

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



Yuba County Airport Safety

Summary:

The 2012-2013 Yuba County Grand Jury conducted an investigation of the Yuba County Airport but did not file a report. The 2013-2014 Grand Jury decided to conduct an investigation in response to local pilots' concerns regarding airport operations and the Grand Jury investigation from 2012-2013. The 2013-2014 Grand Jury identified three areas that needed improvement at the Yuba County Airport. These three areas were safety, security, and maintenance.

The 2014-2015 Grand Jury conducted a continuity investigation and follow-up investigation to the responses given to the 2013-2014 Grand Jury Report. Responses were received from the Yuba County Board of Supervisors and a combined response from both the Director of Yuba County Administrative Services and the Yuba County Airport Manager.

Introduction and Background:

The Yuba County Airport history and information on the facilities can be located at http://en.wikipedia.org/wiki/Yuba_County_Airport:

The Civil Aeronautics Board, and as authorized by Public No. 812, 76th Congress, approved the construction of Alicia Airport. The City of Marysville and the County of Yuba jointly purchased 833 acres for this purpose. Alicia Airport was built in 1941 by contractor L. D. Richardson and Co. of Beverly Hills, California.

In March, 1942, the City of Marysville and County of Yuba leased the airport and its 833 acres to the Army Air Forces to serve as air support command base for Marysville Cantonment (later named Camp Beale) and designated as Marysville Army Airfield. Marysville Army Air Field was used for a short time as a sub-base of Hamilton Field and controlled by the IV Fighter Command. It served there from November 5, 1943, until they moved to Oroville Army Airfield in January, 1944. Marysville Army Air Field was eventually transferred to the Air Technical Service Command and was vacated.

In 1946, the City of Marysville released all interest in the airport to Yuba County, and in August, 1947, through the War Assets Administration, Marysville Army Airfield was released to Yuba County. Yuba County Airport was licensed as an approved airport on September 30, 1949, by the State of California and continues to operate as a municipal airport and industrial park.

Yuba County Airport Safety



Yuba County Airport - USGS Topo by United States Geological Survey (USGS) - USGS via TopoQuest
<http://www.topoquest.com/map.php?lat=39.09777&lon=-121.56982&datum=nad83&zoom=4&map=sat1m&coord=d&mode=zoomin&size=l>. Licensed under
Public Domain via Wikimedia Commons -
http://commons.wikimedia.org/wiki/File:Yuba_County_Airport_-_USGS_Topo.jpg#/media/File:Yuba_County_Airport_-_USGS_Topo.jpg

Yuba County Airport covers 833 acres at an elevation of 64 feet. It has two asphalt runways: 14/32 is 6,006 by 150 feet and 5/23 is 3,281 by 60 feet. In the year ending June 30, 2010, the airport had 35,300 aircraft operations, an average of 96 per day: 99 percent general aviation and 1 percent air taxi. In 2010, 61 aircraft were then based at this airport: 90 percent single/multi-engine, 8 percent helicopter, and 2 percent ultralight.

The Yuba County Airport has one employee that oversees all operations, the Airport Manager. This position is supervised by the Director of Yuba County Administrative Services.

On May 15, 2012, Yuba County notified the commercial paragliding business, including ultra-lights and powered parachutes, operating in the rural area near Wheatland, CA to cease operations due to zoning restrictions. Yuba County suggested the commercial paragliding business operations could be moved to either the Yuba County Airport or the Brownsville Community Airport (*Yuba County Community Development Services Agency Letter dated May 15, 2012*). The Yuba County Airport Manager verbally authorized and approved the commercial paragliding business operation be relocated on County property located near the main entrance to the airport.

Methodology and Approach:

Monitoring final report responses: Elected officials and governing bodies are mandated by law (Penal Code §933.05) to respond to the *findings* and *recommendations* in Grand Jury Reports. The 2014-2015 Grand Jury conducted follow-up investigations on all responses received concerning the responses to the *findings* and *recommendations* in the previous Grand Jury Report. There are three aspects of response monitoring: compliance, responsiveness, and implementation:

Compliance: The 2013-2014 responses received met legal requirements as defined in Penal Code §933 and Penal Code §933.05 with respect to the timeliness of the response and whether the response met the mandated format and content.

Responsiveness: The 2013-2014 responses were clear and not evasive. The entities understood the issues in the report and responded accordingly.

Implementation: Some implementation dates were not clearly identified in the 2013-2014 response to the findings and recommendations (Violation of Penal Code §933.05).

