



NEVADA COUNTY TRANSPORTATION COMMISSION

Grass Valley • Nevada City • Nevada County • Truckee

MEMORANDUM

TO: The Nevada County Transportation Commission

FROM: Daniel B. Landon, Executive Director *Daniel B. Landon*

SUBJECT: Executive Director's Report for the March 17, 2010 Meeting

DATE: March 5, 2010

1. STATUS OF SECOND FEDERAL STIMULUS BILL

On December 16, 2009, the House passed a second fiscal stimulus bill, H.R. 2847. The bill provides approximately \$70 billion in discretionary spending for a second economic "stimulus" similar to H.R. 1, which passed in February 2009. H.R. 2847 provides funding for many of the same programs that received spending increases in the first stimulus, including \$27.5 billion on highway spending.

Members of the Senate Finance Committee unveiled a jobs bill on February 11, 2010 only to have it scrapped within hours by Senate Majority Leader Harry Reid. The Nevada senator killed the bill after hearing complaints from members of his own caucus who argued that the bill went too far beyond the core goal of job creation. Senator Reid then introduced another version of the stimulus bill, only to have a political stalemate lead to a temporary stoppage of United States highway construction projects and furlough of roughly 2,000 Department of Transportation employees.

On March 3rd the Senate voted 78 to 19 to resume federal funding for highways after Senator Jim Bunning from Kentucky agreed to remove his objection to the bill. This agreement provides additional unemployment benefits, as well as a one month extension of the federal highway program. On March 4th the House approved a \$15 billion jobs bill that includes an extension of transportation funds to December, and a financial infusion to strengthen the Highway Trust Fund. The measure will next go to the Senate since it differs from the version of the bill that the Senate approved on February 24th. Highway and transit programs are now operating under their fourth stop-gap measure since last September 30th. The current measure expires March 28th.

Following the passage of H.R. 2847 in December, NCTC staff received a request from Caltrans to submit a list of projects by January 15, 2010 that could be awarded within 120 days of passage of the stimulus bill. Staff surveyed local jurisdictions and compiled a list of "placeholder projects" and submitted them to Caltrans. When and if this proposed second federal stimulus bill is finalized and passed, a list of projects that have been developed will be submitted to the NCTC for approval.

2. DEVELOPMENT OF FUTURE PROJECTS ON SR 49

On February 18th NCTC staff participated with Caltrans in a SR 49 Stakeholders Meeting. During the meeting Caltrans reviewed preliminary estimates for four locations for future improvements on SR 49.

The project locations are: adding a right turn lane for northbound traffic at Brewer Road; adding a right turn and a sight distance wedge for northbound traffic at Carriage Road; adding a right turn lane and sight distance wedge for southbound traffic at Lady Bird Drive; and adding a right turn taper for southbound traffic at Smith Road.

These projects were identified with the idea of doing interim improvements until the highway is widened to provide four through-lanes, and the priority was to improve as many locations as possible. The plan is that Minor A funding would be used, which has a \$1 million limit per project, so it might be possible that all four of these improvements could be included in one Minor A project. Staff from NCTC and Nevada County Public Works Department will meet with Caltrans District 3 staff on March 11th to discuss how further development of these projects can be funded.

3. WESTERN NEVADA COUNTY TRANSIT DEVELOPMENT PLAN (WNCTDP) UPDATE

On February 16th Cliff Chambers, the consultant with Transit Resource Center, who is preparing the WNCTDP update, held a Community Mobility Summit as part of the Transit Development Plan (TDP) public participation process. One purpose of this meeting was to bring together key public transportation stakeholders and inform them of FY 2009/10 and FY 2010/11 budget situations impacting the delivery of public transportation in western Nevada County. The second purpose was to receive input and ideas on how improved coordination and mobility management options could potentially mitigate the impacts of budget related service reductions. The consultant is currently working on developing a working paper to analyze the mobility management options and input received at the Community Mobility Summit. It is anticipated that a second public workshop will be held in late March to review this working paper with the stakeholders. The consultant will then incorporate the information from the working paper into the service plan sustainability alternatives in the Draft TDP. The next step will be for the consultant to develop the transit service and financial plan elements of the Draft TDP. The Draft TDP is scheduled to be presented to the Transit Services Commission at their July 21, 2010 meeting.

