

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 5, 2010

AMENDED IN SENATE MARCH 24, 2010

SENATE BILL

No. 1141

Introduced by Senator Negrete McLeod

February 18, 2010

An act to amend Sections 21670, 21670.1, 21670.4, 21675.1, 21678, 21679, and 21682 of, to add Section 21682.1 to, and to repeal Section 21677 of, the Public Utilities Code, relating to airports.

LEGISLATIVE COUNSEL'S DIGEST

SB 1141, as amended, Negrete McLeod. Airports: airport land use commissions.

(1) The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to provide for the orderly growth of airports and the area surrounding airports within the jurisdiction of the commission, and to safeguard the general welfare of the inhabitants within the vicinity of an airport and the public in general. The act requires each county in which there is an airport served by a scheduled airline, with certain exceptions, to establish an airport land use commission. Existing law additionally requires each county in which there is an airport operated for the benefit of the public to establish an airport land use commission,

but authorizes the board of supervisors of a county, upon making certain findings, to declare that the county is exempt from establishing an airport land use commission. Existing law requires that an airport land use commission include in its membership, 2 persons having expertise in aviation, as defined.

This bill would revise the definition of a person having expertise in aviation.

(2) Existing law provides that, notwithstanding the above-described requirements, if the board of supervisors and the city selection committee of mayors in the county responsible for appointing a commission 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 pursuant to the act, and a commission need not be formed in that county.

This bill would require that a planning body designated in accordance with these provisions be a countywide body.

(3) Under existing law, the board of supervisors of a county and each affected city in that county may make a determination that proper land use planning can be accomplished by the county and the affected cities, in which case an airport land use commission need not be formed. If a commission is not formed pursuant to these provisions, existing law requires the supervisors of the county and each affected city, subject to the review and approval of the Division of Aeronautics, to provide for the preparation of the airport land use compatibility plan, among other things.

The bill would additionally allow a city in which an airport is located to assume the planning responsibilities of an airport land use commission if, prior to January 1, 2011, the board of supervisors of a county and city council of any city in which an airport was located made a determination that the proper land use planning could be accomplished by the city and other requirements are met.

(4) Under existing law, the general plan or special plans of a local agency, including a city, county, or special district, are required to be consistent with the airport land use compatibility plan, and each local agency whose general plan or plans includes areas covered by an airport land use compatibility plan is required to submit a copy of its plan, any amendment, any zoning ordinance, and any building regulation, to the airport land use commission, unless exempted, or to the designated body performing planning as an alternative to the airport land use

commission. If the plan, amendment, zoning ordinance, or building regulation is inconsistent with the airport land use compatibility plan, the airport land use commission or designated body is required to notify the local agency, and the local agency is required to have a hearing to reconsider its plan or action.

Under existing law, a public agency owning any airport within the boundaries of an airport land use compatibility plan may overrule an airport land use commission's action or recommendation affecting an airport within the jurisdiction of that public agency, after a hearing, by a $\frac{2}{3}$ vote of its governing body, except the County of Marin, which may overrule by a majority vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes of protecting public health, safety, and welfare, minimizing the public's exposure to excessive noise, and minimizing safety hazards within areas around the public airport.

This bill would repeal the authority of the County of Marin to overrule an airport land use commission's action or recommendation affecting an airport within the county by a majority vote.

(5) Existing law authorizes the department to establish individual revolving fund subaccounts for eligible airports, as specified, in the Aeronautics Account in the State Transportation Fund and to annually credit \$10,000 to individual airport subaccounts. These moneys may be accumulated up to 5 years and are required to be paid to public entities on request for expenditures on preapproved eligible projects for airport and aviation purposes and operation and maintenance purposes.

This bill would require the division, when it determines that funding is sufficient, to inform counties that do not have an operating airport land use commission of the availability of funds for commission startup costs, and would authorize the division to grant fund moneys to counties that apply for funding. The bill would, upon the second anniversary of the division providing notice of the availability of funds, prohibit a county owned or operated airport in a county that does not have an operating airport land use commission or authorized alternative planning body, as defined, to be eligible for funding from the individual airport subaccounts, until that county establishes an operating airport land use commission or authorized alternative planning body.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 21670 of the Public Utilities Code is amended to read:

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, after consultation with the appropriate airport operators and affected local entities and after a public hearing, may adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county that require the creation of a commission and declaring the county exempt from that requirement. The board, in this event, shall 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.

