

Exhibit D

County of Santa Clara
Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

November 8, 2019

Mark A. McClardy
Federal Aviation Administration
777 S. Aviation Blvd. Suite 150
El Segundo, CA 90245

Dear Mr. McClardy:

Thank you for your letter of October 18, 2019 to County of Santa Clara Board of Supervisors President Simitian regarding Reid-Hillview Airport (RHV) and related issues. This letter provides the County's initial response to the issues raised in your correspondence.

In order to ensure that the FAA has a clear understanding of the County's recent actions regarding Reid-Hillview Airport, the County believes it is important to understand what the Board of Supervisors did and did *not* decide last December. On December 4, 2018 the Board of Supervisors considered recommendations from the administration regarding an update to the Business Plans for the County Airports which include RHV and San Martin airports. The manager and assistant manager of the FAA's San Francisco Airport District Office were in attendance and provided testimony during the public comment portion of the hearing. At the conclusion of the hearing the Board of Supervisors approved a motion to direct the administration to perform eleven distinct items of work. Attached are official minutes from the meeting as well as a summary of the eleven items in the motion.

As indicated, the motion did not contain any direction to close RHV and replace it with affordable housing. Instead the Board directed the administration to evaluate key issues to better inform the Board and the community about the impact of the existing airport on its neighbors, the possible uses of the land if the airport were to close, implications for San Martin Airport, and direction to pursue property releases for airport parcels not needed for aviation purposes. The Board specifically adopted a policy statement that the County would not apply for Airport Improvement Program (AIP) grants for RHV and directed the administration to apply for AIP grants at San Martin. As you can see, there is a great deal of study and public discourse that will have to occur before any decision is made regarding the future of RHV.

Your letter also references improvements that the FAA believes would be necessary at San Martin Airport should RHV close. The County is aware of the capacity and constraints at San

Martin and believes that a discussion on the impacts to San Martin should RHV close are premature at this time. Significant study of the surrounding airports' aviation capacity would be necessary for the BOS to consider alternative uses at RHV.

Your letter goes on to describes the airfield conditions at RHV and asserts some perceived discrepancies with FAA and Caltrans standards. At the outset, the FAA should be aware that the County is cognizant of the signage issues identified in your letter. It is important to understand, however that when RHV was constructed, the design standards were considerably different than they are today. As a result, at RHV, the distances between runways and taxiways and the size of the Runway Safety Area (RSA) do not meet current FAA standards and are unlikely to change. This results in many challenges when attempting to apply current signage standards to a non-standard airport. Older airports often do not meet current design standards in a number of respects and yet are considered safe.

Further, the County does not agree with the FAA's characterization of the RHV runway condition as poor. In fact the County has invested significant capital in the airfield surfaces recently though a repaving and marking project that was completed in early 2019. The citation of runway incursion increases in your letter does not indicate a correlation to signage and marking issues raised in your letter. The County would welcome an open exchange of information so that we can better understand your concerns.

As detailed below, the County has acted over the years to address signage issues to assure that pilots can navigate across the airfield considering the limitations imposed by the physical layout and geometry of the airfield and the actual sightlines pilots experience.

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The County is very mindful of the desire of the FAA to standardize the pilot's experience at airports nationwide and believes that is a worthwhile endeavor, however given the multitude of different airport sizes and configurations across the country a one size fits all approach is not feasible. With that said, the County will continue to work on these concerns as resources allow.

With those general comments, below are responses to the specific signage issues raised in your letter.

Comments from FAA site visit of August 16, 2019

1. *Non-standard exit signs at the southeast end of Runway 13L-31R* - These signs were installed as part of an FAA approved Airport Capital Improvement Program (ACIP) 3-06-0225-10 and partially paid for and approved by the FAA. At the time of installation, the sign was approved by the FAA.
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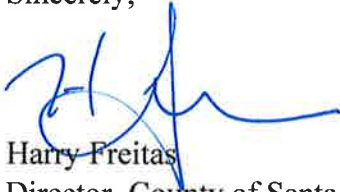
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We appreciate the opportunity to continue to work with the FAA on issues regarding the County's airports. Should you have any questions, please call me at 408-573-2438.

