

Oregon State Aviation Board Meeting Minutes

December 8, 2015

Portland, Oregon

Pursuant to notice made by press release to newspapers of general and local circulation throughout the state and mailed to persons on the mailing list of the Committee, a meeting of the Oregon State Aviation Board was held on December 8, 2015, at Portland International Airport's (PDX) Conference Center in the Multnomah conference room.

Board Members Present: Chair, Mark Gardiner; Board Members Keith Washington, Larry Dalrymple, Paul Hudgens, Mary Rosenblum, Martha Meeker and Vince Granato.

ODA Members Present: Mitch Swecker, Director; Joy Howard, Business Manager; Heather Peck, Planning Manager; Matt Maass, Airports Manager; Jeff Caines, Aviation Planner; Kristen Forest, Fiscal Analyst; Roger Sponseller, Administrative Assistant

Presenters and guests in attendance included: ODA Director, ODA Business Manager, ODA State Airports Manager, ODA Projects & Planning Manager, Joe Smith and Chris Corich, former Oregon Aviation Board members.

OREGON ADMINISTRATIVE RULES PUBLIC HEARING

Prior to the beginning of the Oregon State Aviation Board meeting, a public hearing was held regarding OAR Division 140 – Civil Penalties. There were no public comments during the hearing. The hearing ended at 10:15am. ODA Business Manager, Joy Howard, asked that the board vote to approve the rule changes.

- Oregon Administrative Rules Updated:
 - Division 1 – Procedural Rules: Public Records Requests
 - Division 10 – Rates & Charges for State Owned Airports: Tie-Down Fees
 - Division 80 – Aircraft Registration: UAS Update
 - Division 140 – Civil Penalties Authority

ACTION ITEM – Approval of Updated Oregon Administrative Rules.

Motion to approve by: Martha Meeker

Motion 2nd by: Paul Hudgens

Motion passed unanimously

CALL TO ORDER – INTRODUCTIONS

The meeting started at 10:15am

Self introductions were made.

ACTION ITEM – Approval of minutes from October, 2015 meeting.

Motion to approve by: Martha Meeker

Motion 2nd by: Mary Rosenblum

Motion passed unanimously

Public Comments:

Joe Smith: Joe Smith, a former Aviation Board member, spoke to the board regarding proposed state-wide legislation he is supporting that will require prospective home-buyers to be notified when they are purchasing a home that is within the noise corridor of an airport. Port of Portland is expressing support for the legislation.

Fiscal Statement (handout):

Mitch Swecker: ODA's Director, Mitch Swecker, presented to the board the current fiscal status of the agency. Topics covered included:

- Sources and Use of Funds (Agency Wide) 2015-2017
- Revenues/Expenditures by Program
- AV/Jet Fuel Revenue
- Annual Jet Fuel and AV Gas in Gallons
- Jet Fuel and AV Gas Net Revenue to ODA
- Limitation and Cash Balances
- Operations Cumulative Totals
- ODA Operations Cash Balance
- State Owned Airport Profit / Loss Summary
- Search & Rescue Cumulative Totals
- Search & Rescue Cash Balance
- Revenue From Pilot Registration
- Aircraft Registration Cumulative Totals
- Aircraft Registration Revenue

- Pavement Maintenance Program (PMP) Cumulative Totals
- PMP Cash Balance

Policy Update:

Mitch Swecker: ODA’s Director, Mitch Swecker, briefed the board on recent policy updates. Updates include:

- **Drones:** There is a drone stakeholder’s group, made up of several members of the legislature, planning to introduce legislation for 2016. There has been a lot of concern recently over drones interfering with firefighters performing their duties and close encounters with aircraft making their final approach to airports. Specifically, current law prohibits the weaponization of any drone by law enforcement agencies. One of the proposals is to expand this law to include private entities as well.
- **Legislative Technical Changes:** Specifically, there are two statutes that need to be changed.
 - **ORS 836.640** – Definition of Rural Airport: The definition of “Rural Airport” in the Through The Fence (TTF) Airport codes (ORS 836.640) needs to be changed. As currently written, TTF applies only to non-tower controlled airports. Aurora State Airport has a brand new Air Traffic Control Tower and is the poster child for effective TTF success with over 1,000 jobs around the airport, many on privately owned TTF property. In ORS 836.640, a TTF airport cannot have a permanent air traffic control tower. The technical change is to remove the clause that defines a TTF airport as NOT having an air traffic control tower.
 - **ORS 837.020** – Pilot Registration: The second change is one that has been in ORS 837.020 for over 20 years but has never been interpreted as requiring out of state pilots to register and pay registration fees in Oregon for transient operations in the state. A recent interpretation by DOJ stated that the law is written in such a way as to require transient pilots entering Oregon, even if registered or domiciled in another state to register in Oregon. This caused a significant backlash against the law by the business aviation community and multiple calls and letters to Oregon legislators. (It is the equivalent of requiring a Washington resident to be required to get an Oregon drivers’ license just for driving into Oregon.)

