



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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June 18, 2007

The Honorable Joe Simitian
Chair, Committee on Environmental Quality
California State Senate
State Capitol
Sacramento, CA 95814

Re: **Opposition to AB 700 (Lieu) Aircraft emissions: Santa Monica Airport**

Dear Mr. Chairman:

On behalf of more than 50,000 California members – of more than 412,000 nationwide – of the Aircraft Owners and Pilots Association (AOPA), we are writing to register our opposition to AB 700. This bill, while targeted at a specific airport, represents a serious threat to all community airports in California. Additionally, it seems likely to present a serious encroachment on federal jurisdiction over aviation.

As written today, AB 700 would require the State Air Resources Board to complete a study at Santa Monica Airport to monitor and record taxi-in time, taxi-out time, and idle time of all aircraft for one year, and make that information available to the public by February 1, 2008. But in reviewing the history of this bill, one can see that the real target is much broader than that.

This bill is nearly identical to a bill introduced by the sponsor last year, AB 2501. The original version of that bill noted the public health dangers of air toxins caused by pollution, and required the South Coast Air Quality Management District to conduct a study of all stationary sources in the region. Ten days later, the author amended the bill to instead require any airport in the south coast district located near homes to monitor and record the taxi-in time, taxi-out time, and idle time of all aircraft. The version finally adopted by the Assembly reduced the scope yet again to focus on Santa Monica Airport. While the original scope of the bill has been narrowed in its focus, we are concerned that this legislation, now targeting just one airport, originally had much broader intentions, and will be used as an important precedent in attempting to control or restrict aviation activities in California.

We would respectfully suggest that the required study is redundant. The ostensible purpose of the proposed study is understanding the air pollution impacts from idling jets at Santa Monica Airport on the surrounding communities. However, as noted in the Assembly Natural Resources Committee's analysis of AB 2501 last year, several health and air quality studies involving the Santa Monica Airport have been conducted: *three* by the South Coast Air Quality management District (SCAQMD); *three more* by the County of Los Angeles; and *yet another* by the Los Angeles Unified School District Environmental Health and Safety Branch. It is unclear what authorizing an eighth study would achieve.

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Finally, we believe there is an important federal issue involved in this legislation. The Federal Aviation Administration's Western Region Administrator William Withycombe advised Santa Monica last year of his concern that last year's version of the bill "might impinge the FAA's jurisdiction over airport operations." He also expressed his concern that state or local governments might eventually use the data to regulate aircraft operations. The Administrator's letter explained that several Federal statutes, including the Clean Air Act, the Federal Aviation Act, and the Airport Noise and Capacity Act prohibit state and local governments from regulating aircraft operations or the airspace in which they operate. Mr. Withycombe also observed that it is settled law that "neither states nor their political subdivisions can regulate the manner in which aircraft are operated." In doing so, he also cited the earlier versions of AB 2501 as indication of the legislation's ultimate intent, and expressed his concern about the possible consequences of its adoption.

Thank you for your time and consideration of our comments. We hope that the above concerns, the strong opposition of our members, and the importance of General Aviation to the communities it serves will give you and your Committee pause, and lead you to reject AB 700 as an unnecessary and unreasonable threat to community airports in California. Should you have any questions or concerns, or should you require any further information, please do not hesitate to contact me or AOPA's California Regional Representative, John Pfeifer, at (530) 226-5117.

Sincerely,



Gregory Pecoraro
Vice President, Regional Affairs

cc: The Honorable Ted W. Lieu, California State Assembly
Members, Senate Committee on Environmental Quality
Mary Frederick, Acting Chief, Division of Aeronautics
John L. Pfeifer, AOPA California Regional Representative
Wesley J. Lujan, Advocation, Inc.