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Sincerely,



Harry Freitas

Director, County of Santa Clara Roads & Airports Department

Enclosures:

1. Meeting Minutes;
2. Summary of Actions at December 2018 BOS Meeting

Cc: Supervisor Mike Wasserman, District 1, County of Santa Clara
Supervisor Cindy Chavez, District 2, County of Santa Clara
Supervisor Dave Cortese, District 3, County of Santa Clara
Supervisor Susan Ellenberg, District 4, County of Santa Clara
Supervisor S. Joseph Simitian, District 5, County of Santa Clara
John Carr, Airports Commission, County of Santa Clara
John Aitken, Director, Norman Y. Mineta San Jose International Airport
Raquel Girvin, FAA Regional Administrator
Tony DiBernardo, FAA Air Traffic Organization (ATO)
Joe Santoro, Runway Safety Program Manager, FAA Air Traffic Organization (ATO)
Laurie Suttmeier, Manager, San Francisco ADO, FAA Office of Airports
Amy Choi, Division Chief, Caltrans Division of Aeronautics

17 RESULT: APPROVED [UNANIMOUS]
MOVER: Cindy Chavez, Vice President
SECONDER: Dave Cortese, Supervisor
AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

18. Held from November 20, 2018 (Item No. 23): Consider recommendations relating to bids for Capital Project 263-CP19003 "Relocate 2nd Floor Dental Suite at Main Jail North." (Facilities and Fleet Department) (ID# 93983)

Possible action:

- a. Award contract to Agbayani Construction Corporation in the amount of \$709,000 with a construction time of 160 working days.
- b. Approve encumbrance of additional \$100,000 as Supplemental Work Allowance for a total encumbered amount of \$809,000.
- c. Authorize County Executive, or designee, to issue Change Orders, as necessary, against the allowance for Supplemental Work and to approve modifications to the construction time consistent with Public Contract Code Section 20142.
- d. Ratify Addendum to Bid Documents Nos. 1 through 3 which modified or clarified the Bid Documents in response to contractor questions.

Added to the Consent Calendar at the request of Supervisor Wasserman.

18 RESULT: APPROVED [UNANIMOUS]
MOVER: Cindy Chavez, Vice President
SECONDER: Dave Cortese, Supervisor
AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

Time Certain - Airports Business Plan - To Be Heard No Earlier Than 1:00 p.m.

19. Under advisement from the December 12, 2017 Board meeting (Item No.21): Receive report from the Roads and Airports Department relating to the Airports Business Plan Update. (ID# 93897)

Taken out of order after Item No. 22.

Seventy-two individuals addressed the Board.

On motion of Vice President Chavez, seconded by Supervisor Cortese, the Board approved a policy statement that the County will not apply for Airport Improvement Program grants for Reid-Hillview Airport and will make General Fund-funded improvements necessary to safely operate Reid-Hillview; and, directed Administration or its designee to accept \$1 million in Federal Aviation Administration (FAA) entitlement funding related to the airfield repaving project at the San Martin Airport to help pay down the outstanding General Fund loan, to apply for property releases at Reid-Hillview Airport from the FAA consistent with the Business Plan Update, to invite

the City of San Jose to engage in a joint planning process within the next two years relating to use of the Reid-Hillview and Eastridge areas, including possible alternative uses after 2031, to develop a plan, including a transparent community engagement process that includes, but is not limited to, engaging the City of San Jose, to consolidate the County's aviation uses at San Martin Airport based on the Housing, Land Use, Environment, and Transportation Committee's Option 3 identified in staff's presentation, to develop a plan to implement improvements necessary to ensure adequate traffic flow and safety on East San Martin Avenue, Highway 101, and adjacent roadways, to establish a Capital Plan to implement improvements at the San Martin Airport, including both General Fund-funded and FAA-funded improvements, to report to the Board with a recommended plan to analyze and address any concerns regarding airborne lead and associated concerns, to engage San Jose State University relating to negotiations for possible accommodation at the San Martin Airport, to engage Office of Emergency Services partners relating to consideration of capacity for emergency and disaster response should a change of use occur at Reid-Hillview Airport, and to engage the aviation community in determining the feasibility of allowing only non-lead aviation fuel at the Reid-Hillview and San Martin Airports.

19 RESULT: APPROVED AS AMENDED [3 TO 2]
MOVER: Cindy Chavez, Vice President
SECONDER: Dave Cortese, Supervisor
AYES: Chavez, Cortese, Yeager
NAYS: Wasserman, Simitian

Board Referrals

20. Approve referral to Santa Clara County Fire District and Administration to report to the Board of Supervisors no later than February 2019 relating to preparedness planning and County Fire needs given the ever-increasing threats of large-scale fire incidents in the County and throughout California. (Chavez) (ID# 94470)

Taken out of order after Item No. 9.

