

CPAD Public Forum Joint-Use Streets Briefing

February 13, 2023

Prepared by Terry Bohlen

Why is the Board Considering Submitting Draft Ordinances to El Dorado County?

- Speeding on Airpark Streets, creating safety and quality of live concerns
 - Requested many times for board to take action

Why Now?

- Increasing resident concerns and complaints about speeding cars, and reckless driving
 - Especially on Fairway, Western and Boeing

Prior Perceptions

- There were no ordinance or legal codes to enforce the CA Motor Vehicle Code on Airpark Streets
- Airpark streets are private, traffic laws do not apply
- Only CC&R govern traffic
- Because of these perceptions Law Enforcement could not and would not ticket speeders, etc.

The Approach Was

- Develop proposed draft ordinances that could be adopted by EDC
- Submit to Country Board of Supervisors for consideration
 - Would trigger reviews by Sheriff
- Once ordinances are reviewed/approved/adopted by EDC, they become enforceable by law enforcement

During this process it was discovered...

- El Dorado County has Ordinance 10.20 that covers our airpark streets
 - Written well before the CPAD was formed
- In 2002 CPAD Board requested a clarification of what aircraft weight limitations should be.
 - This triggered a review by EDC Counsel as to the status of Ordinance 10.20
 - Was it enforceable by the EDC with the formation of CPAD?
 - Ordinance was amended in 2006
- County Counsel requested an opinion from the California State Attorney General
 - The CA State AG released a report on April 7, 2004 with the conclusion that:

Where streets within a residential subdivision adjacent to an airport are owned and maintained by an airport district but are part of the county road system, the county is solely responsible for regulating the operation of aircraft on the streets.

What this means

- El Dorado County has authority to regulate, and enforce, through law enforcement, operations of aircraft on our streets, in addition to the motor vehicle code enforcement.

Now What? Options

1. Do nothing

- Let individuals deal with EDC LE as events occur

2. No changes to existing ordinances, request LE

- CAPD Board request EDC LE briefing, that they can ticket speeders
- CPAD board vote at regular board meeting to request LE briefing
- However may cause enforcement of sections we don't want enforced
 - i.e. no gyrocopters on streets

3. Review/update/markup existing ordinances and submit to EDC board of supervisors

- CPAD board vote at regular board meeting to submit proposed amendments/changes
- If EDC Board of supervisors approves, ordinances amendments are enacted
 - LE briefed

Supporting Information

Key Elements

- EDC Ordinance Codes 10.20 enacted before formation of CPAD
- Quickclaim Deed stating that property quickclaimed shall remain open to the public
- CA Motor Vehicle Code 21108 & 21114 stating that local authorities may adopted regulations on vehicular traffic on privately owned and maintained roads within the boundaries of a privately owned airport open to the general public
- El Dorado County Counsel requesting CA AG opinion in February 2003
- CA AG Opinion in April 2004 saying the county has authority

Quitclaim Deed

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE COUNTY OF EL DORADO

does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to

THE CAMERON PARK AIRPORT DISTRICT

the real property in ~~the City of~~ Cameron Park
County of El Dorado

and more fully described on the attached Exhibit "A" and subject to the
conditions and exceptions on the attached Exhibit "B".
State of California, ~~San Bernardino~~

EXHIBIT "B"
EXCEPTIONS AND CONDITIONS

This quitclaim to the Cameron Park Airport District by the County of El Dorado is subject to the following:

1) County makes no representations or warrants concerning the title of the real property quitclaimed herein. The parties acknowledge, but not by way of limitation, the exceptions and exclusion listed on the Preliminary Report issued by Western Title Insurance Co., dated December 9, 1987, No. 43738 OC. The parties further acknowledge, but not by way of limitation, the existence of that certain agreement entitled "Settlement Agreement Between the County of El Dorado, Dorado Estates and The Aron Corporation Regarding the Cameron Park Airport and Related Litigation", approved by the Board of Supervisors on March 31, 1987, attached hereto as Exhibit 1, and all related documents. The property herein is expressly quitclaimed subject to the Settlement Agreement and all related documents, and, by acceptance of this deed, the district assumes all rights and obligations of County under said agreement and accepts all property transferred herein for operation and maintenance.

2) The parties agree, and it is hereby provided that, the real property quitclaimed herein shall remain open for public use.

California Motor Vehicle Code

- **ARTICLE 3. Local Regulation [21100 - 21118]**
- *(Article 3 enacted by Stats. 1959, Ch. 3.)*
- https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=VEH&division=11.&title=&part=&chapter=1.&article=3.
- <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=VEH&tocTitle=+Vehicle+Code+-+VEH>

21108. Local authorities may adopt rules and regulations by ordinance or resolution regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of a privately owned airport, when the roads or ways are expressly open to the general public for purposes of vehicular traffic.

The rules or regulations shall not be effective until appropriate signs giving notice thereof are posted along the roads or ways affected.

(Enacted by Stats. 1959, Ch. 3.)


21114. If a local authority finds that a city street or county road under its jurisdiction adjacent to an airport has been specifically designed and constructed, with the prior approval of the local authority, so as to safely permit the use thereof by regular vehicular traffic and also the taxiing of aircraft thereon between the airport and the place where such aircraft are hangared or tied down, the local authority may by resolution or ordinance designate such street or road or portion thereof for such combined use and prescribe rules and regulations therefor which shall have the force of law. No such street or road shall be so designated for a distance of more than one-half mile from the airport, provided, the finding of the local authority in this respect shall be conclusive. Upon such designation becoming effective, it shall be the sole responsibility of the local authority to enforce the provisions of the Vehicle Code and all rules and regulations adopted by it upon such street or road. Upon such designation becoming effective it shall be lawful to taxi aircraft upon such street or road in accordance with the rules and regulations prescribed as aforesaid and said aircraft need not be licensed under this code or comply with other provisions thereof.

(Added by Stats. 1963, Ch. 537.)



OFFICE OF COUNTY COUNSEL
INTER-DEPARTMENT MEMORANDUM

TO: Board of Supervisors

FROM: Louis B. Green
County Counsel 
Thomas R. Parker
Deputy County Counsel

RE: Traffic Controls on Roads Within Cameron Park Airport District
Jurisdiction

DATE: February 7, 2003

You have asked this office for a legal opinion on the following legal issue. The background information is also provided in this memorandum.

ISSUE

Does Chapter 10.20 (formerly Ordinance No. 847) of the County Ordinance Code retain any validity after transfer of the Cameron Park Airport to the Cameron Park Airport District?

CONCLUSION

There is serious doubt as to the continued validity of Chapter 10.20. It appears that at the time the Cameron Park Airport was transferred to the Airport District, it was the intent of the parties to transfer ownership, control and regulatory authority over the streets included in the Airport District to the Airport District. However, certain general provisions of the Vehicle Code may be interpreted to give some continued authority to the County to regulate such roads. Because of potential legal liabilities, it is recommended that the County seek an opinion from the California Attorney General on the subject before considering any amendments to or active enforcement of the provisions of the chapter.

ANALYSIS

Prior to 1987, a county (“County”) owned and operated an airport that was adjacent to a residential subdivision. The streets of the subdivision were built not only for vehicular traffic but also to allow the residents to taxi their airplanes between the airport and tie-down parking spaces and private hangars on their properties. County ordinances regulated the aircraft street traffic in a number of respects, including weight and speed limits, lighting requirements, and parking restrictions.

In 1987, the County formed a local airport district (“District”) pursuant to the California Airport District Act (Pub. Util. Code, §§ 22001-22975) to operate and maintain the airport. By quitclaim deed, the County conveyed to the District its interest in various properties within the boundaries of the District on condition that the properties so conveyed “shall remain open for public use.” These properties included the residential subdivision streets upon which the aircraft had been permitted to taxi. The County transferred revenue to the District to cover some of the costs of road maintenance responsibilities, and thereafter the District assumed sole responsibility for repairing and maintaining the streets of the subdivision. However, the County did not revise its regulations concerning the taxiing of aircraft on the streets and did not remove the streets from its official list of county highways.

We are asked to determine which public entity has the authority to regulate the operation of aircraft on the subdivision streets owned and maintained by the District: the County, the District, or both entities. We conclude that the County, and not the District, has such authority.