4. SUBMITTAL OF NCTC REGIONAL TRANSPORTATION IMPROVEMENT (RTIP) PROGRAM

Following the January 20th NCTC meeting, staff submitted NCTC's RTIP to the California Transportation Commission (CTC) on February 11, 2010. The submittal requested moving the construction funding for the Dorsey Drive Interchange to FY 2011/12. The CTC has scheduled two hearings for projects submitted to the 2010 State Transportation Improvement Program (STIP). The northern California STIP hearing will be held on March 22nd in Sacramento, and the southern California STIP hearing will be held March 23rd in Los Angeles. At each hearing Caltrans will make a presentation of its Interregional Transportation Improvement Program (ITIP) and regional agencies will have the opportunity to make presentations regarding their RTIPs. Given the financial constraints of the 2010 STIP Fund Estimate, the 2010 STIP will consist primarily of rescheduling and updating project costs carried forward from the 2008 STIP. Statements of advocacy for existing projects are generally not necessary or appropriate. Therefore, NCTC staff does not plan to attend the northern California STIP hearing.

Following the CTC STIP hearings, CTC staff will publish their recommendations for the 2010 STIP on April 29th and the CTC will adopt the 2010 STIP at their May 19, 2010 meeting.

6. STATUS OF DESIGNATION OF NCTC AS AN AIRPORT LAND USE COMMISSION (ALUC)

NCTC staff submitted the attached memorandum to the Nevada County Board of Supervisors and City Selection Committee. The Board of Supervisors is slated to discuss the ALUC designation at their March 23rd meeting, and the City Selection Committee will discuss the matter on March 25th. The next step will be for NCTC to accept the designation as the ALUC for the Nevada County Airport at the May 19th NCTC meeting.

As noted in the memo, designation of an ALUC for the Truckee/Tahoe Airport has a unique twist in that it is an inter-county airport. NCTC staff is working with Placer County Transportation Planning Agency (PCTPA) staff to prepare an item for the Nevada County and Placer County Boards of Supervisors and City Selection Committees during the month of March.

attachment



NEVADA COUNTY TRANSPORTATION COMMISSION

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Files 400
7400

MEMORANDUM

TO: Nevada County Board of Supervisors
City Selection Committee

CC: Gene Albaugh, City Manager, City of Nevada City
Rick Haffey, CEO, Nevada County
Dan Holler, City Administrator, City of Grass Valley
Tony Lashbrook, Town Manager, Town of Truckee
Greg Marshall, Manager, Nevada County Airport
Phred Stoner, Interim General Manger, Truckee Tahoe Airport

FROM: Daniel B. Landon, Executive Director *Daniel B. Landon*

SUBJECT: Airport Land Use Commission (ALUC) Designation

DATE: February 10, 2010

At the February 2009 Sierra Economic Development District (SEDD) Corporation Board meeting, members discussed the idea of dissolving the Foothill ALUC because there are only two airports remaining under the jurisdiction of the Foothill ALUC, namely the Nevada County Airport and the Truckee Tahoe Airport. Commissioner Beason of the Nevada County Transportation Commission (NCTC) asked that this subject be placed on the NCTC March 18, 2009 agenda, at which time the Commission directed staff to work with Nevada County staff to initiate proceedings to create an ALUC for Nevada County under NCTC. Attached is a letter from Brent Smith, Secretary of the Foothill ALUC supporting the change from Foothill ALUC to the NCTC.

