



Committee: TE
Committee Review: Completed
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #1A
July 18, 2023
Action

SUBJECT

Bill 24-23, Airpark Community Advisory Committee - Established

Lead Sponsor: Councilmember Luedtke

Co-Sponsors: Council President Glass, and Councilmembers Jawando, Albornoz, Katz, and Sayles

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The TE Committee voted (3-0) to recommend the enactment of Bill 24-23 with amendments.
- Roll call vote expected on the enactment of the Bill with amendments, as recommended by the Committee.

DESCRIPTION/ISSUE

Expedited Bill 24-23 would:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

SUMMARY OF KEY DISCUSSION POINTS

- The TE Committee adopted several amendments to:
 - Adjust the membership of the Airpark Community Advisory Committee to explicitly include residents living near the airpark, pilots who use the airpark, and nearby aviation-related businesses (in addition to flight schools);
 - Require the reporting of “touch-and-go” flights and facilities planning; and
 - Clarify that the bill must not be construed to impose funding obligations on the Revenue Authority, or to affect the Authority’s compliance with any state or federal laws or grant obligations.

This report contains:

Staff Report
Bill 24-23

Pages 1-6
© 1

Fiscal Impact Statement	© 5
Economic Impact Statement	© 6
Racial Equity and Social Justice Impact Statement	© 8
Climate Assessment	© 11
Public Testimony	© 14
Memorandum by Councilmember Luedtke (considered by the TE Committee)	© 32
Potential Amendments by Councilmember Luedtke (considered by the TE Committee)	© 36

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MEMORANDUM

June 13, 2023

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 24-23, Airpark Community Advisory Committee - Established

PURPOSE: Action – Roll call vote expected

COMMITTEE RECOMMENDATION: The Transportation and Environment (TE) Committee recommended (3-0) the enactment of Bill 24-23 with amendments.

Bill 24-23, Airpark Community Advisory Committee - Established, sponsored by Lead Sponsor Councilmember Luedtke and Co-Sponsors Council President Glass and Councilmembers Jawando, Alborno, Katz, and Sayles, was introduced on May 2, 2023. A public hearing occurred on June 13, at which numerous speakers testified in favor of the bill. The TE Committee held a worksession to consider the bill on June 26. The Committee voted (3-0) to recommend the enactment of the bill with amendments.

Expedited Bill 24-23 would:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

BACKGROUND

The purpose of Bill 24-23 would be to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the Revenue Authority regarding the community impacts of Montgomery County Airpark operations.

The regulatory framework and community impacts of the Airpark are described in detail in Office of Legislative Oversight (OLO) Report 2022-2, <https://www.montgomerycountyaairport.com/images/documents/OLO2022-2.pdf>.

BILL SPECIFICS

As introduced, Bill 24-23 would establish an Airpark Community Advisory Committee (the “Committee”), consisting of eight appointed, voting members and three non-voting, ex-officio members.

The eight voting members, appointed by the County Executive and confirmed by the Council, would consist of:

- a representative of the Montgomery Village Foundation;
- 3 members nominated by other homeowner’s associations, civic associations, or community groups;
- a representative of the Montgomery County Economic Development Corporation;
- a representative of a flight school operating at the Montgomery County Airpark; and
- 2 representatives of business owners in the County.

The non-voting, ex-officio members would include:

- a designee of the Revenue Authority;
- the County Executive, or the Executive’s designee; and
- a designee of the County Council.

The Committee would meet at the call of the chair and at least four times annually. The Committee would invite representatives of the Federal Aviation Administration and the Maryland Aviation Administration to participate in at least one meeting per year.

The Committee would advise the County Executive, County Council, and Revenue Authority regarding Montgomery County Airpark operations, community concerns, safety, and community impact. Additionally, the Committee would report annually to the County Executive, the County Council, and the Revenue Authority regarding:

- data on noise complaints;
- data on itinerate flight operations;
- data on local flight operations; and
- recommendations of the Committee regarding operations, safety, community impact, and other community concerns.

The Committee would be staffed by a principal department or office of County government designated by the County Executive.

