



September/October 2008

# Airport Advocate

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----- Official Publication of the -----

28

**CALIFORNIA PILOTS ASSOCIATION**  
*We Support General Aviation Statewide*

**Volunteers Promoting and Preserving California's Airports**

# CALPILOTS

## ***Annual Meeting Notice***

**Saturday November 8th 2:00 - 4:00 PM**

While you are at the AOPA EXPO in San Jose, California, make sure you stop by and see us. We are located in booth PS9 in the non-profit section, left of the Registration Area where you will be checking in. Stop by and learn the latest about the challenges we all face in the promotion and protection of our general aviation airports in California. You can also join or renew your membership, and don't forget to check out the new CALPILOTS Hats and Shirts you can buy to display your involvement and support of your statewide organization. There will also be other pertinent aviation publications available.

Got an airport issue you would like to share? Let's discuss it at the annual meeting, or at our booth, where we will be the entire convention, with the exception of the annual meeting time. Here is your chance to meet your local CALPILOTS representatives and discuss issues and concerns. Or, just stop by to say "hi". We would enjoy meeting you.

**The California Pilots Association's Annual Meeting will be held Saturday, November 8th, 2008 in the San Carlos Room at the San Jose Marriott from 2:00 - 4:00 PM.** The Marriott is attached to the convention center where AOPA EXPO will be held. We look forward to seeing all of you there. **Note:** *We are seeking volunteers to help us in the booth. If you are interested send an email to [editor@calpilots.org](mailto:editor@calpilots.org).*

## MYSTERIOUS CALIFORNIA AIRCRAFT TAXES



*Jay White - General Council*

Like all other mortals, private aircraft owners in California are bound to face their ultimate demise and taxes. Certain of California's tax laws leave aircraft owners scratching their heads. It is not only the total tax bill but the ways in which taxes are assessed that are puzzling. Sales taxes at the time of aircraft purchase are understandable. Use taxes on aircraft purchased outside of California and brought into the state are a substitute for sales taxes and are understandable. But personal property taxes on an aircraft can be mind boggling.

County assessors in California identify aircraft subject to tax from a list of based aircraft at each airport. Each airport owner is required to provide the assessor a list for each taxable year. Each assessor is supposed to assess an aircraft at its "market" value. The State Board of Equalization provides an assessment guide. But it is just a guide. It does not provide a value for each aircraft. Values can vary widely among aircraft of a particular make and model. Such things as paint condition,

electronic equipment, interior or exterior modifications, general mechanical condition and engine time can vary widely. If an aircraft owner believes an assessment is too high there is a possibility of relief. An aircraft owner can appeal an assessment and receive an opportunity to point out to the assessor why the aircraft should be assessed at a lower value.

Another troublesome tax is the Possessory Interest Tax. That is an additional tax on the ground where an aircraft is tied down or a hangar is erected. It is in addition to rent that is paid for that same plot of ground. It is given a value by the tax assessor and taxed at the same rate that is applied to the aircraft it supports. It is a relatively small amount, but owners are frequently surprised to see this item listed on the tax bill, along with miscellaneous assessments for such things as sewers and mosquito abatement.

Distribution of the tax money is done using a creative formula. If an airport from which the aircraft and possessory interest taxes originate is situated in a county, but not in a city or school district, the county receives all the money collected. If it is situated in a city within a county, the money is divided equally between the city and the county. If it is situated in a city, a county and a school district, the money is divided among them equally three ways. If it is situated in more than one school district that portion is further divided equally among the school districts.

