

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

RECEIVED

AIRCRAFT OWNERS AND PILOTS
ASSOCIATION, *ET AL.*

FEB 17 2023

Complainants,

PART 16 DOCKETS

v.

FAA Docket No. 16-22-08

COUNTY OF SANTA CLARA,
CALIFORNIA

Respondent.

**RESPONDENT COUNTY OF SANTA CLARA'S
MOTION FOR EXTENSION OF TIME TO ANSWER THE COMPLAINT**

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County Counsel
Jerett T. Yan
Deputy County Counsel
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1. Respondent County of Santa Clara, California (“County”) moves, pursuant to 14 C.F.R. § 16.11, for an extension of time to file its Answer to the Complaint in the above-captioned matter. Aircraft Owners and Pilots Association, *et al.* (“Complainants”) filed their Complaint on or about October 16, 2022. The County filed its Consolidated Motion to Dismiss and Motion for Summary Judgment (“Motion for Summary Judgment”) on December 29, 2022 pursuant to an extension granted by the Federal Aviation Administration (“FAA”). As of February 8, 2023, the FAA had not issued a ruling on the Motion for Summary Judgment.

2. Pursuant to 14 C.F.R. § 16.26(b)(5) and § 16.26(c)(5), the County’s answer to the complaint is due on March 1, 2023. The County requests an extension of the deadline for responding to the Complaint for forty-five days until April 14, 2023. The County has discussed this request with Complainants and they oppose it. The County does not oppose a reasonable, comparable extension of time for Complainants to a reply to the County’s answer, so long as the County receives a reasonable, comparable extension of time for its rebuttal. The County requests this extension for several reasons.

3. First, the County is in active negotiations with the FAA that could moot some or all the issues raised in the Complaint. These negotiations resulted from a previous complaint filed by Complainants with the FAA a year ago raising substantially similar issues as their current Complaint. The County entered into a memorandum of understanding (“MOU”) with the FAA on February 7, 2022, which contemplates the participation of both Reid-Hillview Airport and San Martin Airport (collectively, “County Airports”) in a demonstration project conducted by the Airport Cooperative Research Program, an FAA sponsored applied research program, involving identifying best practices for transitioning the general aviation fleet to unleaded aviation gasoline (“avgas”). The County will also be working with the FAA to discuss safety

improvements at the County airports, which may include new measures to prevent misfuelling. The County anticipates that by April it will have more information about what participation in the demonstration project will entail. The County's participation in this demonstration project could have substantial benefits to civil aviation by providing valuable information on the transition of a general aviation airport to the exclusive sale of unleaded fuel. An extension will allow these negotiations additional time to progress. An extension will also give the parties time to discuss whether participation in the demonstration project could address or narrow the Complainants' concerns.

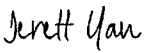
4. Second, preparation of an adequate pleading before February 28, 2023 would be difficult due to prior commitments by counsel. Several essential participants have planned leave during this period. Counsel also has several other commitments and deadlines in February, including our anticipated negotiations with the FAA on the above referenced MOU. An extension would alleviate these concerns.

5. Finally, a short delay will not prejudice the Complainants. The Complaint concerns conditions that have been in effect for over a year. These conditions have had no significant effect on operations at either of the County Airports.

6. The County respectfully requests that the FAA grant the County's motion for an extension of time until April 14, 2023 in which to file its answer to the Complaint.

Respectfully submitted this 17th day of February, 2023.

James R. Williams
County Counsel

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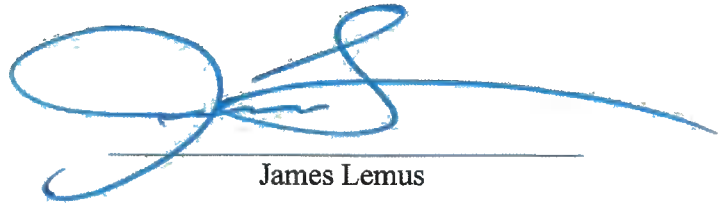
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CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of February, 2023, served the foregoing document by email to the following persons:

Office of the Chief Counsel
Attn: FAA Part 16 Airport Proceedings Docket, AGC-610
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591
9-AWA-AGC-Part-16@faa.gov

Justine Harrison
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421 Aviation Way
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James Lemus

Walenga, Pat (FAA)

From: Lemus, James <james.lemus@cco.sccgov.org>
Sent: Friday, February 17, 2023 2:28 PM
To: 9-AWA-AGC-Part-16 (FAA); Justine.Harrison@aopa.org
Cc: Yan, Jerett; LoPresti, Tony
Subject: AIRCRAFT OWNERS AND PILOTS ASSOCIATION, ET AL v. COUNTY OF SANTA CLARA, CALIFORNIA . / FAA Docket No. 16-22-08
Attachments: FAA_Motion_for_Extension_of_Time_to_File_Answer.pdf

Good morning:

Attached, please find the Respondent County Of Santa Clara's Motion For Extension Of Time To Answer The Complaint.

FAA Docket No. 16-22-08

Please feel free to reach out if you have any questions.

Thank you,



James Lemus | Legal Secretary I

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