Public Utilities Code Section 21670 (see attachment) provides that every county in which there is a general aviation airport shall establish an ALUC. ALUCs have three primary functions under state law:

1. The adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise.
2. To prevent the encroachment of incompatible land uses around public-use airports.
3. The preparation of an Airport Land Use Compatibility Plan (ALUCP) for the area around each public use airport which defines compatible land uses for safety, density, height, and noise. Guidance for ALUCP development is provided in the Caltrans Division of Aeronautics *California Airport Land Use Planning Handbook*. The ALUC also performs consistency determinations for proposed projects that are incompatible with adopted ALUCP recommendations.

When ALUCs were originally established, the Sierra Planning Organization (SPO), which is co-located with SEDD, was named the ALUC for airports in El Dorado, Placer, and Nevada Counties.

The Nevada County Board of Supervisors took action on this item on April 1, 1985. This designation continued until in 1997 Placer County withdrew its airports from the Foothill ALUC and gave that responsibility to the Placer County Transportation Planning Agency (PCTPA). In 2008 El Dorado County also rescinded the designation of the Foothill ALUC as the ALUC for El Dorado County airports and gave that designation to the El Dorado County Transportation Commission (EDCTC).

In order for a new body to be designated as the ALUC for Nevada County, Public Utilities Code Section 21670.1 (see attachment) requires that the Board of Supervisors and the City Selection Committee each make a determination by majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body.

Attached is suggested text for an agenda item and a sample resolution for the Nevada County Board of Supervisors regarding rescinding the designation of SPO as the ALUC for Nevada County and designating the NCTC as the ALUC for the Nevada County Airport.

Designation of an ALUC for the Truckee Tahoe Airport has a unique twist in that a portion of the airport property, including a section of the runway, is in Placer County. Public Utilities Code Section 21670.4 (see attachment) defines the Truckee Tahoe Airport as an "intercounty" airport, which means, any airport that is bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones. Section 21670.4 provides the opportunity to establish a separate ALUC so that an intercounty airport may be served by a single airport land use planning agency, rather than having ALUCs for each affected county. The members of the ALUC for an intercounty airport are to be selected by the Board of Supervisors, City Selection Committee, and a committee of airport managers in each county; in this case, Placer and Nevada Counties. NCTC staff is coordinating designation of an ALUC for the Truckee Tahoe Airport with staff from the PCTPA. An item related to the Truckee Tahoe ALUC will be brought to the Nevada County Board of Supervisors and City Selection Committee in March.

attachments

FOOTHILLS AIRPORT LAND USE COMMISSION

560 WALL STREET, SUITE F
AUBURN, CA 95603DL _____ # 40.0
NH _____ # 1360.0
MW' _____ Agenda

July 30, 2009

Daniel B. Landon, Executive Director
Nevada County Transportation Commission
101 Providence Mine Road, Suite 102
Nevada City, CA 95959

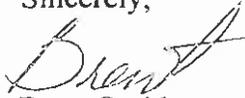
Dear Dan:

For many years, the Sierra Planning Organization (SPO) has acted as the Foothill Airport Land Use Commission (FALUC), administering the airport land use compatibility plans for airports in Placer, El Dorado and Nevada Counties. However, in 1997 Placer County withdrew its airports from the FALUC and gave that responsibility to the Placer County Transportation Planning Agency (PCTPA). In 2008, El Dorado County also elected to transfer airport land use review authority for El Dorado County airports from FALUC to the El Dorado County Transportation Commission (EDCTC).

During the February 2009 Sierra Economic Development Corporation (SEDCorp) Board meeting, the idea of dissolving the Foothill ALUC was discussed because there are only two airports remaining under the jurisdiction of the FALUC – the Nevada County Airport and the Truckee/Tahoe Airport, both in Nevada County. In keeping with the concept of local control, it would seem appropriate that the Nevada County Transportation Commission (NCTC) assume authority as the Airport Land Use Commission (ALUC) for Nevada County airports. Therefore, the NCTC may want to approach the Nevada County Board of Supervisors and the City Selection Committee regarding designation as the ALUC for Nevada County airports. As with Placer and El Dorado Counties, the FALUC would support such a transfer of authority.