Documents:

- FAR (Federal Aviation Regulations), Part 103 concerning ultra-lights:
<http://www.ultralighthomepage.com/CFR.part103.html>
- FAA Regulations, Part 91.119 concerning altitude minimums:
<http://www.faasafety.gov>
- FAA Regulations, Part 91.126 concerning special visual flight rule operations: <http://www.faasafety.gov>
- Web Site: www.yubacountyairport.com (Privately operated web site)
- Wikipedia Yuba County Airport History and Facilities
http://en.wikipedia.org/wiki/Yuba_County_Airport
- Yuba County Community Development Services Agency Letter dated May 15, 2012
- Title II:
<http://www.co.yuba.ca.us/departments/BOS/documents/ordinance/titleII.pdf>
- Budget information: <http://www.co.yuba.ca.us/departments/CAO/Budget/13-14/Proposed/05%20Administrative%20Services%20Final.pdf>
- Budget information: <http://www.co.yuba.ca.us/departments/CAO/Budget/08-09/proposed/4%20-%20Administrative%20Services.pdf>
- Title XII – Zoning:
<http://www.co.yuba.ca.us/departments/BOS/documents/ordinance/Title%20XII.pdf>
- Job Title, Airport Manager, 1996
- County of Yuba Ordinance Chapter 2.110 Airport Rules and Regulations Dated 16 December 2008
- 2013-2014 Grand Jury Report and Response:
<http://www.yubacourts.org/divisions/grand-jury/reports>
- Yuba County Sheriff's Department, Incident Report, Case Number 1-14-004283 13 September 2014, 10:48 am

Site visits: Site visits to the Yuba County Airport and local fire departments were conducted by the 2014-2015 Grand Jury.

Interviews: Interviews were conducted with the Yuba County Airport Manager, the Director of Yuba County Administrative Services, Olivehurst Public Utilities District (OPUD) Fire Department, Linda Fire Department, Aircraft Operators and Pilots Association (AOPA) Yuba County Airport Representative, FAA representative, ultra-light representative, hangar renters, and local pilots.

Discussion and Narrative:

The 2014-2015 Grand Jury decided to conduct a continuity investigation and follow-up to the responses given to the 2013-2014 Grand Jury Report. The 2013-2014 Grand Jury decided to investigate the Yuba County Airport as a result of local pilot's concerns regarding airport operations and the Grand Jury investigation from the previous year. The 2014-2015 Grand Jury conducted site visits, interviews, and document reviews.

Airport safety was identified as the primary area of concern by the 2014-2015 Grand Jury during the investigation.

During an interview with the Yuba County Airport management, the Chief Deputy County Counsel appeared without an invitation and without any prior notice to the Grand Jury. The Chief Deputy County Counsel did not make the Grand Jury aware of the intended appearance. The Chief Deputy County Counsel was asked to leave the Grand Jury interview. The Chief Deputy County Counsel immediately complied.

At a subsequent interview with the same Yuba County Director of Administrative Services that had previously been interviewed while being represented by the Chief Deputy County Counsel, the Director stated that he had been advised again by the office of the County Counsel. The Director stated that he was advised by County Counsel that he was not bound by the terms of a Grand Jury Admonition and was not under a duty to keep secret the Grand Jury proceedings that the Director attended.

The Grand Jury verified, via interviews, that during the past several years, the County Counsel has represented multiple departments regarding Grand Jury inquiries and investigations without Grand Jury invitation. The Office of the County Counsel is in violation of §934 of the California Penal Code.

California Penal Code §934(a) states, "Unless advice is requested... the county counsel..., shall not be present during the sessions of the grand jury."

The Grand Jury recommends County Counsel follow California Penal Code §934 (a) and Rule 3-310.

Current Rules of the State Bar of California; Rule 3-310 - Avoiding the Representation of Adverse Interests. Rule 3-310(C) provides, in part: “A member shall not, without the informed and written consent of each client: (1) Accept representation of more than one client in a manner which the interests of the clients potentially conflict: or (2) Accept or continue representation of more than one client in a manner in which the interests of the clients actually conflict...”

County Counsel should be directed by the Yuba County Board of Supervisors to budget from the existing County Counsel budget a retained attorney to be available to the Grand Jury and to any department of the County when a possible conflict of interest is created by following California Penal Code §936.

California Penal Code §936. Special counsel and investigators states: “When requested to do so by the grand jury of any county, the Attorney General may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to such grand jury. The services of such special counsel and special investigators shall be a county charge of such county.”

For further information concerning this issue regarding County Counsel, see the report on County Counsel Dual Representation in this 2014-2015 Grand Jury Final Report.