OFFICE OF THE ATTORNEY GENERAL
State of California

BILL LOCKYER
Attorney General

CA State AG Opinion

OPINION	:	No. 03-705
	:	
of	:	April 7, 2004
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
DANIEL G. STONE	:	
Deputy Attorney General	:	
	:	

THE HONORABLE LOUIS B. GREEN, COUNTY COUNSEL, COUNTY OF EL DORADO, has requested an opinion on the following question:

Where streets within a residential subdivision adjacent to an airport are owned and maintained by an airport district but are part of the county road system, is the airport district or the county responsible for regulating the operation of aircraft on the streets?

CONCLUSION

Where streets within a residential subdivision adjacent to an airport are owned and maintained by an airport district but are part of the county road system, the county is solely responsible for regulating the operation of aircraft on the streets.

Existing El Dorado County Ordinance Codes

CHAPTER 10.20. - AIRCRAFT USING STREETS

Existing EDC Ordinance Codes

- CHAPTER 10.20. - AIRCRAFT USING STREETS
- El Dorado County *then* Contact-Board of Supervisors *then* Forms/Manual-Country Ordinance Code *then* Title 10 - VEHICLES AND TRAFFIC
- https://library.municode.com/ca/el_dorado_county/codes/code_of_ordinances?nodeId=PTAGECOOR_TIT10VETR

Sec. 10.20.010. - Streets used for taxiing designated.

The following streets or portions thereof, within the unincorporated territory of the County, are designated as streets for the combined use of vehicular traffic and the taxiing of aircraft:

- A Boeing Road;
- B. Baron Court;
- C. That portion of United Drive northeast of Cambridge Road;
- D. Bonanza Drive;
- E. That portion of Fairway Drive northeast of Cambridge Road;
- F. Aeronica Way;
- G. Western Drive;
- H. Lockheed Court.

- (Prior Code, § 7652; Code 1997, § 10.20.010)

Sec. 10.20.020. - Street use regulations.

A. The use of those certain streets designated in Section 10.20.010 shall be limited to the passage over and access to lots abutting and adjoining said streets. The parking of vehicles and aircraft on the streets is prohibited.

B. Aircraft equipped with horizontal rotary propellers for propulsion and aircraft of a maximum certificated gross weight in excess of 12,500 pounds shall not use the streets for any purpose.

(Prior Code, § 7653; Code 1997, § 10.20.020; Ord. No. 4688, 2-7-2006)

Sec. 10.20.030. - Aircraft equipment required.

All aircraft using the streets designated in Section 10.20.010 shall be equipped and maintained as follows:

A. Aircraft shall be equipped with brakes adequate to control the movement of the aircraft;

B. Aircraft operated during the period between one-half hour after sunset and one-half hour before sunrise and during periods of limited visibility shall be equipped with landing lights and running lights which shall be in operation during said periods.

(Prior Code, § 7654; Code 1997, § 10.20.030)

Sec. 10.20.040. - Taxiing regulations.

All aircraft using the streets designated in Section 10.20.010 shall comply with the following rules:

- A. Aircraft shall yield the right-of-way to pedestrians and vehicles.
- B. Aircraft shall not exceed a speed greater than 15 miles per hour.
- C. Aircraft shall comply with all posted traffic signs, signals, street markings and other traffic devices.
- D. Aircraft, when approaching a vehicle or other aircraft, shall be operated on the right half of the street.

(Prior Code, § 7655; Code 1997, § 10.20.040)

Ordinances Update....

Considerations

- Current Ordinance:
 - Designated streets not current
 - i.e. Fairway Drive
 - Prohibits aircraft with “...horizontal rotary propellers...”. This include gyrocopters
 - Prohibits parking of vehicles and aircraft on the streets
- Liability risk in removing or changing sections

Backup

Speed Limits

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336] (Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413] (Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

22352. The prima facie limits are as follows and shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(b) **Twenty-five miles per hour:**

(1) On any highway, in any business or **residence district** unless a different speed is determined by local authority or the Department of Transportation under procedures set forth in this code.

Golf Carts – CA Motor Vehicle Code

- https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=VEH&division=11.&title=&part=&chapter=1.&article=5.5.
- 21250. For the purposes of this article, a low-speed vehicle means a vehicle as defined in Section 385.5. A “low-speed vehicle” is also known as a “neighborhood electric vehicle.”
- (Amended by Stats. 2004, Ch. 422, Sec. 3. Effective January 1, 2005.)
- 21251. Except as provided in Chapter 8 (commencing with Section 1965) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.
- (Amended by Stats. 2018, Ch. 564, Sec. 5. (SB 1151) Effective January 1, 2019.)

CA Streets and Highway Codes

- <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=SHC&tocTitle=+Streets+and+Highways+Code+-+SHC>

Existing Airpark Estates CC&Rs

Section (3) Applicable to 'Aircraft Streets'

THE HIERARCHY OF HOA DOCUMENTS EXPLAINED

- **1. FEDERAL AND STATE LAWS AND STATUTES**

- The laws of the land take precedence over all other HOA documents. State laws come before local laws, while federal laws outweigh everything else. Whether you're drafting your governing documents or deciding which one to follow, it's important to always check the law first. This way, you're not acting against the laws of the land.

- **2. RECORDED MAP, PLAN, OR PLAT**

- **3. CC&RS**

- The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) take the third spot on the HOA documents hierarchy. This document details the rights of homeowners and the responsibilities of the HOA board members.
- Typically, the CC&Rs also contain stipulations associated with assessment obligations, maintenance responsibilities, and enforcement authority. This is also where you'll find specific procedures on how to handle various issues such as disputes and [violations](#).
- Others know the CC&Rs as the rules of the community. This document guides homeowners on what they can and can't do, particularly when it comes to property use and other aspects of HOA living. Before purchasing your home in an HOA community, you'll be informed of the CC&Rs and asked to agree to them. You may even need to sign something as proof of agreement.
- When a homeowner violates a covenant, certain consequences take place. Most associations send out a notice of warning on the first offense. Fines and the suspension of privileges are typical courses of action for future violations. Failure to settle these fines can eventually lead to legal action.

CC&Rs – Section (3) Applicable to ‘Aircraft Streets’

<https://www.cameronpark.org/files/41d438f2a/Airpark+Estates+N+Unit+5.pdf>

Originally recorded with EDC on February 14, 1967

CC&Rs – Section (3) Applicable to ‘Aircraft Streets’

- (a) All regular vehicular traffic shall travel within the center lanes indicated by strips painted on the respective streets. Regular vehicular speed on “aircraft” streets shall not exceed twenty-five (25) miles per hour. No parking of regular vehicles shall be permitted on any “aircraft” streets within this subdivision.
- (b) All aircraft traffic shall be restricted to aircraft not in excess of 12,500 pounds gross weight, or of greater than 40 feet overall-all width.

CC&Rs – Section (3) Applicable to ‘Aircraft Streets’ - Continued

(c) All aircraft traffic traveling on “aircraft” streets shall proceed in the outside lanes indicated by stripes painted on the respective streets. No parking of aircraft and/or automobiles shall be permitted on “aircraft” streets within this subdivision.

(d) No aircraft shall use said “aircraft” streets for any purpose whatsoever except to taxi from a private parking area within the boundaries of a parcel or lot in said subdivision to and from the airport taxi-way and/or landing strip at a rate not to exceed 1.00 r.p.m and/or fifteen (15) miles per hour, whichever may be the lesser speed.

CC&Rs – Section (3) Applicable to ‘Aircraft Streets’ - Continued

(e) No aircraft shall be permitted on the “aircraft” streets designated herein without adequate brakes.

(f) No aircraft shall be permitted on “aircraft” street without adequate landing lights, which shall be in operation thirty (30) minutes after sundown and thirty (30) minutes before sunrise, while the aircraft is taxiing on the “aircraft” streets.

(g) Aircraft proceeding within the subdivision shall yield the right-of-way to pedestrians and to regular vehicular traffic.

(h) Aircraft shall taxi at all times on the right side of the “aircraft” streets and shall comply with all posted traffic signs, signals, and any other traffic regulation device that may be employed for safety of vehicular operation.

- California Public Utilities Code §22001 This district type **facilitates the development of airports, spaceports, and air navigation facilities**. The district's objective is to encourage airport and spaceport development and to distribute the cost uniformly among all who benefit.