



Airport Advocate

JULY/AUGUST 2010

VOLUNTEERS PROMOTING - PRESERVING AND PROTECTING CALIFORNIA'S AIRPORTS

CALPILOTS



Official Publication of the



CALIFORNIA PILOTS ASSOCIATION

**ANNUAL MEETING SATURDAY NOVEMBER
13TH 2010 IN LONG BEACH CALIFORNIA**

Join us during the AOPA Summit in November in Long Beach. Our annual meeting will be held on Saturday November 13th. The exact location is to be determined, but we will be within the AOPA Summit area. AOPA will be presenting during our meeting too.

We will share the year's successes and discuss the airport and general aviation issues we are all facing. We will also be presenting important issues such as: **Airport Specific Protection Strategies** **Power Plants and Airports** **Action to get more of our aviation taxes applied to our airports** And much, much more..... Plan on attending to learn for yourself why you need to become more involved. We'll see you there.

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HARD TO BELIEVE

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As if it isn't already difficult enough for general aviation in this state, Sacramento continues their apparent quest to make it more so. If you haven't already heard, Sacramento is at it again. "What were they thinking?" came to mind, when I read about AB48. Unfortunately, Sacramento is inexperienced when it comes to aviation.

Last year AB48 was quietly passed without much attention from the general aviation community – because we were unaware we needed to be concerned. AB48 is a reinstatement of another consumer protection law which had rightfully expired.

The Bureau for Private Post Secondary Education (BPPE), part of California's consumer protection agency, has been chartered with the consumer protection for the many secondary education facilities (i.e., the Trade Schools from Dental Assistant to Motorcycle Mechanic). These are typical brick and mortar institutions BPPE is involved with.

There have been past issues with unscrupulous school operators taking money from students then vanishing into the night. The state says that the problems increase with bad economic times – given the state of the economy it is obvious why AB48 was renewed.

Why is general aviation suddenly involved?

In 2008 Silver State Helicopters based out of the Sacramento area pulled a similar disappearing act, with many flight students paid in full tuition money (*why anyone would pay 100% in advance for flight training is beyond me and the scope of this article*).

Nonetheless, two of our state's legislators de-

ecided, without gaining aviation insight, that while others were reviving AB-48, it would be a good idea to add flight schools, and by default, flight instructors to the bill.

It is unfortunate that the people running this flight school were so unethical. Even so, it is not reasonable for our Sacramento to punish, the already fragile general aviation by adding it to this bill. The only answer has to be their complete lack of understanding of general aviation - and the continuing funding fsearch or state bureaucracies.

Experience would suggest that the legislators in our state have no appreciation of general aviation's benefit to the state (admittedly, we all own part of this lack of education). This is obvious since they didn't bother to seek expert or stakeholder opinions. Why not? Maybe it was too much work to get qualified opinions and realistic data. Who knows?

What's the Issue?

The issues are the fees and the onerous bureaucratic processes associated with this bill, which flight schools or independent instructors cannot afford. Check the fee schedule elsewhere in this issue, to view these disgraceful fees.

We all understand that the state is in dire straits. What we expect from Sacramento, however, are reasonable solutions and leadership out of this abyss. Instead we are getting solutions looking for a problem, such as AB48 with increased taxes poorly disguised as fees. And the continued attack on the tax generating commerce, such as general aviation. We need to send them a strong message in the fall. Fix it or we'll need to find someone who will.

Update: As of press time the legislature is trying to place a temporary fix on this issue. A one year moratorium is not acceptable. Reinstate the exception for Flight Schools - period.

THE DEFEAT OF THE PROPOSED POWER PLANTS AT FRENCH VALLEY AIRPORT

BY ROBERT EPPERS AND TROY CHILDS

Before we became involved in this action, we didn't understand how much threat power plants could present to flight operations at general aviation airports. This is the story of our fight to prevent eight (8) 60 megawatt power plants (a total of 480 MW) from being built *inside the pattern* of the French Valley Airport in Murrieta, CA.