SUMMARY OF IMPACT STATEMENTS

Racial Equity and Social Justice. OLO anticipates a minimal impact of the bill on racial equity and social justice outcomes. OLO does not recommend any amendments to the bill, but made the following general recommendation regarding County boards, committees, and commissions:

- Consider items offered for Bill 8-23 to advance RESJ through Boards, Committees and Commissions (BCCs). Considerations include amending the RESJ Act to require BCCs to undergo RESJ training and develop RESJ action plans; amending Executive Regulations to require BCCs to develop RESJ action plans; and requesting a diversity audit of BCCs. Particularly for the Airpark Community Advisory Committee, integrating a RESJ focus and ensuring diversity could help address potential racial inequities and disparities stemming from Airpark operations.

Climate Assessment. OLO anticipates Bill 24-23 will likely have little to no impact on the County’s contribution to addressing climate change. “While the proposed committee could recommend actions that could affect the County’s contribution to addressing climate change and community resilience, such as actions addressing noise, soil, and air pollution, there is no certainty that these actions would be implemented as the committee would not have regulatory authority.”

Economic Impact. OLO anticipates that enacting Bill 24-23 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

Fiscal Impact. Establishing an Airpark Community Advisory Committee is expected to have minimal impact on County expenditures.

SUMMARY OF THE PUBLIC HEARING

The Montgomery County Revenue Authority (MCRA), along with individuals and organizations, testified in support of Bill 24-23. Highlights of the testimony include the following:

- MCRA stated that it supports the bill. However, it requests that the provisions of the bill be placed in a Chapter of the Code other than Chapter 42. MCRA also would like for there to be clarity that the County government, not MCRA, is responsible for funding the committee. MCRA also supports limiting membership of the Committee to individuals who live within a certain radius of the Airpark, and to businesses that are aviation-related.
- Numerous individuals who live near the Airpark testified in support of the bill and noted that flight school traffic, which has increased substantially since 2018, is disruptive to residents and harms their quality of life. Individuals and a homeowner’s association stated that noise abatement must be a priority. Speakers were particularly concerned about the disruptive

nature of “touch and go” flights. Residents also testified that there should be a new noise study conducted by the Federal Aviation Administration regarding the Airpark.

- The Climate Coalition for Montgomery County testified that the advisory committee members should consider the effects of air travel on greenhouse gasses. The Coalition also asked that the Committee include an environmental representative and report on environmental data.

SUMMARY OF THE TE COMMITTEE WORKSESSION

The TE Committee met on June 26 and thoroughly considered Bill 24-23. Councilmember Luedtke also attended the worksession to discuss the bill and to recommend amendments. See © 32 (Memorandum by Councilmember Luedtke).

The Committee unanimously voted to recommend enactment of the bill with the amendments described below.

1. Amendments – Membership

Regarding membership of the Committee, the Committee voted to approve the following amendments, which are intended to ensure that membership includes those who live near the Airpark, as well as pilots and representatives of diverse aviation-related businesses.

Amendment #1 - Membership – Residents

Amend lines 10-13 as follows.

(2) The 8 voting members include:

(A) a representative of the Montgomery Village Foundation;

(B) 3 members [[nominated by other homeowner’s associations, civic associations, or community groups]] who reside within a 3-mile radius of the Airpark and who represent geographic diversity surrounding the Airpark.

Amendment #2 - Membership – Pilots and Business Owners/Operators

Amend lines 10-18 as follows.

(2) The 8 voting members include:

* * *

- (E) 2 [[representatives of business owners in the County]] members who:
- (i) are pilots who use the Airpark;
 - (ii) represent owners or operators of businesses, other than flight schools, located at the Airpark; or
 - (iii) represent owners or operators of aviation-related businesses, other than flight schools, located within a 3-mile radius of the Airpark.