### ***Earthquake Airlift - How to do it -***

By now every California Pilots Association member should have received their Earthquake Airlift booklet. Please file it away after you review it. It will come in very handy, if the experts predictions are even close. We know from past experience that local authorities will be so overwhelmed that they will not be able to deal with all of the issues associated with such a disaster. California's pilots can be ready to assist if you take this booklet and create a plan for your local area. The Earthquake Airlift booklet has also been sent to the general aviation airport managers the CALPILOTS is aware of. **Note:** *We now have a PDF copy available too.*

## AIRPORTS AND POLITICS

*Ed Rosiak - President  
California Pilots Association*



What is the problem are we trying to solve? That became the mantra in the never ending line of meetings when I was in the high tech industry. It was easy to loose track of what the problem was with so many symptoms, and so much politically biased input. The same is true when it comes to legislation and the politics associated with almost all of it.

There are certain inconsistencies in our state Public Utilities Code (which covers airports) where no Airport Land Use Commission is required. This situation is a leftover from the days when it was much easier to “shape the rules” to suit ones purpose. Not as easy today with the public’s ability to view the status of any legislation. Yet, many questionable developer biased county and city councils decisions in LA County, the City of San Diego, and the City of Watsonville, to name a few, come to mind.

SB 1118 started life as an attempt to shore up loopholes in the existing legislation which allowed certain municipalities too much leeway in deciding how development would be done around their airports. That is, to try to slow the amount of damage which might be done to local airports, beyond what has already been done. As you may have read, Senate Bill 1118 failed in a vote a few months ago.

This bill started life as a good attempt to protect local airports from the governing municipality by requiring an Airport Land Use Commission (ALUC), which believe it or not, is not the case at all California Airports today.

In its final form, this bill ended up as a good news bad news situation. It was a valiant attempt to right some wrongs, which the existing legislation had built in. Along the way several amendments were adopted as is usually the case in any legislation. Some changes were required to provide clarity. Unfortunately, the final amendment insured that what the bill was trying to resolve could be circumvented. Such is politics.

The City of Watsonville fought this bill from its beginning, and it was successful. Its lobbyist got the wording changed exempting counties with only one airport which is owned by the city (which is how it was exempted from an ALUC in the first place). Another change allowed Watsonville, and others, to potentially stack the deck when the makeup of the airport land use commission was changed from 2 to 3 members appointed by the city (a total of seven) 3 members appointed by the county (which included two who had to have aviation experience or be a supervisor), and one appointed by the group. Not good for airports.

As amended June 16, 2008 SB 1118 would allow a city to establish its own airport land use commission and states:

“A commission established by a city shall consist of seven members selected as follows:

- (1) Three members selected by the city council of the city which owns the public use airport in the county.
- (2) Three members appointed by the county board of supervisors, including at least two having expertise in aviation.
- (3) One person representing the general public, appointed by the other six members of the commission.”

**Note:** *Under Roberts Rules of Order city appointed members would constitute a majority for voting on any issue if any two other members were not present.*

*Politics continued on page 11*

## THE HANDBOOK – THE NEXT REVISION

Dan Chauvet, WPA  
Assistant Secretary for Legal  
Affairs



The recent (and ongoing now that the City of Watsonville is appealing the decision) court case between the Watsonville Pilot Association (WPA) and others, versus the City of Watsonville illustrates some of the weaknesses (and strengths) of California's airport land use planning system. The system involves State Aeronautics Law and the California Airport Land Use Planning Handbook (January 2002) (the *Handbook*). The *Handbook* is the bible for airport land use planning around California airports and is my focus here.

One of the worse accidents involving California's airports and aviation was at Sacramento Executive Airport in the 1970s. An aircraft crashed into Farrel's Ice Cream Parlor and killed 26 children and chaperoning mothers. The ice cream parlor had recently been built within a couple of hundred yards off the departure end of runway 30. This accident may have been impetus for formalized airport land use planning (the *Handbook*) and State Aeronautics Law. The *Handbook* lays out criteria for airport land use planning supported by history, data on accidents and noise, logic and reasoning, and common sense. In reading the content, there is no question—the intent is to protect California residents, and to prevent new noise and safety problems, thereby protecting our airports from closure and restrictions.

The authors of the *Handbook* felt local planners would clearly understand and accept its basic intent and concepts. They were wrong.