It all started March 17, 2009 when I received a bid notification for this unheard of project. Being an electrical contractor experienced with this type of work I was asked to quote on it. I am also a pilot, and a property owner, whose property lies under the downwind leg for French Valley.



French Valley Airport

I was outraged after reviewing it and showed the bid notification to my neighbor Troy Childs. We instantly became a team against the plan. We made calls to our County Supervisors' office and they claimed no knowledge of this project. We soon found out however, that this project had been in the works for about three years. In addition, our Supervisor had indeed been given a power point presentation on the project. Even worse, the Airport Land Use Commission (ALUC) had provided a letter of Consistent Use (acceptance) in July 21, 2008. Like so many others, this obviously was a stealth project.

After deciding to take action against the developer, and the County of Riverside, we:

1. Went to a town hall meeting in Winchester, CA where our County Supervisor was scheduled to speak, and confronted him on this issue in front of a large crowd.
 2. Went to the June 11, 2009 ALUC meeting and protested their Letter of Consistent Use and convinced them to consider the revocation of their Consistent Use Letter.
 3. Created a website to get the word out, to recruit new members for our group - the French Valley Concerned Citizens.
 4. Listed the names, phone numbers and email addresses of every public official and agency on the web site.
 5. Had fliers made up and distributed them over our area.
 6. Began to have weekly meetings at the Airport.
 7. Went to the council meeting for the City of Temecula and demanded that they revoke the support that they were giving to this developer.
 8. Contacted every school and teachers group in our area, every homeowners association, and business at the French Valley Airport, as well as every pilot we could find.
- And, guess what? Nobody had heard anything about this project.

Within weeks there were hundreds of very upset people sending hundreds of Email in opposition, along with many irate phone calls. Many of our neighbors volunteered to pass out fliers, and to spread the word. The behind the scenes conduct of our elected officials had really touched a nerve. I contacted everyone I knew in the electrical industry I thought might help. I contacted a gentleman whose wife was in the same sewing club as my wife. Fred had just

Continued page 5

Power Plants continued...

recently retired from Southern California Edison (SCE) and just so happened to be setting up a consulting business with his friend, also retired from SCE. We hired them and they proceeded to dig up a lot of information regarding the questionable dealings of SCE - this really helped the cause.

An engineer friend of mine was able to get us information from the California Independent Systems Operators (CAL-ISO) that showed that the developer had applied for Plants 2 through 8, while only applying for Plant 1 with the County of Riverside. This *deceptive tactic* was created to bypass the California Energy Commission (CEC).

The CEC has jurisdiction of all thermal power plants at and over 50MW. This developer was trying to downsize this 60MW turbine to 49.7MW. The California Environmental Quality Act (CEQA) law states that a project must be considered in its entirety. Our disclosure of the deception was to blow up in his face.

On July 27, 2009 there was a Draft Notice of Preparation (NOP) - Draft Environmental Impact Report (EIR) Scope hearing at the Riverside County Planning Commission whose purpose was to approve a negative declaration or a watered down EIR for the developer.

The developer chose not to speak but I certainly did. I presented over 40 pages of documents and spoke for over 30 minutes. I provided detailed facts to support why there had to be a full EIR, and advised the Commissioners about the questionable business tactics used by this developer, and by SCE.

I documented our safety concerns, and told them that our group was going to place the votes of every public official on the public record. I told them we would make sure they would be held personally responsible for any

accidents and fatalities. This was a promise, not a threat.

The Commissioners thanked me for the information, passed it through the County Attorney's office and then informed the developer that he would have to complete a full EIR. There would be no rubber stamp of a draft EIR here, instead a full and very costly full EIR.

I contacted AOPA and CalPilots. I was contacted by CalPilots' Carol Ford and Andy Wilson and then I sent in my CalPilots membership. Talk about the U.S. Calvary coming to the rescue! We got immediate support. CalPilots provided a letter of opposition, along with a letter of opposition from the CalTrans Division of Aeronautics; and finally AOPA.

