

# CPAD Public Forum Joint-Use Streets Briefing

Rev 1

February 13, 2023

Prepared by Terry Bohlen

# Executive Summary

- Goal:
  - Primary: Seek law enforcement to address speeding and reckless driving in our airpark
  - Secondary: Review/address Ordinance items and potential safety concerns
- El Dorado County (EDC) has authority to regulate, and enforce, through law enforcement, operations of aircraft on our streets, in addition to the motor vehicle code enforcement.
  - Existing EDC Ordinance Chapter 10.20
- However, law enforcement apparently is not aware that they can enforce
- CPAD Board has several options as to how to proceed
  - Including proposing updates to EDC ordinances
- Laws, including EDC Ordinances that precedent over Cameron Park Service District CC&Rs (Ordinance is law, CC&Rs a contract)

# Key Elements

- EDC Ordinance Codes Chapter 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

# 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

# The Approach Was

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

# Prior Perceptions

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

# During this process it was discovered...

- El Dorado County has Ordinance Chapter 10.20 that covers our airport streets
  - Written well before the CPAD was formed and not changed with formation of CPAD
- In 2002 CPAD Board requested amendment to Ordinance 10.20 to clarify aircraft weight limitations
  - 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?
- 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.”
  - Ordinance was amended in 2006



# 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 and Law Enforcement as events occur
  - Potential Liability issues

## 2. No changes to existing ordinances, request Law Enforcement

- CAPD Board request EDC Law Enforcement briefing, that they can ticket speeders
  - CPAD board vote at regular board meeting to request Law Enforcement 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
  - Law Enforcement briefed

# 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](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 and United Drive
  - Prohibits aircraft with “...horizontal rotary propellers...”. This include gyrocopters
  - Prohibits parking of vehicles and aircraft on the streets
- Address potential safety risks....?
  - Right-of-way

# Ordinance Review

Section	Item	Good	Concern	Consider	Mark-Up
10.20.010 Streets use for taxing designated	Designated Streets	-	Inaccurate	Update	Rev 0, 1, 2, 3, 4
10.20.020 (A) Street Use Regulations	The parking of vehicles and aircraft on the streets is prohibited.	Keeps streets clear for aircraft taxing	No allowance for short term parking; meeting, parties, contractors	Permit by District (Airport Manager)	Rev 0, 1, 2, 3, 4
10.20.020 (B) Street Use Regulations	Aircraft equipped with horizontal rotary propellers for propulsion ... shall not use the streets for any purpose.	No helicopter hover taxing	Prohibits Gyrocopters taxing	- Helicopter towed - Gyrocopter rotor blades aligned	Rev 0, 1, 2, 3, 4
10.20.020 (B) Street Use Regulations	...aircraft of a maximum certificated gross weight in excess of 12,500 pounds shall not use the streets for any purpose.	Consistent with airport/runway			
10.20.030 (A) Aircraft Equipment Required	Aircraft shall be equipped with brakes adequate to control the movement of the aircraft				
10.20.030 (B) Aircraft Equipment Required	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.				

# Ordinance Review

Section	Current Regulation	Good	Concern	Consider	Mark-Up
10.20.040 (A) Taxiing Regulations	Aircraft shall yield the right-of-way to pedestrians and vehicles.		Safety issue given characteristics of aircraft taxiing	Aircraft have right-of-way	Rev 0, 1, 4
10.20.040 (B) Taxiing Regulations	Aircraft shall not exceed a speed greater than 15 miles per hour	Mandates slow taxiing to help offset limited maneuvering and visibility	Aircraft do not have speedometer		
10.20.040 (C) Taxiing Regulations	Aircraft shall comply with all posted traffic signs, signals, street markings and other traffic devices.				
10.20.040 (D) Taxiing Regulations	Aircraft, when approaching a vehicle or other aircraft, shall be operated on the right half of the street.				

# 10.20.020 (A) Parking

- Current: The parking of vehicles and aircraft on the streets is prohibited.
- Options
  - No change
  - Add ...unless a permit has been obtained from the CPAD Manager or designee.
  - ?

# 10.20.020 (B)

- Current: Aircraft equipped with horizontal rotary propellers for propulsion ... shall not use the streets for any purpose.
- Options
  - No change
  - Change to:
    - Helicopters must be towed or trailered to and from the Airport while transiting upon Joint Use Streets. Hover taxing is not permitted.
    - Gyroplanes shall not rotate the rotor blades while transiting to and from the Airport upon Joint Use Streets. During taxi, a Gyroplane's rotor shall remain aligned fore and aft along the longitudinal axis of the Gyroplane
    - ?

# 10.20.040 (A) Right of Way

- Current: Aircraft shall yield the right-of-way to pedestrians and vehicles
- Options
  - No change
  - Aircraft have right of way
    - Aircraft have the right of way. Pedestrians, Cyclists, Vehicles and all other means of travel upon the Joint Use Streets shall yield the right of way to Aircraft.
    - Vehicles, cyclists and all other means of transit upon the Joint Use Streets, except Aircraft, shall yield the right of way to pedestrians.
  - ?

# 10.20.040 (B) Aircraft Taxi Speed Limit

- Current: Aircraft shall not exceed a speed greater than 15 miles per hour.
- Options
  - No Change
  - ?



# 10.20.040 (C) Aircraft Comply with Traffic Signs

- Current: Aircraft shall comply with all posted traffic signs, signals, street markings and other traffic devices.
- Options
  - No Change
  - ?

# 10.20.040 (D) Aircraft On Right Side of Street

- Current: Aircraft, when approaching a vehicle or other aircraft, shall be operated on the right half of the street.
- Options
  - No Change
  - Taxi on centerline
  - Taxi on right side
  - ?

# Others?

- Golf Carts
  - Add section that allows operation of Golf Carts?
    - Designate streets
- ?

# Supporting Information

# 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 Arom 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/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

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**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

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

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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.

# 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.

# 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.

- CA Streets and Highway Codes
  - <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=SHC&tocTitle=+Streets+and+Highways+Code+--+SHC>
- California Motor Vehicle Code
  - <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=VEH&tocTitle=+Vehicle+Code+--+VEH>
- 571.500 Standard No. 500; Low-speed vehicles.
  - <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-V/part-571/subpart-B/section-571.500>
- California Golf Cart & Low Speed Vehicle Laws
  - <https://golfcartresource.com/california-golf-cart-low-speed-vehicle-laws/>