If you need further information in regard to this action, please feel free to contact me.

Sincerely,


Brent Smith
Secretary

21670. (a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

(2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. **Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission**, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:

(1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.

(2) Two representing the county, appointed by the board of supervisors.

(3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(4) One representing the general public, appointed by the other six members of the commission.

(c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article, that special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.4. (a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

(1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

(A) One representing the cities in each of the counties, appointed by that county's city selection committee.

(B) One representing each of the counties, appointed by the board of supervisors of each county.

(C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

(D) One representing the general public, appointed by the other six members of the commission.

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

SUGGESTED TEXT FOR AGENDA ITEM REGARDING THE NEVADA COUNTY ALUC

RECOMMENDATION: Adopt Resolution _____ rescinding the designation of the Sierra Planning Organization (SPO) as the Airport Land Use Commission (ALUC) for Nevada County and designating the Nevada County Transportation Commission (NCTC) as the ALUC for the Nevada County Airport.

BACKGROUND: Section 21670.1 of the California Public Utilities Code permits the Board of Supervisors and the City Selection Committee in a California county to make a determination by majority vote that proper land use planning for airports can be accomplished through the actions of an appropriately designated body, and that body so designated shall assume the planning responsibilities of an ALUC.

In 1985 the Nevada County Board of Supervisors designated the SPO, a joint powers authority created by Nevada, Placer, El Dorado and Sierra Counties in the State of California, to be the ALUC for Nevada County. Placer and El Dorado Counties designated SPO as the ALUC for their counties as well. Since that time, both Placer and El Dorado Counties have withdrawn the designation of the Foothill ALUC as the ALUC for their counties and have placed that designation with their transportation planning agencies. Therefore, the only two remaining airports under SPO are the Nevada County Airport and the Truckee Tahoe Airport. For this reason it is appropriate that the Nevada County Board of Supervisors and the City Selection Committee rescind the designation of SPO as the ALUC for Nevada County and designate the Nevada County Transportation Commission as the ALUC for the Nevada County Airport.

RESOLUTION _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RESCINDING THE DESIGNATION OF THE SIERRA PLANNING ORGANIZATION AS THE AIRPORT LAND USE COMMISSION (ALUC) FOR NEVADA COUNTY AND DESIGNATING THE NEVADA COUNTY TRANSPORTATION COMMISSION AS THE ALUC FOR THE NEVADA COUNTY AIRPORT

WHEREAS, Section 21670.1 of the California Public Utilities Code permits the Board of Supervisors and the City Selection Committee in a California county to make a determination by majority vote that proper land use planning for airports can be accomplished through the actions of an appropriately designated body, and that body so designated shall assume the planning responsibilities of an ALUC; and

WHEREAS, in 1985 the Nevada County Board of Supervisors designated the Sierra Planning Organization (SPO), a joint powers authority created by Nevada, Placer, El Dorado and Sierra Counties in the State of California, to be the ALUC for Nevada County; and

WHEREAS, pursuant to California Government Code, Title 7.88, Section 67920, the Nevada County Transportation Commission (NCTC) was created as a local area planning agency to provide regional transportation planning for Nevada County; and

WHEREAS, the Nevada County Board of Supervisors believes it is in the best interest of the County of Nevada and the cities of Grass Valley and Nevada City that NCTC be designated as the ALUC for the Nevada County Airport, and that the designation of SPO in the capacity of the ALUC for Nevada County airports be terminated.

NOW THEREFORE BE IT RESOLVED, that the Nevada County Board of Supervisors hereby rescinds the designation of the Sierra Planning Organization as the ALUC for airports in Nevada County effective _____, 2010; and

BE IT FURTHER RESOLVED, that the Nevada County Board of Supervisors hereby designates the Nevada County Transportation Commission as the ALUC for the Nevada County Airport effective _____, 2010.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of the Board held on the _____ day of _____, 2010, by the following vote of said Board: