

TITLE 21. CALIFORNIA DEPARTMENT OF TRANSPORTATION  
AIRPORT GRANT ELIGIBILITY REGULATION UPDATE  
NOTICE OF PROPOSED RULEMAKING ACTION

[Notice published July 19, 2024]

The California Department of Transportation (Caltrans) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding this action.

PUBLIC HEARING

Caltrans will hold a public hearing on September 3, 2024, from 9:00 a.m. to 4:00 p.m. at the Basement Conference Room located at 1120 N Street, Sacramento, California. The Basement Conference Room is ADA-accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. Caltrans requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action to Caltrans. Comments may be submitted by e-mail to [aeronautics@dot.ca.gov](mailto:aeronautics@dot.ca.gov).

Comments may also be mailed to:

Tarek Tabshouri  
Office of Technical Services

Division of Aeronautics - Caltrans  
1120 N Street  
Sacramento CA 95814

Comments may also be Faxed to: (916) 653-9531.

The written comment period closes on **October 18, 2024**. Caltrans will consider only comments received by that date at the office location above, by email, or by FAX.

#### AUTHORITY AND REFERENCE

Public Utilities Code (PUC) Sections 2102, 21204, and 21243 authorize Caltrans to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Public Utilities Code Sections 21001, 21681, and 21683.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action adds new categories of airport projects that would be eligible for grant funding through the Caltrans Acquisition and Development (A&D) Program.

Public Utilities Code (PUC) Sections 21002, 21204, and 21243 authorize Caltrans to adopt regulations to further protect the public interest in aeronautics and aeronautical progress. Airport project categories that are currently eligible for A&D Program grants are set forth in PUC Sections 21207 and 21681(f) and in the California Code of Regulations (CCR) Title 21, Section 4061.

This regulatory action will amend CCR Title 21, Section 4061, to add new project categories. These project categories promote solar and other alternative energy sources for airports, reduce harmful emissions, promote electric aircraft

operations, and enhance an airport's ability to support emergency services, community outreach events, and educational programs.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

Anticipated benefits from this rulemaking include reducing reliance on fossil fuels, improving air quality, improving public safety, providing economic opportunities, promoting healthier communities, and creating a more equitable, sustainable, and resilient aviation transportation system.

#### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Caltrans has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, Caltrans has concluded that these are the only regulations that apply to this proposal.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Caltrans has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative

private person or business would necessarily incur in reasonable compliance with the proposed action.

- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None
- Significant effect on housing costs: None.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As this proposal does not adjust grant program funding level, there would be no economic impact from this proposal. Should additional grant funding be made available, Caltrans concludes that it is: (1) unlikely that the proposal will eliminate any jobs, (2) likely that the proposal will create an unknown number of jobs for businesses, (3) likely that the proposal will create an unknown number of new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) likely that the proposal will result in the expansion of businesses currently doing business within the state. The extent of the impacts would depend on the future funding levels.

## BENEFITS OF THE PROPOSED ACTION

This proposed action creates a regulatory pathway for airports to request grants for the operation of zero-emission vehicles and aircraft, facilitate the lowering of harmful emissions, improve access to emergency service operations, increase community aviation educational access, and create local clean energy sources. As such, this proposed action benefits the health and welfare of California residents, worker safety, and the state's environment by promoting safety, equity, sustainability, community health, and climate resilience. This proposed action puts California one step ahead in pursuing a low-carbon aviation transportation sector.

Caltrans has determined that the proposed action does not negatively affect small businesses and may have a positive effect on them by providing them new economic opportunities in the construction or airport services sectors, should funding levels be commensurate with project needs.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), Caltrans must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Caltrans invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Tarek Tabshouri  
Division of Aeronautics - Caltrans  
1120 N Street  
Sacramento CA 95814  
Telephone: (916) 879-2965

The backup contact person for these inquiries is:

Carol Glatfelter  
Division of Aeronautics - Caltrans  
1120 N Street  
Sacramento CA 95814  
Telephone: (916) 879-7185

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Tabshouri at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

Caltrans will have the entire rulemaking file publicly available throughout the rulemaking process. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations. Copies may be obtained by contacting Mr. Tabshouri at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, Caltrans may adopt the proposed regulations substantially as described in this notice. If Caltrans makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the regulations are adopted as revised. Please send requests for copies of any modified regulations to the attention of Tarek Tabshouri at the address indicated above. Caltrans will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Tabshouri at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Caltrans Aeronautics Program website at:

<https://dot.ca.gov/programs/aeronautics>

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