

SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

March 2, 2010

Sandor W. Shapery
402 West Broadway
Suite 1220
San Diego, CA 92101

Dear Mr. Shapery:

Re: San Diego County Regional Airport Authority (SDCRAA)
Advisory Committee Recommendations

I am responding on behalf of the Board to your letter dated January 28, 2010. Thank you for sharing your concerns regarding the approval of the five-year Ground Transportation Master Plan (GTMP) with members of the SDCRAA Board. As you probably know, Mr. Rick Beech, Vice Chair of the Airport Advisory Committee, presented a report to the Board at its meeting on February 4, 2010, where he outlined a list of concerns expressed by members of Advisory Committee. Both the Board and staff heard the concerns expressed and are now working with the leadership of the Advisory Committee to improve the process and alleviate future misunderstandings and missed opportunities.

I wish to assure you that the Board intends to make sure the role of the Advisory Committee is defined clearly in the Authority's planning review and approval process such that it is aligned not only with the letter, but also the spirit of state law and the Authority's Policy 1.21 which guides and underlies our decision making. The role of the Advisory Committee was discussed during the Board's retreat held on February 5th and 6th. As a result, Board representatives, staff and officers of the Advisory Committee are meeting to propose changes that will serve to make the Committee more effective and responsive.

With that said, your letter references legal issues which our General Counsel has reviewed and determined that we need to provide you with additional information that might help in separating the provisions of Public Utilities Code §170054 from SDCRAA's Board Policy 1.21. Section 170054 mandates the Authority to "form an advisory committee to assist it in performing its responsibilities related to the planning and development of all airport facilities for the County of San Diego, including the airport activities and operations of the United States Department of Defense." Policy 1.21 establishes the general policies and procedures for the implementation of Section 170054.



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Neither Section 170054, nor Policy 1.21 provides that the failure to comply with their provisions constitutes a misdemeanor. Section 170016 permits the Board to "adopt and enforce rules and regulations" and ordinances which in the Board's discretion may be made "punishable pursuant to Section 19 of the Penal Code" as a misdemeanor. Policy 1.21 has not been designated by the Board for such enforcement. Similarly, Section 170054 has no penalty provision. As you can see, nothing we did was contrary to our policies or the public laws guiding those policies.

The Ground Transportation Management Plan is one of those complex and difficult issues that airports around the country grapple with on an on-going basis. There are equity issues for all parties and the Board and staff went through many meetings with stakeholders involved in the process trying to achieve an acceptable level of consensus for all. I apologize for any implication that the Advisory Committee was not valued because that certainly was not the intent. Hopefully, the changes that the Board has directed staff and the Advisory Committee to develop and implement will go a long way toward establishing the Committee in the viable role the Board intended.

Again, thank you for taking the time to communicate your concerns and we look forward to your continued participation in the work of the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Thella F. Bowens". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Thella F. Bowens
President/CEO

Cc: Board Members
Advisory Committee Members