On August 13, 2009 we had our hearing with the Riverside County ALCU. We had over 50 people present along with the CALPILOTS' team Carol Ford, Andy Wilson and aviation attorney Ron Cozad. The ALUC knew that we had come to battle and revoked their earlier Letter of Consistent Use.

This meant the developer would have to start all over. And, it made good press in the local newspapers. The developer appeared at the September 10, 2009 meeting of the ALUC and complained he was not treated fairly, and that there was not one accident in a billion flights that were caused by a power plant. He said that *one accident would be just one too many* and that we could not prove that there were ever any accidents. He promised to return.

We appeared for the November 12, 2009 ALUC meeting and provided the Commissioners with a Power Point Presentation that summarized our argument. We also showed pictures, newspaper articles, NTSB, and FAA reports of a helicopter crash at a Bakersfield area power plant.

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**CALPILOTS ACTION -
AB48**

Date: May 28, 2010

To: Bureau for Private Post Secondary Education (BPPE)
c/o Joanne Wenzel - Staff Services
Manager III
1625 N. Market Blvd., Suite S 202
Sacramento, California 95834

Subj: AB48 – Removal of BPPE exemption for flight training facilities

I am writing you on behalf of the board, and the statewide membership of the California Pilots Association, regarding the ill advised removal of the BPPE exemption for flight training facilities in the new implementation of AB48. We are officially requesting that this letter be entered as stakeholder feedback in the public record on AB48.

The California Pilots Association is a non-profit public benefit California Corporation formed in 1949. The mission of our statewide volunteer organization is to promote, preserve, and protect the state’s general aviation airports in support of the state’s pilots.

We are disappointed with the stealth technique used in the elimination of the flight school training exemption, secretly adding flight schools to this bill. Further, we are *shocked* at the proposed fees associated with this bill, and the complete disregard for the welfare of the fragile general aviation industry in the state. Frankly, the fees listed below are unreasonable, unnecessary and unfair to general aviation and the state’s associated businesses.

- Application Fee - **\$5,000**
- Each additional location - **\$3,000**
- Annual Fee per location - **\$1,000**

- Five (5) Year Renewal Fee - **\$3,500**
- In addition to the fees listed above, *all* facilities must also pay an annual fee equal to” **three-quarters of 1 percent of the institution’s annual revenues** derived from students in California, but not exceeding a total of twenty-five thousand dollars (\$25,000) annually.”

A quick review of these fees leads to obvious questions. Was there *any* consideration given to the administration cost to the flight school businesses? How can BPPE justify \$5000, as well as the rest of these excessive fees? And, when did the state government start to require a percentage of annual business revenues – and at what cost to the businesses?

We believe that the inclusion of flight training in AB48 will become a financial and bureaucratic disaster for the state’s flight schools, flight instructors, and general aviation. I can assure you that the aviation businesses, pilots and aircraft owners in California are fed up with the ever escalating taxes, poorly disguised as user fees, which are the basis of the proposed funding of AB48. Clearly, this fee structure is an attempt to fund more bureaucracy - which is the last thing the state needs given its bankrupt fiscal situation.

While we understand the requirement to protect flight students who might be required to pay for flight training in advance, this bill is akin to *using a sledgehammer to insert a pin*. It is common sense not to pay 100% in advance for services not yet rendered.

The state cannot legislate commonsense, and it must not punish and damage an entire industry due to the dishonest dealings of a few individuals. Nor can the state force fit these unique individual flight training environments into the traditional brick and mortar class room model with which BPPE is most familiar. Frankly, in our opinion, including aviation flight training

in AB48 is an *unnecessary and massive over reaction* to an unfortunate past situation. This simply should not have happened had reflection of the dynamic nature and relatively small size of most flight schools, along with the federal based flight training criteria which is already in place been considered. The issue here is that it clearly was not.