The 2013-2014 Grand Jury identified three areas that needed improvement at the Yuba County Airport. These three areas were safety, security, and maintenance. The 2014-2015 Grand Jury conducted a continuity investigation and identified safety and maintenance still needs improvement at the Yuba County Airport, however, this report will only address safety issues.

Findings:

- F1. The 2013-2014 Grand Jury found that there was “no formal accident response plan for the Yuba County Airport.”

The Yuba County Administrative Services Director and the Yuba County Airport Manager responded to the finding:

“Disagree. There is a posted ‘in an emergency’ placard in every hangar to call 911 in an emergency, and a plan filed with all emergency responders in the area (including the FAA and the Yuba County Sheriff).”

The Yuba County Board of Supervisors responded to the same finding:

“The Board of Supervisors disagrees with this finding. Plans are on file with local emergency responders, particularly fire.”

The 2014-2015 Grand Jury interviewed the Yuba County Airport primary and secondary fire responders, and the Yuba County Office of Emergency Services. All three agencies stated that there is no formal accident response plan for the Yuba County Airport.

- F2. The 2013-2014 Grand Jury found that there was “no planned Yuba County Airport related exercises with local emergency responders.”

The Yuba County Administrative Services Director and the Yuba County Airport Manager responded:

“The airport and the local jurisdictions (primarily fire) do conduct emergency response drills and exercises at the airport at various times of the year. And Administrative Services has been working with the Office of Emergency Services to schedule multi-jurisdictional emergency response exercises.”

The Yuba County Board of Supervisors responded to the same finding:

“In addition, Yuba County Emergency Services is planning an emergency response exercise for the Airport during the current fiscal year.”

The 2014-2015 Grand Jury interviewed the Yuba County Airport primary and secondary fire responders, and the Yuba County Office of Emergency Services. All three agencies stated that there have been no planned airport response drills or exercises with the Yuba County Airport for the last several years. In October,

2014, a multi-jurisdictional emergency Slow Rise Flood response exercise was conducted; however, it was not directed to the Yuba County Airport emergency response capability.

- F3. The Yuba County Administrative Services Director and the Yuba County Airport Manager responded to a 2013-2014 finding that:

“There is a posted ‘in an emergency’ placard in every hangar to call 911 in an emergency.”

The 2014-2015 Grand Jury did locate the “in an emergency” checklist placard at the Yuba County Airport (See Figure 1). The Grand Jury, however, found it contained deficiencies:

- Phone numbers are not listed for the Airport Manager or the Airport Lead maintenance worker.
- There is no date listed on the checklist to indicate when it was last reviewed or updated.
- There is no point of contact to notify if there are any issues with the checklist.
- The checklist does not define the acronyms FAA, NOTAM, or ELT.
- The checklist does not identify who is to notify the FAA or how.

YUBA COUNTY AIRPORT
EMERGENCY PROCEDURES CHECKLIST

1. Call 911 and provide nature of fire/emergency, location, and number of injured
2. Notify Airport Manager
3. Airport Manager will close runway with NOTAM at 1-877-487-6867 and advise local air traffic of conditions via UNICOM
4. The FAA will contact National Transportation Security Board (NTSB) to advise of accident
5. FAA/NTSB/Airport Manager will contact Dennis James, Plain Parts, 916/655-3100, for standby to remove aircraft if runway/taxiway is blocked; (NTSB is the controlling authority; the aircraft belongs to the NTSB when an accident occurs and will determine directions to proceed)
6. Notify Airport Lead maintenance worker, if necessary, for assistance
7. As necessary, record sky condition, visibility, temperature, barometric pressure, runway condition, time and any other pertinent information as possible; information also available for Airport's Automated Surface Observation System (ASOS) (742-0695)
8. Do **NOT** give any information to anyone other than Sheriff, Fire, Airport Personnel, FAA, or NTSB. Airport Manager or designated Public Information Officer to make statements to the press.
9. Do **NOT** allow the public to be within 100 feet of the scene, unless it is necessary to assist people who are in danger.
10. Locate and turn off aircraft's ELT, when safe to do so, which would normally be located in rear of fuselage.

Figure 1. Yuba County Airport Emergency Procedures Checklist

- F4. The 2013-2014 Grand Jury recommended “the ultra-lights be moved to the west side of runway 14/32 where safer operations with other aircraft at the airport would be improved.”