ACTION ITEM – Approval of Legislative Technical Changes

Motion to approve by: Mary Rosenblum

Motion 2nd by: Larry Dalrymple

Motion passed unanimously

Administration Update (handout):

Joy Howard: ODA's Business Manager, Joy Howard, updated the board on ODA recent Administrative issues. Topics covered included:

- **Fee Increases:** Recently (November) a letter was sent out to all aircraft owners, pilots, and municipal airport operators outlining the new fee increases. Specifically, a letter was also sent in regards to the increased airport licensing fee. The old fee was a flat rate of \$30.00; the new fee is based on the category of the airport ranging from \$30.00 to \$150.00. Ms. Howard stated that pilots and aircraft owners were given the opportunity to pay for next year's registration at the old rate as long as they paid before the end of the year.

Projects & Planning (handouts):

Heather Peck: ODA's Projects & Planning Manager, Heather Peck, briefed the board on current Planning issues.

Projects Updates:

- **PMP Program Update** – Program for 2015 is 90% complete. There are a few minor walk-through issues; some striping that will be held over probably till spring and some bills coming in to be finalized to end the season. Ms. Peck said the 2016 program (Region 1) was about 80% complete and that she should have a completed draft program by the next board meeting.
- **Planning/Capital & Construction Projects** – Ms. Peck and ODA Aviation Planner, Jeff Caines, will be heading to Renton, WA to discuss PMP and Statewide Capital Improvement Projects (SCIP) with the FAA . ODA's only construction project, the Aurora apron, is complete.
- **ConnectOregon Program & Aviation Model Review Process** – Soon ODA begin accepting *ConnectOregon* applications and start the technical review process. Staff will compile packets of each application for board members consisting of cover-page, technical brief and short narrative. Board members will then be able to begin process of evaluating individual applications in preparation for the Modal Review meeting.

Limitation Increases: As per new legislation in H.B. 2075, and effective 2016, ODA will be responsible for collecting, managing, and distributing funds across Oregon airports from a 2 cent fuel tax increase. ODA does not currently have adequate software to administer the new program. New software has the capability of managing the entire process of walking users through the life cycle of multiple grants from beginning to end. Ms. Peck asked the Aviation Board to approve the purchase of the new grant management software.

ACTION ITEM – Approval of Purchase of Financial Grant Management Software

Motion to approve by: Larry Dalrymple

Motion 2nd by: Martha Meeker

Motion passed unanimously

Updates to Oregon Aviation Modal Plan: ODA is proposing, with the approval and participation of the FAA, to update the Oregon Aviation System Plan. Staff is preparing a draft of the scope of the update. When Ms. Peck completes the outline she will get back to the board with the preliminary results. The FAA has agreed to commit \$400,000 towards the funding of the project; Oregon needs to match 10% (approx. \$44,000) What ODA was asking the Aviation Board at the meeting was approval of the funding request to the legislature.

ACTION ITEM – Approval of Funding Request for Updates to Oregon Aviation Model Plan

Motion to approve by: Mary Rosenblum

Motion 2nd by: Martha Meeker

Motion passed unanimously

Executive Session:

At 11:50am, the Aviation Board Chair, Mark Gardner, citing the discussion of property purchase negotiations, called for an Executive Session of the board. Session ended at 12:15pm.

With the resumption of regular board procedure it was decided, as per the discussion during the Executive Session, to approve the purchase of land at Lebanon State Airport.

ACTION ITEM – Motion to Approve Lebanon Land Purchase

Motion to approve by: Mary Rosenblum

Motion 2nd by: Vince Granato

Motion passed unanimously

Airports Update (handout):

Matthew Maass: ODA's Airports Manager, Matthew Maass, updated the board members on current airport issues. These issues included:

- Possible Aurora *Connect*Oregon Project – ODA has submitted a proposal (which can be withdrawn at any time) to purchase property, utilizing the *Connect*Oregon process, next to Aurora State airport for the purpose of contributing to the airport's safety area.

Nothing will be built on the property; it will just be used to increase the airport's buffer zone. ODA would like permission from the board to move forward with the proposal through the modal committee. The modal committee would not until March so the board decided to table any decision on the matter until more info has been presented.

Director's Update (handouts):

Mitch Swecker: ODA's Director, Mitch Swecker, briefed the board on future agency business.

- Calendar of Events:

- Dec. Dec. 8th – *ConnectOregon* V Oversight Committee Quarterly Meeting
- Dec. 8th – Legislative Days (Capitol)
- Dec. 9th – SOAR Board Meeting
- Dec. 10th – OFAC Subcommittee and Quarterly Meetings
- Dec. 14th – ODA Potluck
- Dec. 24th – PAAM
- Dec. 25th – Christmas

- Jan. Jan. 13th-15th – Legislative Days
- Jan. 21st – Aviation Board Meeting (Multnomah Room)
- Jan. 28th – PAAM

- Feb. Feb. 3rd – FAA/State/NASAO Teleconference
- Feb. 18th – Modal Committee 8am-4pm (Port of Portland Board Room)
- Feb. 25th – PAAM

- March March 7th – *ConnectOregon* Oversight Committee
- March 24th – PAAM

There being no further business for the board, a motion was made to adjourn.

ACTION ITEM – Motion to Adjourn the December Oregon Aviation Board Meeting

Motion to approve by: Mary Rosenblum

Motion 2nd by: Martha Meeker

Motion passed unanimously

Meeting ended at 12:55pm