2. Amendment – Reporting Requirements

Regarding reporting requirements under the bill, Councilmember Luedtke suggested adopting an amendment to include within the Committee’s annual report information about “touch-and-go” flights and information about facility improvement and layout plans. According to the FAA’s *Pilot/Controller Glossary*, a “touch-and-go” is “[a]n operation by an aircraft that lands and departs on a runway without stopping or exiting the runway.” [T \(faa.gov\)](http://www.faa.gov)

The Committee adopted the amendment regarding the reporting of available information and further clarified that the bill requires the reporting only of “available” information.

Amend lines 32-42 as follows.

(d) Duties. The Committee must:

* * *

- (2) report annually to the County Executive, County Council, and the Revenue Authority regarding available:
 - (A) data on noise complaints;
 - (B) data on itinerate flight operations;
 - (C) data on local flight operations, including “touch-and-go” operations;
[[and]]
 - (D) recommendations of the Committee regarding operations, safety, community impact, and other community concerns; and

- (E) facility improvement plans or recommended changes to the Airport Layout Plan.

3. Amendment – Clarification of MCRA Obligations

To clarify that the MCRA is not obligated to fund the Committee, and that the Committee actions will not impinge upon any of MCRA’s duties or authorities, Councilmember Luedtke proposed, and the Committee adopted, the following amendment.

After line 61, insert the following.

- (e) This Section must not be construed to:
 - (1) impose any funding obligation on the Revenue Authority;
 - (2) prevent the Revenue Authority from meeting a state or federal grant requirement; or
 - (3) affect the authority or obligation of the Revenue Authority to comply with state and federal law.

NEXT STEP: Roll call vote on whether to enact Bill 24-23 with amendments, as recommended by the TE Committee.

<u>This packet contains:</u>	<u>Circle #</u>
Bill 24-23	1
Fiscal Impact Statement	5
Economic Impact Statement	6
Racial Equity and Social Justice Impact Statement	8
Climate Impact Statement	11
Public Testimony	14
Memorandum by Councilmember Luedtke (considered at Committee)	32
Amendments by Councilmember Luedtke (considered at Committee)	36

Bill No. 24-23
Concerning: Airpark Community
Advisory Committee - Established
Revised: 07/13/23 Draft No. 2
Introduced: May 2, 2023
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Luedtke

Co-Sponsors: Council President Glass and Councilmembers Jawando, Albornoz, Katz, and Sayles

AN ACT to:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

By adding

Montgomery County Code
Chapter 42. Revenue Authority
Section 42-34A

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1 **Sec. 1. Section 42-34A is added as follows:**

2 **42-34A. Airpark Community Advisory Committee.**

3 (a) Committee established. There is an Airpark Community Advisory
 4 Committee.

5 (b) Membership.

6 (1) The Committee consists of:

7 (A) 8 voting members who are appointed by the County
 8 Executive and confirmed by the County Council; and

9 (B) 3 non-voting, ex-officio members.

10 (2) The 8 voting members include:

11 (A) a representative of the Montgomery Village Foundation;

12 (B) 3 members [[nominated by other homeowner's
 13 associations, civic associations, or community groups]]
 14 who reside within a 3-mile radius of the Airpark and who
 15 represent geographic diversity surrounding the Airpark;

16 (C) a representative of the Montgomery County Economic
 17 Development Corporation;

18 (D) a representative of a flight school operating at the
 19 Montgomery County Airpark; and

20 (E) 2 [[representatives of business owners in the County]]
 21 members who:

22 (i) are pilots who use the Airpark;

23 (ii) represent owners or operators of businesses, other
 24 than flight schools, located at the Airpark; or

25 (iii) represent owners or operators of aviation-related
 26 businesses, other than flight schools, located within
 27 a 3-mile radius of the Airpark.

- 28 (3) The 3 ex-officio members include:
 29 (A) a designee of the Revenue Authority;
 30 (B) the County Executive, or the Executive’s designee; and
 31 (C) a designee of the County Council.

32 (c) Terms of voting members.

33 (1) In general. A voting member serves for a 3-year term or until a
 34 successor is appointed and confirmed.

35 (2) Term limits. A voting member must not be appointed to serve
 36 more than 2 full consecutive terms.