The Yuba County Administrative Services Director and the Yuba County Airport Manager responded:

“This recommendation will not be implemented. This would require ultralight flyers to relocate onto actual airport property which would cause greater potential for conflict with aircraft, and would also put them in conflict with County ordinance which prohibits their use on actual airport operational land.”

The Yuba County Board of Supervisors responded to the same finding:

“This recommendation will not be implemented. This would require ultralight flyers to relocate onto actual property which would cause greater potential for conflict with aircraft, and would also put them in conflict with County ordinance which prohibits their use on actual airport operational land.”

County of Yuba Ordinance Chapter 2.110.130 AIRPORT RULES AND REGULATIONS, Adopted December 16, 2008 states, “...No motorless aircraft or ultralight vehicles as defined by FAR (Federal Aviation Regulations) Part 103 (<http://www.ultralighthomepage.com/CFR.part103.html>) may land or take off at the Airport without prior permission of the Airport Manager...” (See Figure 2)



Figure 2. Sign located at main entrance at Yuba County Airport.

The Grand Jury is puzzled why the Airport Management has not exercised the authority provided in the aforementioned ordinance to relocate the ultralight operations to a safer, more suitable location.

Pilots interviewed by the Grand Jury voiced safety concerns regarding the in-flight conflicts between ultralights and other aircraft operating at the Yuba County Airport. Pilots stated they have observed ultralights crossing over the runways and approach/departure zones. Ultralights operate at a much slower speed, have a much slower maneuvering response time, and because of their small size, are very difficult to see.

It was reported to the 2014-2015 Grand Jury that most ultra-light activity occurs along the Feather River which is west of the Yuba County Airport. The interview with an FAA representative confirmed that moving ultralight activities west of runway 14/32 would eliminate their potential runway crossings and greatly improve the safety of ultralight operations and other aircraft operating at Yuba County Airport.

- F5. The 2013-2014 Grand Jury recommended “The Administrative Services Director revise and update the Airport Manager Job Description to reflect current duties and responsibilities.”

The Yuba County Administrative Services Director and the Yuba County Airport Manager responded:

“This recommendation will be implemented. The Administrative Services Director will coordinate with the Director of Human Resources to review the class specification for the Airport Manager and determine if any updates are needed. This will be done within 30 days.”

The Yuba County Board of Supervisors responded to the same finding:

“This recommendation will be implemented by requesting a review of the job specifications immediately with the intent to complete the review by the end of the current fiscal year.”

The 2014-2015 Grand Jury conducted an interview with the Yuba County administrativeServices Director on March 26, 2015. The Airport Manager’s class specification review (job description), as of that date, was still not complete. The Yuba County Administrative Services Director is in violation of Penal Code §933.05 (b)(2).

Recommendations:

- R1. The 2014-2015 Grand Jury recommends the Yuba County Board of Supervisors immediately directs the Yuba County Office of Emergency Services (OES) develop a formal accident response plan in coordination with all local emergency responders for the Yuba County Airport. (See F1)
- R2. The 2014-2015 Grand Jury recommends the Yuba County Board of Supervisors immediately directs local districts (primarily fire) conduct emergency response drills and exercises in coordination with Yuba County Airport management at the Yuba County Airport. The Grand Jury also recommends the Yuba County Board of Supervisors immediately directs the Yuba County OES include the Yuba County Airport in all multi-jurisdictional emergency response exercises. (See F2)

- R3. The Grand Jury recommends the Yuba County Airport Manager immediately update the “in an emergency” checklist posted at the airport to include: (See F3)
- Phone numbers listed for the Airport Manager and the Airport Lead maintenance worker.
 - A date listed to indicate when it was last reviewed and updated.
 - A listed point of contact to notify if there are any issues with the checklist.
 - Spell out the acronyms FAA, NOTAM, and ELT.
 - Indicate who will notify the FAA.
- R4. The 2014-2015 Grand Jury recommends the Yuba County Board of Supervisors direct airport management to immediately move ultralight operations to an area west of runway 14/32, to a safer and more suitable location. (See F4)
- R5. The Grand Jury recommends the Yuba County Board of Supervisors directs the Yuba County Administrative Services Director to ensure the Yuba County Airport Manager’s job specification review (job description) is complete, as represented, by the end of the 2014-2015 fiscal year. (See F5)

Request for Responses:

Pursuant to Penal Code §933.05, the Grand Jury requests responses as follows:

- Yuba County Board of Supervisors (F1, F2, F4, F5, R1, R2, R4, R5)
- Yuba County Administrative Services Director (F3, F5, R3, R5)
- Yuba County Airport Manager (F3, R3)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code §933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.