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

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

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

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

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

18 (e) A person having an “expertise in aviation” means a person
19 who, by way of education, training, business, experience, vocation,
20 or avocation has acquired and possesses particular knowledge of,
21 and familiarity with, the function, operation, and role of airports.

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

27 SEC. 2. Section 21670.1 of the Public Utilities Code is
28 amended to read:

29 21670.1. (a) Notwithstanding any other provision of this
30 article, if the board of supervisors and the city selection committee
31 of mayors in the county each makes a determination by a majority
32 vote that proper land use planning can be accomplished through
33 the actions of an appropriately designated countywide body, then
34 the body so designated shall assume the planning responsibilities
35 of an airport land use commission as provided for in this article,
36 and a commission need not be formed in that county.

37 (b) A body designated pursuant to subdivision (a) that does not
38 include among its membership at least two members having
39 expertise in aviation, as defined in subdivision (e) of Section 21670,
40 shall, when acting in the capacity of an airport land use

1 commission, be augmented so that body, as augmented, will have
2 at least two members having that expertise.

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

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

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

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

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

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

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

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

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

39 (B) Rely on the height, use, noise, safety, and density criteria
40 that are compatible with airport operations, as established by this

1 article, and referred to as the Airport Land Use Planning Handbook,
2 published by the division, and any applicable federal aviation
3 regulations, including, but not limited to, Part 77 (commencing
4 with Section 77.1) of Title 14 of the Code of Federal Regulations.

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

8 (4) If the county does not comply with the requirements of
9 paragraph (2) within 120 days, then the airport land use
10 compatibility plan and amendments shall not be considered adopted
11 pursuant to this article and a commission shall be established within
12 90 days of the determination of noncompliance by the division
13 and an airport land use compatibility plan shall be adopted pursuant
14 to this article within 90 days of the establishment of the
15 commission.

16 (d) (1) Notwithstanding subdivisions (a) and (b), and
17 subdivision (b) of Section 21670, if, prior to January 1, 2011, the
18 board of supervisors of a county and the city council of any city
19 in which an airport was located each made a determination that
20 proper land use planning pursuant to this article could be
21 accomplished pursuant to this subdivision, that city may assume
22 the planning responsibilities of an airport land use commission as
23 provided for in this article for an affected airport, if all of the
24 following conditions are met:

25 (A) The affected airport is certified by the Federal Aviation
26 Administration of the United States Department of Transportation
27 pursuant to Part 139 (commencing with Section 139.1) of Title 14
28 of the Code of Federal Regulations.

29 (B) The affected airport has a noise compatibility program in
30 effect approved by the Federal Aviation Administration pursuant
31 to Part 150 (commencing with Section 150.1) of Title 14 of the
32 Code of Federal Regulations.

33 ~~(C) The affected airport is owned and operated by an agency~~
34 ~~that is headquartered in a county other than the county in which~~
35 ~~the airport is located.~~

36 *(C) The affected airport was owned and operated, prior to*
37 *January 1, 2010, by an agency that was headquartered in a county*
38 *other than the county in which the airport was located.*

39 (2) If the board of supervisors of a county and a city council
40 made a determination pursuant to paragraph (1), the city council,

1 subject to the review and approval by the Division of Aeronautics
2 of the department, shall do all of the following:

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

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

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

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

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

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

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

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

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

35 (4) If the city has not complied with the requirements of
36 paragraph (2) by January 1, 2011, the affected airport is subject
37 to the airport land use commission within 90 days of the
38 determination of noncompliance by the division.

