enforcement of airport policies.[404] The Director of Aviation is appointed by, and reports to, the City Manager.[405] Chapter 2, Section 4, Part 1420 of the San Jose Municipal Code describes the powers and responsibilities of the Director of Aviation.

The annual salary range for the Director is between approximately $128,752 and $194,293.[406] The current director's salary is $189,000 with benefits budgeted at approximately 30 percent of the base salary (approximately $56,700) that include participation in the city's

pension plan, health and dental insurance, life insurance, and a deferred compensation plan.[407]

Airport Operations and Revenue:

In 2005, the airport handled:[408]

- 10.7 million passengers
- 104,661 tons of cargo
- 198,314 takeoffs and landings

The airport has non-stop passenger service to four international destinations.[409]

The airport has three runways (11,000 feet, 11,000 feet, and 4,599 feet).[410]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[411]

Passenger facilities charges:	$21.8 million
Landing fees:	$8.3 million
Rent:	$16.4 million
Concessions:	$19.8 million
Parking:	$32.6 million

The Cost per Enplaned Passenger (CPE) in the fiscal year ending June 30, 2007, is $4.33.[412]

Recent/planned improvement and expansion projects:

When San Jose International's Master Plan was completed in 1997, passenger traffic at the airport was forecast to reach 17.6 million annual passengers (MAP) in 2010.[413] But with declining growth in the region's economy and a post-9/11 drop in passenger traffic, city officials now expect that the airport will not reach 17.6 MAP until 2017.[414]

Since 2000, the airport has added a new runway and made improvements to an existing one.[415] A new two-story concourse is currently under construction and a project to expand and upgrade an existing terminal has been approved.[416] A number of other large projects have been canceled due to lower than projected demand and cost concerns.[417]

A citizen's group contested the city's approval of the 1997 master plan arguing, among other things, that the roads surrounding the airport were insufficient to handle the increased traffic that would result from the expansion and that the master plan did not comply with the California Environmental Quality Act.[418] As a result of this opposition, the city passed an ordinance that essentially prohibited new construction at the airport until several major traffic improvement projects were completed in the area.[419] Nonetheless, in 2003, voters

approved a measure to allow airport expansion projects to begin even though the traffic projects had not been completed.[420]

SANTA BARBARA

Ownership: The Santa Barbara Municipal Airport is owned and operated by the city of Santa Barbara. The airport occupies land adjacent to the city of Goleta that was annexed to Santa Barbara in 1961.[421] Commercial service at the airport began in 1932.[422]

Governance: The seven-member Santa Barbara Airport Commission governs the airport. Members, who must be residents of Santa Barbara, are appointed by the city Council to staggered four-year terms, and may serve no more than two terms.[423] They receive no benefits or compensation for their service.

The Commission advises the Council on matters including:[424]

- The appointment of the airport director
- Contracts, agreements, and leases
- Airport rules and regulations
- Airport financial plans, budgets, and development plans

Management: The airport director is appointed by the Commission and approved by the city Council. The airport director is responsible for the supervision and control of airport property, functions and personnel, including hiring senior staff.[425] Currently, the annual salary range for the Airport Director is $116,853 to $140,224 with benefits budgeted at approximately $44,000.[426]

Airport Operations and Revenue: In 2005, the airport handled:

- 853,854 passengers[427]
- 3,080 tons of cargo[428]
- 151,713 takeoffs and landings (40,558 scheduled commercial).[429]

The airport does not offer non-stop passenger service to international destinations.[430]

The airport has three runways (6,052 feet, 4,183 feet, and 4,179 feet).[431]

In the fiscal year July 2004 to June 2005, the airport's revenues included:[432]

Passenger facilities charges:	$1.8 million
Landing fees:	$1.0 million
Rent:	$0.8 million
Concessions:	$1.2 million
Parking:	$2.9 million

The Cost per Enplaned Passenger (CPE) is $4.29.[433]

Recent/planned improvement and expansion projects:

The terminal was built in 1945, and the last significant improvements were made in 1976. Airport promotional materials suggest that expansion and improvement is needed to accommodate new security requirements, to increase operational space used by the airlines, and to update deteriorating infrastructure.[434]

The airport has been planning two major projects since the 1990s. Both projects have been approved by the city, have passed the environmental review process, and are now in design or construction phases.[435] One project includes a number of airfield improvements including a new taxiway, a runway extension, and a related wetland mitigation project.[436] The other project is an expansion and improvement of the existing terminal.[437]

APPENDIX D. AIRPORT LAND USE COMMISSION SURVEY INSTRUMENT

Dear [Survey Participant]:

The following survey is one component of a study of airport land use compatibility planning in California. The study is being conducted by the California Research Bureau (CRB) which provides nonpartisan research services to the Governor and staff, to both houses of the legislature, and to other state elected officials.

Please take the time to respond to this brief survey. If you would prefer to respond anonymously, you may skip questions that you feel may identify yourself or the airport land use commission with which you are associated.

Please respond no later than Friday, June 23.

If you have any questions about the survey, please contact me at:

Grant Boyken
Senior Research Policy Specialist
California Research Bureau
900 N Street, Suite 300
P.O. Box 942837
Sacramento, CA 94237-0001
916-651-9700

1. What is your title or position?

2. Please describe the planning boundaries of your airport land use commission (the county, or, in some cases, counties for which the designated ALUC develops compatibility plans).

3. How many airports are located within the planning boundaries of your airport land use commission?

4. Of the airports located within your planning boundaries, how many are general aviation airports?

5. Of the airports located within your planning boundaries, how many are airports that provide scheduled commercial service?

6. Please indicate which of the following best describes your ALUC:

- Single-purpose ALUC
- Regional Planning Agency
- Airport Commission

- Planning Commission
- Board of Supervisors
- Other (please specify)

7. How large is the staff of your airport land use commission (number of budgeted full-time positions)?

8. What is the budget for your airport land use commission during the current fiscal year (2005/06)?

9. Are there compatibility plans for the airport(s) located within the planning boundaries of your airport land use commission?

- Yes. There are compatibility plans for all airports.
- Some. There are plans for some, but not all, airports.
- No. There are no compatibility plans. [if respondent answers “no” they are fowarded to a thank you message and exited from the survey].
- Other (please specify).

10. When did your airport land use commission last update its compatibility plan(s)?

11. If compatibility plans have not been updated within the last five years, please give reasons why the plans have not been updated more recently.

12. Was a consultant hired to develop the most recent update of the compatibility plan(s)?

- yes
- no

13. What was the total cost of the most recent update of compatibility plan(s)?

14. Briefly describe how the most recent compatibility plan(s) update was funded.

15. How many affected jurisdictions within the ALUCS’s planning boundaries have updated their general and specific plans to make them consistent with airport land use compatibility plans?

16. How many affected jurisdictions within the ALUC's planning boundaries have not updated their general and specific plans to make them consistent with airport land use compatibility plans?

17. Based on your current compatibility plan(s) please indicate below, the highest dB CNEL noise contour in which the following land uses are compatible or conditionally compatible (i.e., compatible with noise mitigation measures such as insulation).

	<55 dB CNEL	**55-60 dB CNEL**	**60-65 dB CNEL**	**65-70 dB CNEL**	**70-75 dB CNEL**	**75+ dB CNEL**
Single-family residential (compatible)						
Single-family residential (conditionally compatible)						
Multi-family residential (compatible)						
Multi-family residential (conditionally compatible)						
Most non-industrial, non-noise-sensitive commercial and retail (compatible)						
Most non-industrial, non-noise-sensitive commercial and retail (conditionally compatible)						

18. In developing your most recent compability plans, what was your approach with respect to California Environmental Quality Act (CEQA) compliance (e.g., initial study/negative declaration, Environmental Impact Statement, other)?

19. What approach have you taken in terms of defining the “airport influence area” since AB 2776 went into effect in 2004?

20. Please provide a brief description of any recent (within the last five years) conflicts or litigation related to compatibility plans for the airports within your planning boundaries.

21. Feel free to make any additional comments below.

Thank you for taking the time to complete this survey.

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