Approved as amended to direct Administration and the Administration of the Santa Clara County Central Fire Protection District to report to the Board in March or April 2019, at the request of Tony Bowden, Chief, Santa Clara County Fire Department, to ensure sufficient time to coordinate with the South Santa Clara County Fire District and California Department of Forestry and Fire Protection.

At the request of Supervisor Wasserman, the Board further directed Administration to involve the Roads and Airports Department in the assessment of resources.

20 RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Cindy Chavez, Vice President
SECONDER: Ken Yeager, Supervisor
AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

SCC Airports Business Plan Referral

At the request of Vice President Chavez, the Board approved:

1. A policy statement that the County will not apply for Airport Improvement Program grants for Reid-Hillview Airport and will make General Fund-funded improvements necessary to safely operate Reid-Hillview,
2. Directed Administration or its designee to accept \$1 million in Federal Aviation Administration (FAA) entitlement funding related to the airfield repaving project at the San Martin Airport to help pay down the outstanding General Fund loan
3. To apply for property releases at Reid-Hillview Airport from the FAA consistent with the Business Plan Update
4. To invite the City of San Jose to engage in a joint planning process within the next two years relating to use of the Reid-Hillview and Eastridge areas, including possible alternative uses after 2031
5. To develop a plan, including a transparent community engagement process that includes, but is not limit to, engaging the City of San Jose, to consolidate the County's aviation uses at San Martin Airport based on the Housing, Land Use, Environment, and Transportation Committee's Option 3 identified in staff's presentation
6. To develop a plan to implement improvements necessary to ensure adequate traffic flow and safety on East San Martin Avenue, Highway 101, and adjacent roadways
7. To establish a Capital Plan to implement improvements at the San Martin Airport, including both General Fund-funded and FAA-funded improvements
8. To report to the Board with a recommended plan to analyze and address any concerns regarding airborne lead and associated concerns

9. To engage San Jose State University relating to negotiations for possible accommodation at the San Martin Airport
10. To engage Office of Emergency Services partners relating to consideration of capacity for emergency and disaster response should a change of use occur at Reid-Hillview Airport
11. And to engage the aviation community in determining the feasibility of allowing only non-lead aviation fuel at the Reid-Hillview and San Martin Airports.

County of Santa Clara
Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

October 1, 2021

SENT VIA EMAIL

Mark A. McClardy
Director, Airports Division
Western Pacific Region
Federal Aviation Administration
777 S. Aviation Boulevard
Suite 150
El Segundo, CA 92045

Dear Mr. McClardy:

Thank you for your letter of September 14, 2021. Although your letter references Federal Aviation Administration (FAA) letters to the County dated January 14, 2021 and February 19, 2021, the issues raised in this correspondence have been the subject of ongoing discussion between the FAA and the County for the past several years. For example, on November 8, 2019, the County provided a comprehensive response to you regarding many of the purported safety concerns that the FAA continues to raise. A copy of the November 8, 2019 letter to you is attached to this letter for your reference. This letter will update our previous correspondence on the various issues raised in your September 14, 2021 and related correspondence.

Board of Supervisors Actions on August 17, 2021

Your September 14, 2021 letter states; “In addition, we understand that on August 17, 2021, the BOS voted to seek closure prior to 2031.” While early closure is one option the Board directed administration to explore, it took far broader action to understand and mitigate the extent of the childhood lead poisoning crisis caused by leaded avgas in the communities surrounding the airport. On August 17, 2021, the Board’s main actions are summarized as follows.¹

- First, the Board accepted a peer-reviewed airborne lead study by leading experts that concluded that lead emissions from operations at Reid-Hillview Airport (“RHV”) have resulted in a statistically significant increase in blood-lead levels in children living near RHV. The study examined over 300,000 blood lead test results collected by the California Department of Public Health (“CDPH”) over a 10-year period. The extensive data the study analyzed allowed for it to control for variables such as other sources of

¹ The Summary of Proceedings of the relevant Board actions on August 17, 2021 is attached for reference.



exposure to lead and demographic factors. The study found higher blood lead levels in children living near RHV based on a variety of metrics.²

- Second, based upon the significant and acute public health concerns raised by the results of the Reid-Hillview Airborne Lead Study, the Board directed:

Administration and County Counsel to take such actions as may be necessary to expeditiously eliminate lead exposure from operations at Reid-Hillview Airport, consistent with all established federal, state, and local laws and all court orders. Such actions may include, but are not limited to, both prohibiting the sale or use of leaded fuel, and pursuing any and all available paths to early closure prior to 2031.

- Third, the Board received a report regarding the development of a community participation framework for stakeholder engagement regarding potential land use changes at RHV.

Your reference to the Board's action on August 17, 2021 does not mention the results of the lead study and the significant public health concerns caused by airborne lead by general aviation airports. For decades, it has been widely known that airborne lead from aviation gas represents the largest source of airborne lead remaining in the United States after the phase out of leaded automobile fuel. The Board's actions on August 17, 2021 were intended to protect Santa Clara County residents from a significant public health and safety threat. The Board authorized all lawful means to mitigate that threat. This includes consideration of all options, including eliminating leaded fuel at the airport and possible closure, subject to applicable legal requirements. County staff intends to evaluate and implement the direction provided by the Board.

RHV Safety Issues

Your letter references a February 19, 2021 letter from Kevin C. Willis, Director, FAA Office of Airport Compliance, regarding safety conditions at RHV. Mr. Willis' letter raises numerous issues not related to airport operations and related safety and compliance concerns and contains many unsupported assertions. As stated above, many of the issues raised were responded to in the County's November 8, 2019 letter to you.

With respect to your letter's discussion of the Runway Safety Action Team meeting of March 10, 2020, the County respectfully disagrees with your letter's conclusions. Contrary to the assertions in your letter, the County **did not** refuse to enact procedures at the airport. The RSAT did not positively identify a correlation between runway incursions at RHV and airfield condition. Instead, the RSAT team **speculated** about various theories that could explain incursion patterns. There was a discussion of the various theories provided by individual

² A full copy of the study is available at <https://news.sccgov.org/sites/g/files/exjcpb956/files/documents/RHV-Airborne-Lead-Study-Report.pdf>

members of the team, followed by corresponding discussion on mitigation measures for the theories. However, given the lack of consensus that the cause of the incursions could be corrected by physical changes to the airfield, **the RSAT team and the County did not propose changing the physical conditions at RHV because there was no consensus and thus no clear mandate that the County take action.**

As we have stated previously, the issues repeatedly identified in the FAA letter of February 19, 2021 as “safety” concerns are, in fact, compliance issues arising from changes in advisory documents related to lighting and signage at airports. It is well understood that the FAA frequently updates guiding documentation, such as Advisory Circular 150/5340-30 with the expectation that affected airports will update their lighting and signage as part of a workplan when funding becomes available. Consistent with this approach, the County has allocated funding for a project to update the signage at Reid-Hillview to ensure it meets current FAA guidelines. The County has authorized final design be completed by Kimley-Horn, our engineering consultant, and the Board of Supervisors has allocated funding for construction. The project could be completed as soon as summer of 2022.

Property Release Requests

Your letter references a letter from Laurie J. Suttmeier dated January 14, 2021 relating to pending property release requests at RHV. Again, as acknowledged by Ms. Suttmeier, these requests have been the subject of significant correspondence and discussions between the County and the FAA over the past few years. The currently pending property release applications include the following:

1. Property release request on behalf of the Santa Clara Valley Transportation Authority (VTA) at the northwest corner of Capitol Expressway and Tully Road. This property is requested for release to the VTA to provide right-of-way for a new aerial light rail project under development. The alignment of the track structure requires a sliver taken at the subject location.
2. Property release request for the northwest corner of Capitol Expressway and Tully Road to be used by the County for non-aeronautical uses as designated on the FAA approved Airport Layout Plan for Reid-Hillview Airport dated September 11, 2008.
3. Property release requests for the Solar Arrays at RHV and San Martin Airport.

With respect to the Capitol Expressway/Tully Road application, Ms. Suttmeier notes that the FAA is considering the County’s request that dates from 2015. The County notes that FAA has an obligation to process the County’s requests in a reasonable timeframe. In carefully evaluating your letter, the County concludes that there may be confusion regarding the location of the properties in question. None of the land uses discussed in your letter are located on the Capitol Expressway /Tully Parcel. We have attached two exhibits to clarify the locations and boundaries of the properties in question.

The FAA’s letters appear to take the position that compliance issues involving unrelated County property authorizes the FAA to withhold indefinitely any action regarding the County’s

requests for the property releases. There is no legitimate justification for that position. In any event, the County provides the following updates regarding the land uses mentioned in Ms. Suttmeier's letter.

With respect to the **little league fields**, the County can document that the baseball fields have been on-site for over 50 years. In light of the results of the RHV Airborne Lead Study, the County has started the process to relocate the little league fields to a safer location to protect youth participants from lead-related exposure, and the little league is aware of this intended action.

With respect to **seasonal sales**, all temporary seasonal and holiday sales on the parcel at the south-east corner of the airport adjacent to the intersection of Tully Road and Capitol Expressway have been permanently halted to avoid lead-related exposure. With respect to the **solar arrays**, the County respectfully requests actions on its pending Property Release requests.

Thank you for the opportunity to respond to your letter. As always, we would be happy to meet with you and your staff and provide any additional information that you may require.

Best Wishes,

DocuSigned by:

Harry Freitas

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Harry Freitas

Director, Roads and Airports Department

Attachment: November 8, 2019 Letter from H. Freitas to M. McClardy
Excerpt of Summary of Proceedings of Board of Supervisors for August 17, 2021
Map Showing Location of Parcels Seeking Property Releases

c: County of Santa Clara Board of Supervisors
Jeffrey V. Smith, MD, JD County Executive
James R. Williams, County Counsel
Sylvia Gallegos, Deputy County Executive
Eric Peterson, Airports Manager
Laurie Suttmeier, Manager, San Francisco Airports District Office (Sent via Email)
Kevin C. Willis, Director, FAA Office of Airport Compliance and Management Analysis

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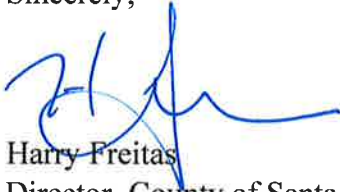
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Sincerely,



Harry Freitas

Director, County of Santa Clara Roads & Airports Department

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Amy Choi, Division Chief, Caltrans Division of Aeronautics

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- a. Award contract to Agbayani Construction Corporation in the amount of \$709,000 with a construction time of 160 working days.
- b. Approve encumbrance of additional \$100,000 as Supplemental Work Allowance for a total encumbered amount of \$809,000.
- c. Authorize County Executive, or designee, to issue Change Orders, as necessary, against the allowance for Supplemental Work and to approve modifications to the construction time consistent with Public Contract Code Section 20142.
- d. Ratify Addendum to Bid Documents Nos. 1 through 3 which modified or clarified the Bid Documents in response to contractor questions.

Added to the Consent Calendar at the request of Supervisor Wasserman.

18 RESULT: APPROVED [UNANIMOUS]
MOVER: Cindy Chavez, Vice President
SECONDER: Dave Cortese, Supervisor
AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

Time Certain - Airports Business Plan - To Be Heard No Earlier Than 1:00 p.m.

19. Under advisement from the December 12, 2017 Board meeting (Item No.21): Receive report from the Roads and Airports Department relating to the Airports Business Plan Update. (ID# 93897)

Taken out of order after Item No. 22.

Seventy-two individuals addressed the Board.

On motion of Vice President Chavez, seconded by Supervisor Cortese, the Board approved a policy statement that the County will not apply for Airport Improvement Program grants for Reid-Hillview Airport and will make General Fund-funded improvements necessary to safely operate Reid-Hillview; and, directed Administration or its designee to accept \$1 million in Federal Aviation Administration (FAA) entitlement funding related to the airfield repaving project at the San Martin Airport to help pay down the outstanding General Fund loan, to apply for property releases at Reid-Hillview Airport from the FAA consistent with the Business Plan Update, to invite

the City of San Jose to engage in a joint planning process within the next two years relating to use of the Reid-Hillview and Eastridge areas, including possible alternative uses after 2031, to develop a plan, including a transparent community engagement process that includes, but is not limited to, engaging the City of San Jose, to consolidate the County's aviation uses at San Martin Airport based on the Housing, Land Use, Environment, and Transportation Committee's Option 3 identified in staff's presentation, to develop a plan to implement improvements necessary to ensure adequate traffic flow and safety on East San Martin Avenue, Highway 101, and adjacent roadways, to establish a Capital Plan to implement improvements at the San Martin Airport, including both General Fund-funded and FAA-funded improvements, to report to the Board with a recommended plan to analyze and address any concerns regarding airborne lead and associated concerns, to engage San Jose State University relating to negotiations for possible accommodation at the San Martin Airport, to engage Office of Emergency Services partners relating to consideration of capacity for emergency and disaster response should a change of use occur at Reid-Hillview Airport, and to engage the aviation community in determining the feasibility of allowing only non-lead aviation fuel at the Reid-Hillview and San Martin Airports.

19 RESULT: APPROVED AS AMENDED [3 TO 2]
MOVER: Cindy Chavez, Vice President
SECONDER: Dave Cortese, Supervisor
AYES: Chavez, Cortese, Yeager
NAYS: Wasserman, Simitian

Board Referrals

20. Approve referral to Santa Clara County Fire District and Administration to report to the Board of Supervisors no later than February 2019 relating to preparedness planning and County Fire needs given the ever-increasing threats of large-scale fire incidents in the County and throughout California. (Chavez) (ID# 94470)

Taken out of order after Item No. 9.

Approved as amended to direct Administration and the Administration of the Santa Clara County Central Fire Protection District to report to the Board in March or April 2019, at the request of Tony Bowden, Chief, Santa Clara County Fire Department, to ensure sufficient time to coordinate with the South Santa Clara County Fire District and California Department of Forestry and Fire Protection.

At the request of Supervisor Wasserman, the Board further directed Administration to involve the Roads and Airports Department in the assessment of resources.

20 RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Cindy Chavez, Vice President
SECONDER: Ken Yeager, Supervisor
AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

SCC Airports Business Plan Referral

At the request of Vice President Chavez, the Board approved:

1. A policy statement that the County will not apply for Airport Improvement Program grants for Reid-Hillview Airport and will make General Fund-funded improvements necessary to safely operate Reid-Hillview,
2. Directed Administration or its designee to accept \$1 million in Federal Aviation Administration (FAA) entitlement funding related to the airfield repaving project at the San Martin Airport to help pay down the outstanding General Fund loan
3. To apply for property releases at Reid-Hillview Airport from the FAA consistent with the Business Plan Update
4. To invite the City of San Jose to engage in a joint planning process within the next two years relating to use of the Reid-Hillview and Eastridge areas, including possible alternative uses after 2031
5. To develop a plan, including a transparent community engagement process that includes, but is not limit to, engaging the City of San Jose, to consolidate the County's aviation uses at San Martin Airport based on the Housing, Land Use, Environment, and Transportation Committee's Option 3 identified in staff's presentation
6. To develop a plan to implement improvements necessary to ensure adequate traffic flow and safety on East San Martin Avenue, Highway 101, and adjacent roadways
7. To establish a Capital Plan to implement improvements at the San Martin Airport, including both General Fund-funded and FAA-funded improvements
8. To report to the Board with a recommended plan to analyze and address any concerns regarding airborne lead and associated concerns

9. To engage San Jose State University relating to negotiations for possible accommodation at the San Martin Airport
10. To engage Office of Emergency Services partners relating to consideration of capacity for emergency and disaster response should a change of use occur at Reid-Hillview Airport
11. And to engage the aviation community in determining the feasibility of allowing only non-lead aviation fuel at the Reid-Hillview and San Martin Airports.

Time Certain - To Be Heard No Earlier Than 6:00 p.m.**36. Under advisement from December 4, 2018 (Item No. 19), November 17, 2020 (Item Nos. 12-15), and April 20, 2021 (Item No. 9): Consider recommendations relating to an Airborne Lead Study of Reid-Hillview Airport. (ID# 103282)**

Possible action:

- a. Receive report from the Office of the County Executive relating to the Leaded Aviation Gasoline Exposure Risk at Reid-Hillview Airport in Santa Clara County, California Study.
- b. Approve funding in the amount of \$90,000 for publication of the Study in a peer-reviewed scientific journal.
- c. Direct County Counsel to submit or join a Petition for Rulemaking to the U.S. Environmental Protection Agency under the authority granted by the Administrative Procedure Act, 5 U.S.C. section 553 to make a finding that lead emissions from general aviation aircraft endanger public health and welfare and issue proposed emission standards for lead from general aviation aircraft under Section 231(a)(2)(A) of the Clean Air Act.
- d. Direct Administration to continue working on securing unleaded aviation gasoline for the County Airports System.
- e. Direct Administration to discuss with California Department of Public Health (CDPH) and Mountain Data Group their interest in and the feasibility of undertaking a broader study of airborne lead emissions at general aviation airports with jurisdictions expressing a desire to participate in a study.

