

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on
Regulations Relating to Passenger Carriers,
Ridesharing, and New Online-Enabled
Transportation Services.

Rulemaking 12-12-011
(Filed December 20, 2012)

**THE CALIFORNIA AIRPORTS COUNCIL COMMENTS IN RESPONSE TO WHETHER THE
COMMISSION HAS EXCLUSIVE JURISDICTION TO REGULATE VEHICLE STANDARDS FOR
CHARTER PARTY CARRIERS**

Date: August 15, 2014

Jim Lites, Executive Director
California Airports Council
1510 14th Street
Sacramento, CA 95814
E-mail: jlites@calairportscouncil.org
Phone: 916.553.4999
Fax: 916.447.4947

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The California Airports Council (CAC) submits the following comments in response to the Assigned Commissioners July 16th Ruling (“Ruling”) soliciting input on the California Public Utilities Commission’s (PUC) jurisdiction to regulate vehicle standards for Charter Party Carriers.

California municipal airports have multiple responsibilities in the management of the state’s aviation infrastructure. California’s airports are also business owners with full authority in their proprietary capacity to enter into operating agreements with concessionaires and providers of commercial transportation services – or not. When charter party carriers travel onto airport property, they are using **private** roadways within the airport.¹ These roadways were not constructed with, nor are they maintained through, the use of local, state or federal taxes. Airport roadways are among the most congested roads in the state and it is the obligation of each airport operator to ensure that the commercial ground transportation provided within these private roadways meet current State and Federal mandates while also serving the best interests of the public and the local communities.

Over the past several years, public entities in California have faced increased pressure to reduce greenhouse gas (GHG) emissions, especially with the passage of AB 32 and the Governor’s Executive Order S-01-07. In an effort to lower the carbon footprint from airport

¹ The ability of airports to regulate ground transportation and livery service providers has been settled law in this State for almost sixty years. *City of Oakland v. Burns* 46 Cal. 2d 401 (1956). As recognized in the *City of Oakland* case, most roads at major commercial airports are not dedicated to public use either formally or by implication. *Id.*

operations, airport operators are weighing the significant impact of commercial ground transportation services on the environment, and as a consequence, creating environmental programs applicable to all such services, including charter party carriers, encouraging conversion of their vehicles to alternative fuel vehicles.²

The California Legislature recognizes publicly-owned airports have a fundamental governmental duty to develop and promote commerce and tourism in the State of California, and in doing so, **the governing bodies of the State’s publicly- owned airports may enter into exclusive or limited agreements with service providers where doing so promotes a variety of objectives, including public safety, avoiding duplication of services, and the impact on the environment of the airport** (See PUC §21690.5-21690.9). Nothing in PUC § 5371.4 or any other provision of the Public Utilities Code gives the PUC authority over the private roadways of a municipal airport in California.

For the reasons set forth herein, the CAC strongly believes that airports have the authority to set standards for charter party carriers operating vehicles who wish to conduct business on airport property. Those ground transportation service providers who do not choose to do business at California airports need not adhere to airport regulations. The CAC urges the Commission to maintain the authority of airports to set rules and regulations for charter party carriers operating within the premises.

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² In its Background section, the Ruling states that “San Diego International Airport is imposing a 75% increase on ground transportation permit fees for transportation service providers that have not converted to alternative fuel vehicles...” See Ruling at p. 2. The “non-alternative fuel vehicle premium” adopted by the San Diego County Regional Airport Authority for non-alternative fuel commercial vehicles choosing to operate at San Diego International Airport is actually 25%.