37 (3) Staggering of initial terms. Of the initial voting members:

38 (A) 2 members must be appointed to 1-year terms;

39 (B) 3 members must be appointed to 2-year terms; and

40 (C) 3 members must be appointed to 3-year terms.

41 (d) Duties. The Committee must:

42 (1) advise the County Executive, County Council, and Revenue
 43 Authority regarding Montgomery County Airpark operations,
 44 community concerns, safety, and community impact; and

45 (2) report annually to the County Executive, County Council, and the
 46 Revenue Authority regarding available:

47 (A) data on noise complaints;

48 (B) data on itinerate flight operations;

49 (C) data on local flight operations, including “touch-and-go”
 50 operations; [[and]]

51 (D) recommendations of the Committee regarding operations,
 52 safety, community impact, and other community concerns;
 53 and

54 (E) facility improvement plans or recommended changes to the
 55 Airport Layout Plan.

56 (e) Meetings; quorum; officers; compensation.

57 (1) Meetings.

58 (A) The Committee must meet at the call of the Committee
 59 chair and at least 4 times annually.

60 (B) The Committee must invite representatives of the Federal
 61 Aviation Administration and the Maryland Aviation
 62 Administration to attend at least 1 Committee meeting
 63 annually.

64 (2) Quorum. A majority of the voting members of the Committee
 65 constitutes a quorum for the transaction of business.

66 (3) Officers. The Committee must elect from among its voting
 67 members a chair, vice-chair, and other officers it deems
 68 appropriate.

69 (4) Compensation. A member must serve without compensation, but
 70 the member may request reimbursement for mileage and
 71 dependent care costs at rates established by the County.

72 (f) Staffing. The County Executive must designate a principal office or
 73 department identified under Section 1A-201(a)(1) to provide the staff
 74 support necessary for the Commission to perform its duties.

75 (g) This Section must not be construed to:

76 (1) impose any funding obligation on the Revenue Authority;

77 (2) prevent the Revenue Authority from meeting a state or federal
 78 grant requirement; or

79 (3) affect the authority or obligation of the Revenue Authority to
 80 comply with state and federal law.

Fiscal Impact Statement

Office of Management and Budget

Bill 24-23

Airpark Community Advisory Committee - Established

Bill Summary

Bill 24-23 amends Chapter 42, Section 42-34A of the Montgomery County Code to establish an Airpark Community Advisory Committee, consisting of eight voting members appointed by the County Executive and confirmed by the County Council; and three non-voting, ex-officio members. The Airpark Community Advisory Committee is responsible for advising and reporting annually to the County Executive, County Council and Revenue Authority on itinerate and local flight operations of the Montgomery County Airpark, and providing recommendations regarding operations, safety, community impact and other community concerns.

Fiscal Impact Summary

Establishing an Airpark Community Advisory Committee is expected to have minimal impact on County expenditures.

Fiscal Impact Analysis

Airport Advisory Committee members serve without compensation and no dedicated full-time staff support is budgeted to support the committee. A minimal, indeterminate impact on County expenditures is expected based on mileage reimbursement and any dependent care costs incurred by committee members to meet a minimum of four times annually.

Staff Impact

The bill is not expected to impact staff time or duties.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.

Contributors

Jake Weissman, Office of the County Executive
Julie Knight, Office of Management and Budget



Economic Impact Statement

Montgomery County, Maryland

Bill 24-23 Airpark Community Advisory Committee – Established

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 24-23 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

BACKGROUND AND PURPOSE OF BILL 24-23

Prior to 2021, the Airpark Liaison Committee (ALC), established by the Council in 1990, served as the primary forum for communication among individuals concerned with Montgomery County Airpark operations. In 2021, the ALC was dissolved and the Montgomery County Revenue Authority (MCRA), who owns and operates the Airpark, assumed responsibility as the main agency conducting public outreach for the Airpark.¹

The purpose of Bill 24-23 is to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the MCRA regarding the community impacts of Montgomery County Airpark operations. The Committee would be comprised of representatives from the community, the Montgomery County Economic Development Corporation, flight schools operating at the Airpark, and business owners in the County.² If enacted, Bill 24-23 would:

- Establish an Airpark Community Advisory Committee, which would meet at least four times annually;
- Specify the membership, responsibilities, and staffing of the Committee; and
- Generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.³

The Council introduced Bill 24-23, Airpark Community Advisory Committee – Established, on May 2, 2023.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 24-23 on County-based private organizations and residents in terms of the Council’s priority economic indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.⁴ OLO does not expect the Bill to affect air traffic to and from the Airpark and, thus, concludes that the Bill

¹ Office of Legislative Oversight, [“The Montgomery County Airpark.”](#)

² [Introduction Staff Report for Bill 24-23.](#)

³ Ibid.

⁴ Montgomery County Code, [Sec. 2-81B.](#)

would have insignificant impacts on private organizations, residents, and overall economic conditions in the County in terms of the indicators prioritized by the Council.

VARIABLES

Not applicable

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements.](#)

Montgomery County Council. [Introduction Staff Report for Bill 24-23, Airpark Community Advisory Committee – Established.](#) Introduced on May 2, 2023.

Office of Legislative Oversight. "[The Montgomery County Airpark: Regulatory Framework and Community Impacts.](#)" January 25, 2022.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 24-23: AIRPARK COMMUNITY ADVISORY COMMITTEE – ESTABLISHED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 24-23 will have a minimal impact on racial equity and social justice (RESJ) in the County as there appear to be no disproportionalities by race among constituents who could benefit from the establishment of the Airpark Community Advisory Committee. Further, given its proposed scope, the committee is unlikely to address racial and social inequities that may be coming from Airpark operations.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 24-23

The Montgomery County Airpark is a general aviation airport located in Gaithersburg and opened in 1959.³ A general aviation airport serves small civilian aircraft but not aircraft operated by companies transporting passengers on regularly scheduled routes. Typically, general aviation airport users include private aircraft owners, charter services, and flight schools.⁴ In 2022, the Office of Legislative Oversight published OLO Report 2022-2 regarding the Airpark's regulatory framework and community impacts.⁵

Prior to 2021, the Airpark Liaison Committee (ALC), established by the Council in 1990, served as the primary forum for communication among individuals concerned with Montgomery County Airpark operations. In 2021, the ALC was dissolved and the Montgomery County Revenue Authority (MCRA), who owns and operates the Airpark, assumed responsibility as the main agency conducting public outreach for the Airpark.⁶

The purpose of Bill 24-23 is to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the MCRA regarding the community impacts of Montgomery County Airpark operations. The committee would be comprised of representatives from the community, the Montgomery County Economic Development Corporation, flight schools operating at the Airpark, and business owners in the County. If enacted, Bill 24-23 would:⁷

- Establish an Airpark Community Advisory Committee, which would meet at least four times annually;
- Specify the membership, responsibilities, and staffing of the committee; and

RESJ Impact Statement

Bill 24-23

- Generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

Bill 24-23, Airpark Community Advisory Committee – Established, was introduced by the County Council on May 2, 2023.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 24-23 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO considered the demographics of constituents who are most impacted by Airpark operations, as they could benefit from the establishment of a committee focused on Airpark operations, community concerns, safety, and community impact. OLO Report 2022-2 found that constituents living within a two-mile radius of the Airpark (i.e., the “Airpark community”) are most likely to be impacted by noise pollution and other quality of life impacts from the Airpark.⁸ Census data summarized in Table 1 demonstrates that the demographics of these constituents by race are similar to the demographics of the County.

Table 1: Percent of Airpark Community Constituents and County Constituents by Race

Race	Percent of Airpark Community Constituents	Percent of County Constituents
Asian	13.8	15.0
Black	20.2	19.0
Native American	0.2	0.04
Pacific Islander	0.1	0.02
White	50.5	51.1

Source: Calculated in OLO Report 2022-2 from 2019 American Community Survey 1-Year Estimates, Census Bureau.