President Wasserman reconvened the meeting at 6:02 p.m. with all members present.

Considered concurrently with Item Nos. 37, 38, and 126.

Two hundred nine individuals addressed the Board.

At the request of Supervisor Chavez, the Board directed Administration to offer technical assistance and expertise to other local jurisdictions considering a similar airborne lead emission study.

At the request of Supervisor Chavez, the Board directed Administration to prepare and implement a robust culturally and linguistically appropriate community education and awareness campaign to educate parents, families, schools, and all sensitive receptors relating to health risks, available medical services, and next steps given the results of the airborne lead study.

At the request of Supervisor Chavez, the Board directed Administration to amend and update all of the County Health Assessments to include the epidemiology of the airborne lead study.

At the request of Supervisor Chavez, the Board directed Administration to recommend actions around anti-displacement policies, public safety and disaster response, and community recreation, including Eastridge Little League baseball, throughout the Reid-Hillview Vision Plan process.

At the request of Supervisors Chavez and Simitian, the Board directed Administration to continue the already approved engagement process with the San Martin community and communities surrounding Moffett Field, Mineta San Jose International, and Palo Alto airports communities.

At the request of Supervisor Chavez, the Board directed Administration to begin testing the lead levels of children incarcerated in juvenile hall.

At the request of Supervisor Ellenberg, the Board directed Administration to report to the Board on date uncertain relating to child lead screening and prevention activities in the County, including any current or potential funding sources available for community remediation efforts.

At the request of Supervisor Lee, the Board directed Administration to report to the Board on date uncertain with a displacement plan for those impacted by the closure of Reid-Hillview Airport, including a comprehensive study relating to minimizing the impact on San Martin Airport and the surrounding area.

The Board received the report from the Office of the County Executive relating to the Leaded Aviation Gasoline Exposure Risk at Reid-Hillview Airport in Santa Clara County, California Study.

The Board approved funding in the amount of \$90,000 for publication of the Study in a peer-reviewed scientific journal.

The Board directed County Counsel to submit or join a Petition for Rulemaking to the United States Environmental Protection Agency under the authority granted by the Administrative Procedure Act, 5 U.S.C. Section 553, to make a finding that lead emissions from general aviation aircraft endanger public health and welfare and issue proposed emission standards for lead from general aviation aircraft under Section 231(a)(2)(A) of the Clean Air Act.

The Board directed Administration to continue working on securing unleaded aviation gasoline for the County Airports System; and, at the request of President Wasserman, the Board further directed Administration and County Counsel to collaborate with the private sector and Reid-Hillview Airport Fixed Base Operators responsible for the recent delivery of lead free gas to Reid-Hillview Airport, and take all actions necessary to transition to carrying only lead free gas at both County airports as soon as possible with the understanding that the sales of leaded gas will not be permitted at either County airport after December 31, 2021 except for emergency operations.

The Board directed Administration to discuss with CDPH and Mountain Data Group their interest in and the feasibility of undertaking a broader study of airborne lead emissions at general aviation airports with jurisdictions expressing a desire to participate in a study.

A verbatim transcript of Item Nos. 36, 37, 38 and 126 is attached to these minutes as Appendix A, and is hereby incorporated into the minutes.

36 RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Susan Ellenberg, Vice President

AYES: Wasserman, Chavez, Lee, Ellenberg, Simitian

37. Direct Administration and County Counsel to take all necessary actions, including closure, to immediately prevent lead contamination from operations at Reid-Hillview Airport. (ID# 107018)

Considered concurrently with Item Nos. 36, 38, and 126.

Approved as amended to direct Administration and County Counsel to take such actions as may be necessary to expeditiously eliminate lead exposure from operations at Reid-Hillview Airport, consistent with all established federal, state, and local laws and all court orders. Such actions may include, but are not limited to, both prohibiting the sale or use of leaded fuel, and pursuing any and all available paths to early closure prior to 2031.

37 RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Susan Ellenberg, Vice President

AYES: Wasserman, Chavez, Lee, Ellenberg, Simitian

38. Under advisement from November 17, 2020 (Item No. 12): Receive report from the Facilities and Fleet Department and the Roads and Airports Department relating to the development of a community participation framework for collaborative and transparent stakeholder engagement regarding potential land use changes at the Reid-Hillview Airport site. (ID# 104882)

Considered concurrently with Item Nos. 36, 37 and 126.