Some developers and City Planners (*Community Development Directors*) are motivated by money, and they don't want anyone telling them where they cannot build—even if it's off the ends of runways. The word "mitigation" has been stretched to the point where it means saying anything to allow building anything anywhere. No *Handbook* can deal with deceptive misrepresentations that alter factual information.

An airport executive points out that there are too many unrestricted options. In other words, development people see the *Handbook* as a smorgasbord of choices to allow encroachment. A good writer could reduce this language problem by specifying certain conditions.

Cherry-picking the *Handbook* was developed into an art at Watsonville. The Buena Vista area just west of the airport, a large portion of which is in line with the departure end of runway 26, is the focus of this cherry-picking.

**Cherry-pick #1:** Establishing a "low activ-



Watsonville Airport

ity runway" allows more building off the end of a runway.

**Cherry-pick #2:** only count over-flying traffic approaching runway 8, in declaring runways 8-26 a "low activity runway"; over-flying traffic departing runway 26, using takeoff or climb power are not counted. *Handbook*

*Handbook continued on page 5*



*Handbook* continued...

pages 9-41 and 9-42 use the words “...both takeoffs and landings at the runway end...” were interpreted to mean only traffic taking off or landing on runway 8. Oh, by the way, chapters 7 (noise) and 8 (safety) need to be ignored in this cherry-picking. The point is that *Handbook* wording needs to explicitly state that traffic going both ways needs to be counted in determining a “low activity runway.”

**Cherry-pick #3:** if a medium length runway (4,000 to 5,999’) cannot be a “low activity runway” that needs to be very clearly stated in text (ref: page 9-39, Example 5, bullet item #2). [Watsonville runway 8-26 (4003’ long), is now officially 4,000’ long; was previously officially 3,999’ (allowing using small airport safety zones).] Future revisions of the *Hand-*

*book*, needs to thwart interpretation by expert cherry-pickers.

Another area that needs to be scrutinized in terms of revisions is associated with local Compatibility Plans, the Summary and Chapter 2. The Caltrans Division of Aeronautics is no doubt familiar with a number of cherry-picking areas of the *Handbook* that need to be revised. I’m sure that Watsonville isn’t the only place where airport land use planning precepts are stretched, pulled, cherry-picked, facts made to fit—corrupted.

In terms of the airport land use planning around the Country it appears that California is advanced. Apparently developers still do the airport land use planning in many states, like Arizona and Florida. Fact: the *Handbook* is being used as a model in other states.

## MERCED CASTLE AIRPORT

Castle Airport (KMER) located in Atwater, CA in the central valley of California has recently changed its name to Merced Castle Airport. This may be causing some confusion as there have been some recent incidents of pilots landing at Castle Airport and believing they were at Merced Muni/Macready Airport (KMCE) which is located approximately 5 miles to the southeast.

Merced Castle Airport (KMER) has part time Class D Airspace with air traffic control tower frequency 118.175. Merced Muni/Macready (KMCE) is a non towered airport with a part time Class E Surface Area CTAF Frequency 122.7. Norcal Approach frequency for this area is 120.95. For more details see Airport/Facility Directory Southwest U.S.

Pilots are urged to exercise caution in identifying the correct airport when approaching for landing. The designator (KMER) has been

mistakenly used in GPS navigation equipment by pilots who intended to land at Merced Muni. These pilots entered the Merced Castle Class D airspace without first establishing communications with ATC. Merced Castle Airport is a former Air Force Base with a single 11,802’ runway (31/13) and an ATC tower. Merced Muni/Macready has a single 5903’ runway (30/12) and an ATC tower that is currently NOT IN USE. If there is any doubt as to the identity of the airport, pilots are urged to remain above 2000’ msl and to contact Norcal Approach on frequency 120.95 for assistance.

