

August 23, 2021

Oregon Aviation Board
Oregon Department of Aviation
3040 25th St. SE
Salem, Or 97302

RE: Supporting Oregon's Public Use Airports/Seek Supreme Court Review of Court of Appeals' June 16, 2001 Ruling

Dear Chair Meeker and Members of the Board:

The undersigned send this letter requesting that the Oregon Aviation Board seek Supreme Court review of the Court of Appeals' June 16, 2001 Ruling.

As you will recall, during your July 15th meeting, we submitted and supported testimony urging the Board to appeal the Court of Appeals' ruling in Schaeffer et al v. OAB et al. This ruling eviscerates the existing airport protection rule OAR 660-012-0065(3)(n) that was written to expressly allow existing public airports to use EFU land, and land that is outside of urban growth boundaries around them, to improve existing public use airports for Runway Safety Zones, safety and other considerations (so long as the improvement does not "permit service to a larger class of airplane") without having to obtain extremely expensive, time consuming and almost impossible to obtain "exceptions" to state planning goals.

Under the Court of Appeals decision, *no* runway extension or other essential airport improvement will be protected by the statute, because any safety improvement will automatically make an airport safer for "heavier or faster aircraft." That is the precise negation of what was intended by the law; it was intended to allow – really, *encourage* – responding to airport safety needs without being stymied by years of delay driven by opponent-driven land use appeals, costing not just time (to the detriment of safety), but thousands or even millions of dollars. If allowed to stand, the Court's decision will provide the blueprint for destroying our public use airports.

The decision to embark on the process that led us to where we are, against the strenuous urgings of airport operators and users, has cost a lot; if allowed to stand, the Court's ruling will multiply that cost, with uncertain results, every time a public use airport is forced to seek goal exceptions allowing safety improvements.

Please, listen to the experts in aviation safety, and the pilots whose lives are on the line when safety measures aren't taken. This includes many essential air-ambulance and fire-fighter pilots. All the businesses at the airport rely on safe airport use, and are asking you to act in correcting this decision. It's what the Oregon Aviation Department and Board exists for:

ensuring the health and safety of aviation in Oregon.

Please seek the Supreme Court's review.

Sincerely,

DocuSigned by:

Jerry Brienza - Oregon Airport Managers Association

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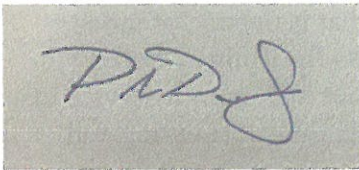
Oregon Airport Managers Association

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Aircraft Owners and Pilots Association



National Business Aviation Association

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Oregon Aviation Industries

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Kevin Ferrasci O'Malley, CEO

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Wilsonville Chamber of Commerce