38 RESULT: RECEIVED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Susan Ellenberg, Vice President

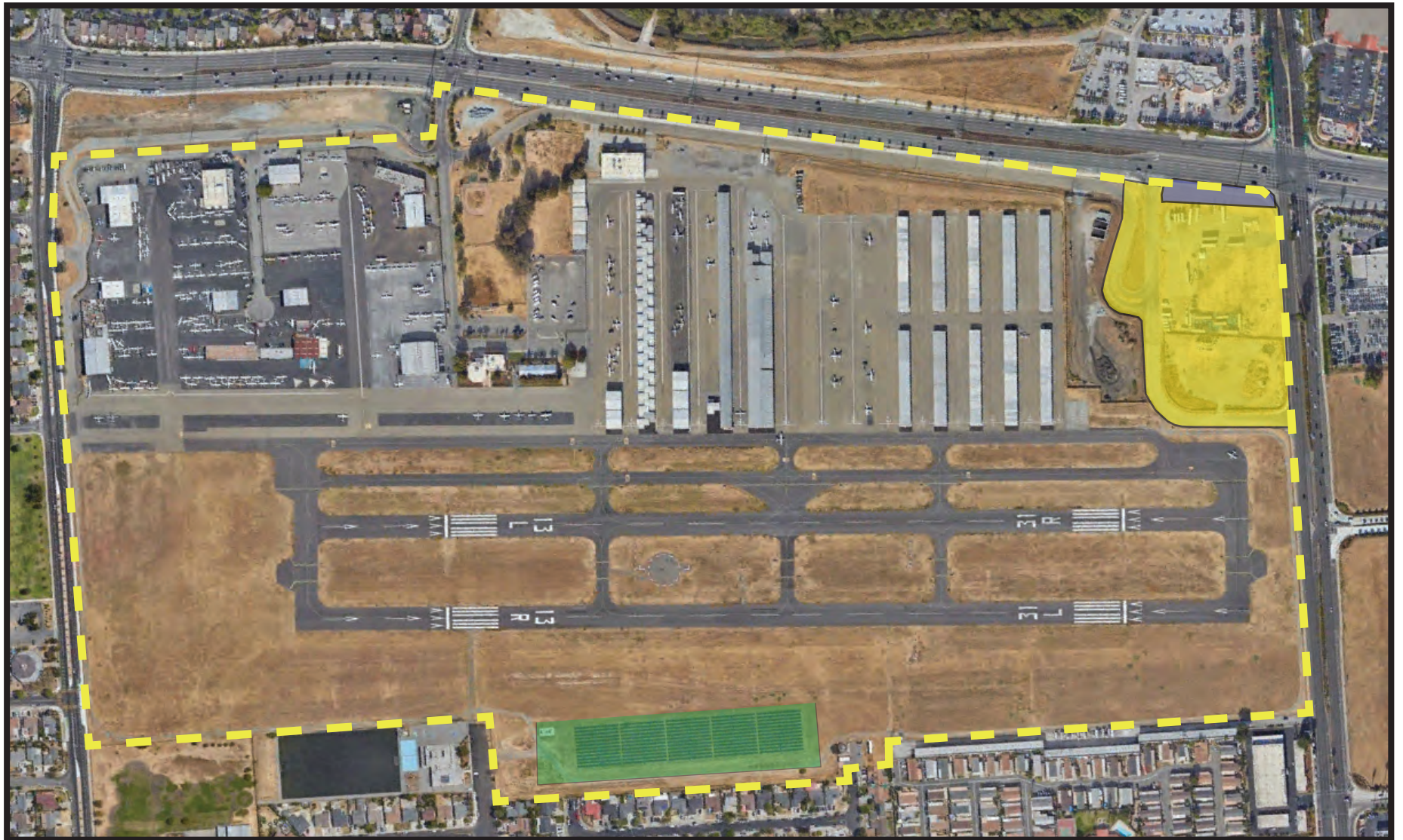
AYES: Wasserman, Chavez, Lee, Ellenberg, Simitian

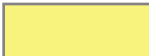



39. Consider items previously removed from the Consent Calendar.

The Clerk noted for the record that Item No. 39 was incorrectly placed under Time Certain - To Be Heard No Earlier Than 6:00 p.m.

Reid-Hillview Airport

Property Release Requests



	Corner Parcel
	VTA Lightrail Parcel
	Solar Panel Parcel
	Airport Property Boundary