39 (e) A commission need not be formed in a county that has
40 contracted for the preparation of airport land use compatibility

1 plans with the Division of Aeronautics under the California Aid
2 to Airports Program (Chapter 4 (commencing with Section 4050)
3 of Title 21 of the California Code of Regulations), Project
4 Ker-VAR 90-1, and that submits all of the following information
5 to the Division of Aeronautics for review and comment that the
6 county and the cities affected by the airports within the county, as
7 defined by the airport land use compatibility plans:

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

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

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

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

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

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

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

33 SEC. 3. Section 21670.4 of the Public Utilities Code is
34 amended to read:

35 21670.4. (a) As used in this section, "intercounty airport"
36 means any airport bisected by a county line through its runways,
37 runway protection zones, inner safety zones, inner turning zones,
38 outer safety zones, or sideline safety zones, as defined by the
39 department's Airport Land Use Planning Handbook and referenced

1 in the airport land use compatibility plan formulated under Section
2 21675.

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

8 (c) In addition to the airport land use commissions created under
9 Section 21670, or the alternative planning undertaken pursuant to
10 subdivision (c) or (d) of Section 21670.1, for their respective
11 counties, the boards of supervisors and city selection committees
12 for the affected counties, by independent majority vote of each
13 county's two delegations, for any intercounty airport, may do either
14 of the following:

15 (1) Establish a single separate airport land use commission for
16 the airport. The airport land use commission shall consist of seven
17 members to be selected as follows:

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

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

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

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

27 (2) Designate an existing appropriate countywide entity as that
28 airport's land use commission pursuant to subdivision (a) or (b)
29 of Section 21670.1.

30 SEC. 4. Section 21675.1 of the Public Utilities Code is
31 amended to read:

32 21675.1. (a) Until a commission adopts an airport land use
33 compatibility plan, a city or county shall first submit all actions,
34 regulations, and permits within the vicinity of a public airport to
35 the commission for review and approval. Before the commission
36 approves or disapproves any actions, regulations, or permits, the
37 commission shall provide public notice in the same manner as the
38 city or county is required to provide for those actions, regulations,
39 or permits. As used in this section, "vicinity" means land that will
40 be included or reasonably could be included within the airport land

1 use compatibility plan. If the commission has not designated an
2 airport influence area for the airport land use compatibility plan,
3 “vicinity” means land within two miles of the boundary of a public
4 airport.

5 (b) The commission may approve an action, regulation, or permit
6 if it finds, based on substantial evidence in the record, all of the
7 following:

8 (1) The commission is making substantial progress toward the
9 completion of the airport land use compatibility plan.

10 (2) There is a reasonable probability that the action, regulation,
11 or permit will be consistent with the airport land use compatibility
12 plan being prepared by the commission.

13 (3) There is little or no probability of substantial detriment to
14 or interference with the future adopted airport land use
15 compatibility plan if the action, regulation, or permit is ultimately
16 inconsistent with the airport land use compatibility plan.

17 (c) If the commission disapproves an action, regulation, or
18 permit, the commission shall notify the city or county. The city or
19 county may overrule the commission, by a two-thirds vote of its
20 governing body, if it makes specific findings that the proposed
21 action, regulation, or permit is consistent with the purposes of this
22 article, as stated in Section 21670.

23 (d) If a city or county overrules the commission pursuant to
24 subdivision (c), that action shall not relieve the city or county from
25 further compliance with this article after the commission adopts
26 the airport land use compatibility plan.

27 (e) If a city or county overrules the commission pursuant to
28 subdivision (c) with respect to a public use airport that the city or
29 county does not operate, the operator of the airport is not liable
30 for damages to property or personal injury resulting from the city’s
31 or county’s decision to proceed with the action, regulation, or
32 permit.

33 (f) A commission may adopt rules and regulations that exempt
34 any ministerial permit for single-family dwellings from the
35 requirements of subdivision (a) if it makes the findings required
36 pursuant to subdivision (b) for the proposed rules and regulations,
37 except that the rules and regulations may not exempt either of the
38 following:

39 (1) More than two single-family dwellings by the same applicant
40 within a subdivision prior to June 30, 1991.

1 (2) Single-family dwellings in a subdivision where 25 percent
2 or more of the parcels are undeveloped.