Pilots in the area are also reminded that Merced Castle and Merced Muni/Macready have extensive pilot training activity in a twenty-five mile radius including frequent practice instrument approaches in VFR conditions. All pilots are urged to exercise a high level of vigilance and caution while operating in the vicinity of Merced, CA.



## **RHV VICTORY — COUNTY SUPERVISORS VOTE “NO ACTION”**

*Max Trescott* - President SiliconValleyGA

In a 4 to 1 vote, members of the Santa Clara County Board of Supervisors voted to accept a report from the County Counsel on legal options related to Reid-Hillview Airport, but also voted that staff and County Counsel should take no action on the report. This effectively puts to rest the current call for the closure of Reid-Hillview Airport.

The latest closure attempt began early this year as part of an attempt to find ways to close the County's \$215M budget gap. In March, the board voted for studies of the potential net financial benefits of developing the airport and the potential legal issues with closing the airport.

The County Counsel's report, released today, offered several actions that the County could take to attempt to close the airport. The report concluded "Should the Board determine that it wishes to pursue the sale or lease of the Reid-Hillview Airport, the legal procedures would be extremely complex and lengthy."

In accepting the report, Board of Supervisors Chair Pete McHugh said that a major portion of funds realized from any potential sale would have to be shared with the FAA, and that it was uncertain that the County could be successful in any attempt to close the airport.

Approximately ten of us spoke to the Supervisors, split roughly between pro and con positions, as did a member of the FAA's Airport's

division, before the final vote. People speaking in favor of the airport pointed out that a previous County funded consulting report from SRI concluded that the airport was the safest possible use of the land, that RHV is designated as a reliever airport to San Jose International, and that flight training currently conducted at RHV would move to the other three airports in the County, increasing the number of operations and noise at those airports.

If past is prologue, this issue will come up again in the future. The Palo Alto Airport has a Joint Community Relations Committee that has improved the dialogue between airport users and nearby residents, and it appears there may be an opportunity to get one established for RHV early next year when new members come onto the Board of Supervisors. Ironically, the formation of such a committee has been blocked in the past by the one Supervisor who voted to close the airport, but who is leaving the Board in December.

Let's continue to work to make Reid-Hillview Airport a model in the way it works with the community. A recent airport activity, which brought out over 100 organizations and flew over 500 children, was a great example and resulted in favorable publicity. The next RHV Airport Day, will be another great opportunity to showcase the airport, so please support RHVAA in this annual event.

Keep in mind that aviation continues to come under fire elsewhere. Watsonville pilots were successful in suing the city, which was found in violation of State Aeronautics law. However the city is appealing and the group is raising money to fight the appeal.

Contributions should be sent to:

*Continued page 7*

## **HAYWARD POWERPLANT DECISION**

### **Eastshore Presiding Members Proposed Decision**

Posted 6/20/08 CEC WEB Site

#### Committee Recommendation

The Committee recommends that the Energy Commission **deny** certification of the proposed Eastshore Energy Center at 25101 Clawiter Road in the City of Hayward.

In summary, and based on the weight of the evidence, the Committee found the Application for Certification deficient in four areas (all of which are discussed in detail in this proposed decision) that cannot be mitigated at the proposed project site:

- 1) The facility would cause a significant cumulative public safety impact on the operations of the nearby Hayward Executive Airport by further reducing already constrained air space and increasing pilot cockpit workload.
- 2) The thermal plumes from the facility would present a significant public safety risk to low flying aircraft during landing and takeoff maneuvers due to the close proximity of the Hay-

ward Executive Airport.

3) The facility would be inconsistent with the City of Hayward's Municipal Zoning Ordinance requirements for a Conditional Use Permit (CUP) since the project "would not operate at a minimum of detriment to surrounding properties," and the Committee was not persuaded that the benefits of the facility were sufficient to recommend the Commission exercise its override authority.