It is obvious this decision was made without any stakeholder (general aviation) involvement. If stakeholders had been involved the bill's author(s) would have been advised that the majority of the flight training facilities this bill affects cannot afford these excessive fees, or their associated bureaucratic processes. The majority of flight schools, and all independent flight instructors, are low volume, low profit businesses - they are not the high tech high volume training academies BPPE is familiar with.

It is appropriate to educate all on the reality of the issues associated with the elimination the flight training provider's exemption from BPPE regulation. Here are the major points:

- Many of the state's flight schools will close. It is that simple – they cannot afford it.
- If BPPE is interpreting AB48 in a way that will require it to regulate all flight training providers regardless of size – then independent flight instructors will cease to exist statewide.
- With a diminished number of flight schools and independent instructors gone, the state's 70,000 pilots will be unable to comply with the Federal Aviation Administration Regulations (FAR's) which require every pilot to complete an annual or semi-annual flight review.
- Our flight schools and flight instructors are critical to the statewide aviation businesses re-

ferred to as Fixed Base Operators (FBO's) and are a critical link to additional flight training and the growth of state air commerce. FBO's are the largest contributors of tax revenue on general aviation airports. Tax revenue growth will be lost.

- Aviation generates state tax revenues in the amount of \$250,000,000 annually - 72% is allocated to local government and schools, 23% to the General Fund, and (a mere) 5% goes back to support state aviation infrastructure. AB48 will cause irreversible harm and reduce these revenues as flight schools close their doors, further harming general aviation and state tax revenues.

It is the California Pilots Association strong recommendation that the state re-institute the flight training provider's exemption from BPPE regulation. We believe that there are simple, commonsense regulatory steps that can be taken to protect California students from predatory training providers that will not overly burden the vast number of flight training facilities that provide quality instruction to their students.

Respectfully Submitted,

Edward Rosiak
President – California Pilots Association

cc: Governor Arnold Schwarzenegger
Rep. Roger Niello
Aircraft Pilots and Owners Association
Caltrans Division of Aeronautics
National Air Transport Association
National Business Aircraft Association
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For more information regarding AB48 go to our web site at www.calpilots.org



Passenger Preflight Instructions

CHALLENGE AIR EVENT

BY JULIANNE FEUERHELM

In May 2010, members of the **Agua Dulce Airport Association** had the opportunity to participate in the Challenge Air event at Whiteman Airport in Pacoima California.

Challenge Air was founded in 1993 by Rick Amber, a Viet Nam fighter pilot, who lost the use of his legs in 1971 while attempting to land on an aircraft carrier, while returning from his 109th combat mission.



Volunteers line up

Amber later became a math and science teacher. In that capacity he was asked to design a curriculum for an aviation class. While doing this he realized how much he missed flying. He purchased a private airplane in 1993 and combining his love of aviation with his love of children; he began to fly the first (now 3,500) special needs chil-

dren. He advocated for this event until his death in 1997.

Today events are held in 12 states across the nation. It was Rick Amber's belief every disabled person should see the world from a view that unfettered them from the world of their disabilities. It was his ambition for every disabled child to be able to see this other world.

Pilots flying in last weekend's event came from as far away as Texas, and as nearby as Agua Dulce. Aircraft utilized for the event represented a full spectrum of small general aviation airplanes from the humble Cessna 172, to the beautiful Cirrus.

Children confined to wheel chairs were flown by helicopter. A total of 37 volunteer pilots flew 124 special needs kids, 125 adults and 65 siblings/friends for a total 314 passengers.

Pilot members of the Agua Dulce Airport Association who flew were Doug Abney, David Aiello, Ed Donovan, Ted Gandy, Tom Garner, Larry Feuerhelm, and Wayne Spears. Assisting them as ground crew were Gaylen Bartlett, David McCord, Bill Di Pietro and Marty Johnson.

As families arrived they were given numbers and assigned to their own flight team. A short ground school was arranged for all prospective passengers. The well organized event provided numerous activities and displays to occupy the young "pilots" while they awaited their flights.

The entertainment included: a visit from Ronald McDonald, Mr. Incredible, a drummer, miniature ponies, helicopter rides (courtesy of Doug Abney and Mr. Wayne Spears), face painters, airplane crafts by the Art of Elysium and The Sunshine Kids Foundation, the San Fernando R/C Flyer Airplanes, Canine Companions, Love on 4 Paws, the Wildlife Way Station provided animals to cuddle, Home Depot supplied hammer and nails and "quick kit" wood projects, and the Agua Dulce Airport Asso-



Agua Dulce Pilots

ciation had a magnificent Play Dough table which was over seen by members Yolanda Aiello, Judy Bartlett, Lorene Cangiano, Julianne Feuerhelm, and Lorna Leslie. Hosting the event was Jason Morgan and American Airports.

Sponsors included Ralphs Food 4 Less, Sempra Energy, Mission Valley Bank, Supervisor Yaroslavsky and the La Canada Kiwanis Club! As the sun set, Agua Dulce Airport Association members returned to Martin and Mary Johnson’s hanger for cigars and refreshments. The overall consensus was the Challenge Air event was assuredly one of the most personally rewarding events the Agua Dulce Airport Association members had sponsored.

Later in the evening pilots were invited to dine at the Sand Canyon estate of Ed and Mandy Donovan. Firestone Grill graciously donated a much appreciated dinner. The day was summed

up by Lorna Leslie who commented, “It was awe inspiring to see the look on the faces of these children as they came back from their rides and went through the lines of people cheering their accomplishment.

Obvious to even a casual observer was the awe, pride, and the palatable sense of accomplishment on every child’s face!” Another way it



Doug Abney and Wayne Spears

could be put is to quote the author of ‘*The Little Prince*’, Antoine de Saint-Exupery, “We owe the discovery of the earth’s real face to the plane. For centuries our roads had deceived us”.

Today 124 special needs children got to see this world.

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OCEANO AIRPORT DAY IS HUGE SUCCESS



The Celebration Day was a big success. 120 airplanes and 450 people.

Movie Night - Continuing the promotion of their airport, a Fly-In Movie Night on July 10th, 2010 was successfully completed. The fun event was sponsored by the Friends of Oceano Airport.

Attendees were told to “bring their lawn chairs, tent if camping, bug repellent, and festive attitude”. A double feature was to be shown in campground, both aviation-related. The 99s sold candy bars, a popcorn maker was out and poppin, and aviators watched a movie under the stars!



In case there was any doubt as to why the developer was targeting Oceano Airport all you have to do is to look at this picture.

It is clear what the developer really saw in this land with its close proximity to the ocean - huge profit.

The Friends of Oceano Airport continue to promote, perserve and protect their airport.

Power Plants continued...

The Mt. Poso Bakersfield power plant was almost the same size as the proposed French Valley Airport power plants, and its thermal plume had brought down a turbine helicopter. Fortunately, the pilot was an experienced Viet Nam veteran with over 5000 hrs in type, and his skill helped keep anyone from being killed. There were serious injuries and the helicopter was a total loss.

The debate was over. We were able to successfully show that power plants in the Airport Influence area are dangerous. This was the “one accident too many”.

In April 2010 the developer withdrew his application for the power plants. The encroachment, CEQA, Grant Assurances, and most important SAFETY were too great of hurdles to overcome.

Our victory required dedication and hard work from our neighbors and friends, good luck, timing and a bit of getting in their



face to get the job done. CalPilots cannot be thanked enough. CALPILOTS' Carol Ford, Andy Wilson and Ron Cozad worked very hard and are true friends to us and to General Aviation.

Editors Note: Bob Eppers and Troy Childs shown here, won the CALPILOTS 2009 Airport Advocate of the Year Award for their work maintaining the safety of the French Valley Airport by fighting and being instrumental in the defeat of the airport area power plant proposal.

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