3 SEC. 5. Section 21677 of the Public Utilities Code is repealed.

4 SEC. 6. Section 21678 of the Public Utilities Code is amended
5 to read:

6 21678. With respect to a public use airport that a public agency
7 does not operate, if the public agency pursuant to Section 21676
8 or 21676.5 overrules a commission's action or recommendation,
9 the operator of the airport shall be immune from liability for
10 damages to property or personal injury caused by or resulting
11 directly or indirectly from the public agency's decision to overrule
12 the commission's action or recommendation.

13 SEC. 7. Section 21679 of the Public Utilities Code is amended
14 to read:

15 21679. (a) In any county in which there is no airport land use
16 commission or other body designated to assume the responsibilities
17 of an airport land use commission, or in which the commission or
18 other designated body has not adopted an airport land use
19 compatibility plan, an interested party may initiate proceedings in
20 a court of competent jurisdiction to postpone the effective date of
21 a zoning change, a zoning variance, a general or specific plan
22 amendment, the issuance of a permit, or the adoption of a
23 regulation by a local agency, that directly affects the use of land
24 within one mile of the boundary of a public airport within the
25 county.

26 (b) The court may issue an injunction that postpones the
27 effective date of the zoning change, zoning variance, permit, or
28 regulation until the governing body of the local agency that took
29 the action does one of the following:

30 (1) In the case of an action that is a legislative act, adopts a
31 resolution declaring that the proposed action is consistent with the
32 purposes of this article stated in Section 21670.

33 (2) In the case of an action that is not a legislative act, adopts a
34 resolution making findings based on substantial evidence in the
35 record that the proposed action is consistent with the purposes of
36 this article stated in Section 21670.

37 (3) Rescinds the action.

38 (4) Amends its action to make it consistent with the purposes
39 of this article stated in Section 21670, and complies with either
40 paragraph (1) or (2), whichever is applicable.

1 (c) The court shall not issue an injunction pursuant to
2 subdivision (b) if the local agency that took the action demonstrates
3 that the general plan and any applicable specific plan of the agency
4 accomplishes the purposes of an airport land use compatibility
5 plan as provided in Section 21675.

6 (d) An action brought pursuant to subdivision (a) shall be
7 commenced within 30 days of the decision or within the appropriate
8 time periods set by Section 21167 of the Public Resources Code,
9 whichever is longer.

10 (e) If the governing body of the local agency adopts a resolution
11 pursuant to subdivision (b) with respect to a public use airport that
12 the local agency does not operate, the operator of the airport shall
13 be immune from liability for damages to property or personal
14 injury from the local agency's decision to proceed with the zoning
15 change, zoning variance, permit, or regulation.

16 (f) As used in this section, "interested party" means any owner
17 of land within two miles of the boundary of the airport or any
18 organization with a demonstrated interest in airport safety and
19 efficiency.

20 SEC. 8. Section 21682 of the Public Utilities Code is amended
21 to read:

22 21682. (a) The department shall establish individual revolving
23 fund subaccounts for eligible airports in the Aeronautics Account
24 in the State Transportation Fund. Money payable under this section
25 shall be credited to individual airport subaccounts annually, and
26 except as provided in Section 21682.1, may be accumulated for a
27 maximum period of five years.

28 (b) The department shall, except as provided in Section 21682.1,
29 and subject to Section 21684, credit from the Aeronautics Account
30 to each public entity owning and operating an airport or airports
31 under a valid permit issued by the department for every airport
32 that has not been designated by the Federal Aviation
33 Administration as (1) a reliever airport, as defined in Section 503
34 (a) (19) of the federal Airport and Airway Improvement Act of
35 1982, as amended, or (2) a commercial service airport, as defined
36 in Section 503 (a) (5) of the federal Airport and Airway
37 Improvement Act of 1982, as amended, the sum of ten thousand
38 dollars (\$10,000) annually for each qualifying airport. These funds
39 shall be paid to public entities upon request for expenditure on
40 preapproved eligible projects. Eligible public entities may submit

1 applications for the withdrawal of credited funds for expenditure
2 on proposed projects in letter form to the department for review
3 and approval. Projects identified shall be for airport and aviation
4 purposes and operation and maintenance purposes. No payment
5 made under this section is transferable, but shall be expended only
6 upon the airport for which the payment is made, unless the
7 department authorizes a payment to be transferred for expenditure
8 on another airport owned or operated by the public entity. The
9 department may establish any accounting systems it deems
10 necessary to provide for the cumulation and expenditure of funds
11 under this subdivision.