4) The facility would be inconsistent with the City of Hayward's Airport Approach Zoning Regulations and incompatible with the Alameda County Airport Land Use Policy Plan (ALUPP), and the Committee was not persuaded that the benefits of the facility were sufficient to recommend the Commission exercise its override authority.

If the Energy Commission should decide to override the Laws, Ordinances, Standards, and Regulations (LORS) inconsistencies and California Environmental Quality Act (CEQA) violations and certify the project, the Conditions of Certification identified in this Decision for each topic should be incorporated into the Commission decision and be effective upon certification.

*Reid Hillview Continued from pg 6*

Watsonville Pilots Association

P.O. Box 2074

Freedom, CA 95019-2074

Please make checks payable to "WPA" and in the check memo section write "legal fund."

Most of all please fly responsibly by following all noise abatement procedures. Also, the next time you go flying, take along a friend who has an interest in flying and the means to pursue flight training. We all need to get actively involved in growing the pilot population if we're to continue to have the clout we need to defend airports.

**Editor's Note:** See the CALPILOTS web site for more information on donating to WPA to fund the Appeal Process. Also see <http://www.maxtrescott.com/> for more information on Max.

## WATSONVILLE AIRPORT UPDATE - STATE-WIDE SUPPORT NEEDED FOR AIRPORT PROTECTION

July 2008

The Watsonville Pilots Association (WPA), the Friends of Buena Vista (FOBV), and the local Sierra Club were successful in litigation against the City of Watsonville, CA. The Superior Court ruled that the City is in violation of State Aeronautics Law and certain California Environmental Qualities Act (CEQA) provisions.

Since the City's general plan update was predicated on a council resolution inconsistent with airport land use planning precepts, the court ruled that the general plan and its made-to-fit Environmental Impact Report (EIR) are to be rescinded.

On June 24 the Watsonville city council voted to appeal. *A ruling by the appeals court makes this a precedent setting case.* The ruling will then be applicable to future state-wide airport land use litigation in California. A ruling supporting State Aeronautics Law would help to protect all airports in California.

The Watsonville Pilots Association once again needs the financial support of the aviation community in California. Fighting the appeal will be backing a case that has already won at the lower court level.

The Caltrans Department of Aeronautics is involved in the appeal supporting State Aeronautics Law and associated CEQA law (as relates to noise and safety around

airports). The Department of Aeronautics supports the lower court ruling. Attorneys for Watsonville Pilots Association (et. al.) are cautious and conservative, but feel confident that the lower court decision should and will be upheld.

### Contributions should be sent to:

Watsonville Pilots Association  
P.O. Box 2074

Freedom, CA 95019-2074

Please make checks payable to "WPA" and in the check memo section write "legal fund."

A favorable ruling at the appeals court will mean protection for not only Watsonville Airport (WVI), but all GA airports in California.

Thank you,

Dan Chauvet  
Asst. Secretary for  
Legal Affairs  
Watsonville Pilots  
Association



**Editor's Note:** *It is clear that a few of the City of Watsonville's "public servant's" strategy is to waste more taxpayer's money pursuing special interests needs (i.e. developers who contributed more than \$500K for "studies" around the airport). Certain members of the City Governemnt are gambling that WPA will not be able to raise the money to go back to court. Help to prove them wrong, and at the same time strengthen our state airports! Please contribute to this important case.*

*The WPA is a Chapter of the California Pilots Association.*



## CALPILOTS MEMBERSHIP APPLICATION

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Mail to: **California Pilots Association, P.O. Box 324, The Sea Ranch, CA. 95497-0324**

*Note: Please use the above address for membership applications only*

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**SB 1118 DEFEATED**

Thursday, August 14, 2008

Airport land-use bill rejected; S.B. County, some Inland lawmakers opposed it

By JIM MILLER

The Riverside (CA) Press-Enterprise

SACRAMENTO - An Inland lawmaker's bill intended to improve safety around airports failed in the Assembly on Thursday, as Inland lawmakers divided over the measure.

