

COUNTY OF SAN MATEO

INTERDEPARTMENTAL CORRESPONDENCE

To: Honorable Board of Supervisors
From: Supervisor Mike Nevin and Supervisor Mark Church
Subject: Resolution In Opposition to House of Representatives Bill 2107 (Lipinski) and Senate Bill 1290 (Grassley) Regarding Preemption of State Laws Requiring Approval of Airport Development Projects
Date: September 6, 2001

Background

The City and County of San Francisco is currently considering a proposal to expand San Francisco International Airport by acquiring and filing Baylands. This project, which would be among the largest construction projects in San Mateo County history, has the potential to cause serious and long-lasting impacts to the County and its residents.

Under the State Aeronautics Act, the Board of Supervisors has the authority to approve or deny any expansion of the Airport which requires the acquisition of land in the unincorporated area. This approval authority gives the County the status of a "responsible agency" under the California Environmental Quality Act. This Board has vigorously supported a bill by Senator Speier, Senate Bill 244, which would clarify the County's approval authority.

House of Representatives Bill 2107 and Senate Bill 1290 are identical bills which, if enacted into law, would preempt any State or local law that "requires a certificate of approval or other form of approval prior to the construction or operation of an airport development project at a covered airport" The legislation reaches any airport "that has at least .25 percent of the total annual boardings in the United States," a standard which San Francisco International Airport would easily meet. If passed, this legislation would preempt the County's authority to approve or deny the Airport's plan for expansion under the State Aeronautics Act, and strip the County of its role as a responsible agency under the California Environmental Quality Act.

The review and approval authority guaranteed to this Board under State law is crucial if the interests of the County and its citizens are to be adequately protected. For this reason, we strongly recommend adoption of this resolution, which will formally declare the Board's opposition to the legislation, and direct the President of the Board to advise the sponsors of these bills and our Senate and House members, in writing, of the Board's opposition.



 Supervisor Mark Church



 Supervisor Mike Nevin

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION IN OPPOSITION TO HOUSE OF REPRESENTATIVES BILL 2107
(LIPINSKI) AND SENATE BILL 1290 (GRASSLEY) REGARDING
PREEMPTION OF STATE LAWS REQUIRING APPROVAL OF
AIRPORT DEVELOPMENT PROJECTS**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, California Public Utilities Code section 21661.6 authorizes the County of San Mateo to approve or deny a plan for expansion or enlargement of an airport, when land lying within the unincorporated area of the County must be acquired for such expansion or enlargement; and

WHEREAS, the City and County of San Francisco is currently considering a proposal to expand San Francisco International Airport by acquiring and filling lands in San Francisco Bay, requiring the submission of the plan for such expansion to this Board of Supervisors for a decision under Public Utilities Code section 21661.6; and

WHEREAS, in considering the plan for expansion, the County would also act as a "responsible agency" under the California Environmental Quality Act, and thus have an important role in the consideration and selection of alternatives and mitigation measures designed to lessen or eliminate impacts to the County and its residents; and

WHEREAS, House of Representatives Bill 2107 (Lipinski) and Senate Bill 1290 (Grassley), which are currently pending in the United States Congress, would preempt all State laws which require a certificate of approval or other form of approval prior to construction or

operation of an airport development project at a covered airport; and

WHEREAS, if House of Representatives Bill 2107 and Senate Bill 1290 become law, the County will be denied the ability to consider the plan for expansion or enlargement under Public Resources Code section 21661.6, and stripped of its role as a responsible agency under the California Environmental Quality Act, thus denying the citizens of San Mateo County a meaningful voice in the consideration of a project which could have enormous adverse effects on the County and its citizens;

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board of Supervisors opposes the adoption of House of Representatives Bill 2107 (Lipinski) and Senate Bill 1290 (Grassley), and directs the President of the Board of Supervisors to communicate such opposition, in writing, to the sponsors of these bills, and further to communicate with local members of the House of Representatives and the United States Senators for the State of California urging their opposition to these bills.

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