12 (c) If, in any year, there is insufficient money in the Aeronautics
13 Account to make the credits specified in subdivision (b), the
14 department shall, except as provided in Section 21682.1, and
15 subject to Section 21684, credit to each public entity subaccount
16 an amount that is equal to the total amount of money in the
17 Aeronautics Account multiplied by a percentage equivalent to the
18 proportion that the airport or airports of the public entity for which
19 credit is required to be made pursuant to subdivision (b) bear to
20 the total number of airports for which credit is required to be made
21 pursuant to subdivision (b).

22 (d) No payment shall be made under this section to any public
23 entity for any airport on which general or commercial aviation
24 activities are substantially restricted if the airport is licensed to
25 conduct these activities by the department. The department shall
26 determine whether or not general or commercial aviation activities
27 are restricted.

28 (e) The department shall adopt rules and regulations and
29 establish procedures to effect prompt payment to public entities
30 for eligible airport projects from money credited pursuant to this
31 section.

32 SEC. 9. Section 21682.1 is added to the Public Utilities Code,
33 to read:

34 21682.1. (a) (1) For purposes of this section, “authorized
35 alternative planning body” means an entity that is authorized to
36 adopt an airport land use compatibility plan pursuant to Article
37 3.5 (commencing with Section 21670), that is not an airport land
38 use commission, and includes each of the following:

1 (A) An appropriately designated body, so designated by the
2 board of supervisors and the city selection committee of mayors
3 in the county pursuant to subdivision (a) or (b) of Section 21670.1.

4 (B) The Division of Aeronautics if the division has contracted
5 for the preparation of an airport land use compatibility plan
6 pursuant to subdivision (d) of Section 21670.1.

7 (C) The county regional planning commission of the County of
8 Los Angeles when acting pursuant to Section 21670.2.

9 (D) The San Diego Regional Airport Authority when acting
10 pursuant to Section 21670.3.

11 (2) An “authorized alternative planning body” does not include
12 a county or city that makes a determination, pursuant to subdivision
13 (c) of Section 21670.1, that proper airport land use compatibility
14 planning can be accomplished without the formation of an airport
15 land use commission.

16 (b) When the division determines that funding is sufficient, the
17 division shall inform counties that do not have an operating airport
18 land use commission or authorized alternative planning body of
19 the availability of funds for airport land use commission startup
20 costs, and may grant fund moneys pursuant to Section 21682 for
21 that purpose to counties that apply for funding.

22 (c) Upon the second anniversary of the division providing notice
23 of the availability of funds pursuant to subdivision (b), a county
24 owned or operated airport in a county that does not have an
25 operating airport land use commission or authorized alternative
26 planning body shall not be eligible for funding pursuant to Section
27 21682 until that county establishes an operating airport land use
28 commission or authorized alternative planning body. If an operating
29 airport land use commission or authorized alternative planning
30 body is thereafter established in that county, each county owned
31 or operated airport in that county shall be eligible for prospective
32 funding pursuant to Section 21682 and for not more than twenty
33 thousand dollars (\$20,000) of credited funds.

34 (d) Upon the second anniversary of the division providing notice
35 of the availability of funds pursuant to subdivision (b), the division
36 shall not credit more than twenty thousand dollars (\$20,000) to
37 the individual revolving fund subaccount of a county owned or
38 operated airport in a county that does not have an operating airport
39 land use commission or authorized alternative planning body. If
40 an operating airport land use commission or authorized alternative

- 1 planning body is thereafter established in that county, the
- 2 commission shall prospectively resume crediting of funds to the
- 3 individual revolving fund subaccount of each county owned or
- 4 operated airport in that county.

O