The measure by state Sen. Gloria Negrete McCleod, D-Chino, would require every county to create an airport land-use commission to oversee development around airports. San Bernardino County is one of several counties that do not have the panels.

Introduced in January, the bill came a week after two planes collided near Corona Municipal Airport, killing four in the crash and one on the ground.

A month later, three people died when a plane crashed onto a residential street near Riverside Municipal Airport.

"How many accidents have happened since

this bill first started?" Negrete McLeod asked after the bill fell 14 votes short in the Assembly. "We're looking out for people's safety."

Pilot groups backed the measure. But San Bernardino County and other opponents questioned whether countywide oversight would be an improvement over city land-use panels. San Bernardino County estimated that a countywide commission would cost \$600,000.

The bill will be reconsidered in the coming days.

Assemblyman John J. Benoit, a licensed pilot, managed the bill in the Assembly and was the only Inland lawmaker to vote for it. He said county panels would take a big-picture view of land-use around airports.

But Benoit, R-Bermuda Dunes, said he sees little connection between this year's Riverside County crashes and the bill's provisions. Riverside County already has an airport land-use commission.

"Those are just crashes among a few that occur in and around airports," he said.

*Editor's Note: The bill has been shelved for now*

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**OPINIONS** expressed in *California Pilot* are not necessarily always those of the California Pilots Association.

**MEMBERS** and non-members are invited to submit articles of interest. *California Pilot* assumes no responsibility for contributed items or their return without a self-addressed, stamped envelope. Sources of the items must be provided for publication consideration. ALL material is subject to editing required to conform to space limitations. Submit materials to:

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editor@calpilots.org

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<http://www.leginfo.ca.gov/yourleg.html> for Cal Senate and Assembly contacts

*Airport Politics continued from page 3*

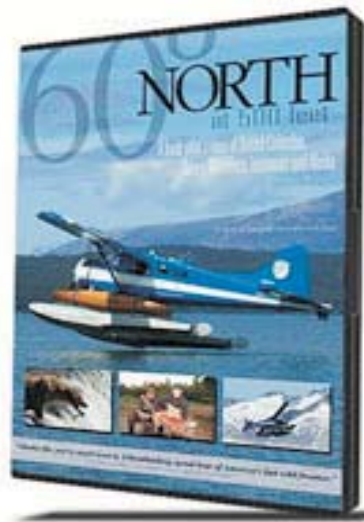
Just type “Watsonville” in the search field on our web site to read the stories behind the shady dealings of a few city government individuals who have worked to undermine its airport. After you read the articles you will understand why the Watsonville Amendment to SB 1118 was the rotten apple in the barrel.

The California Pilots Association hopes that the bill can be revived in its original form, and we salute AOPA’s California representative John Pfeifer who worked long and hard to get the bill introduced.

In the end, our legislators voted it down. Why? You should ask your representative why. Make sure you check our web site to see how many didn’t even vote on it.

We also suggest that you Google SB 1118 and read it yourself. We all need to be more aware of how this bill affects us. Then, you can decide what action you should take to help make a difference.

We hope to see a revision of this bill in the next session. Hopefully, without the political posturing that the City of Watsonville was able to get amended.



**ALASKA AT 500'**

In August my wife and I had the pleasure of visiting the Alaska interior.

While in Talkeetna I met a pilot, very nice guy (aren’t all pilots nice?), who was selling his video called “60’ North at 500 feet”. In this video you will get the full experience of low level flight in the splendor that is Alaska.

If you would like more information go to the web site at <http://www.bush-cat.com/>

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[www.GeminiFlightSupport.com](http://www.GeminiFlightSupport.com)

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91406  
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(909) 943-9673  
<http://www.skydiveperris.com/>

**Precissi Flying Service(Q80)**

11919 N. Lower Sacramento Rd  
Lodi, CA.  
95242  
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**Optima Publications**

(Pilot's Guide to CA.)  
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<http://www.pilotsguide.com>

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