For the second question, OLO considered how the committee would address potential racial and social inequities stemming from Airpark operations. The scope of the Airpark Community Advisory Committee prescribed in Bill 24-23 does not specify activities related to RESJ. Thus, it is unlikely racial and social inequities would be addressed through this committee.

OLO anticipates Bill 24-23 will have a minimal impact on RESJ in the County as there appear to be no disproportionalities by race among constituents who could benefit from the establishment of the Airpark Community Advisory Committee. Further, given its proposed scope, the committee is unlikely to address racial and social inequities that may be coming from Airpark operations.

RESJ Impact Statement

Bill 24-23

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.⁹ OLO anticipates Bill 24-23 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, if the Council seeks to improve the RESJ impact of the Bill, one item is offered for consideration:

- **Consider items offered for Bill 8-23 to advance RESJ through Boards, Committees and Commissions (BCCs).** Considerations include amending the RESJ Act to require BCCs to undergo RESJ training and develop RESJ action plans; amending Executive Regulations to require BCCs to develop RESJ action plans; and requesting a diversity audit of BCCs. Particularly for the Airpark Community Advisory Committee, integrating a RESJ focus and ensuring diversity could help address potential racial inequities and disparities stemming from Airpark operations.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ [About the Airpark](#), Montgomery County Airpark.

⁴ [Airport Categories](#), Federal Aviation Administration.

⁵ Kaitlyn Simmons and Aron Trombka, “[The Montgomery County Airpark: Regulatory Framework and Community Impacts](#),” Montgomery County Office of Legislative Oversight, January 25, 2022.

⁶ Ibid

⁷ [Introduction Staff Report for Bill 24-23](#), Montgomery County Council, Introduced May 2, 2023.

⁸ Simmons and Trombka

⁹ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

Climate Assessment

Office of Legislative Oversight

Bill 24-23: Airpark Community Advisory Committee - Established

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 24-23 will likely have little to no impact on the County's contribution to addressing climate change. While the proposed committee could recommend actions that could affect the County's contribution to addressing climate change and community resilience, such as actions addressing noise, soil, and air pollution, there is no certainty that these actions would be implemented as the committee would not have regulatory authority.

BACKGROUND AND PURPOSE OF BILL 24-23

The Montgomery County Airpark is a general aviation airport located in Gaithersburg and opened in 1959.¹ A general aviation airport serves small civilian aircraft but not aircraft operated by companies transporting passengers on regularly scheduled routes. Typically, general aviation airport users include private aircraft owners, charter services, and flight schools.² In 2022, the Office of Legislative Oversight published OLO Report 2022-2 regarding the Airpark's regulatory framework and community impacts.³

Prior to 2021, the Airpark Liaison Committee (ALC), established by the Council in 1990, served as the primary forum for communication among individuals concerned with Montgomery County Airpark operations. In 2021, the ALC was dissolved and the Montgomery County Revenue Authority (MCRA), who owns and operates the Airpark, assumed responsibility as the main agency conducting public outreach for the Airpark.⁴

The purpose of Bill 24-23 is to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the MCRA regarding the community impacts of Montgomery County Airpark operations. The committee would be comprised of representatives from the community, the Montgomery County Economic Development Corporation, flight schools operating at the Airpark, and business owners in the County.⁵ If enacted, Bill 24-23 would:

- Establish an Airpark Community Advisory Committee, which would meet at least four times annually;
- Specify the membership, responsibilities, and staffing of the committee; and
- Generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.⁶

Bill 24-23, Airpark Community Advisory Committee – Established, was introduced by the County Council on May 2, 2023.

ANTICIPATED IMPACTS

Airport operations can lead to noise, air, and soil pollution and there is precedence for community concern about these issues.⁷ Lead pollution stemming from airport operations is of particular concern, as lead may be deposited into surrounding soils and groundwater and can impact the health of people who live near airports, especially young children.⁸ Health is a determinant of community resilience, as a decreased health status can impact a community's ability to respond and recover from traumatic events.⁹ However, it should be noted that the most recent National Emissions Inventory (NEI) reported the lead concentration level near the Montgomery County Airpark was 0.125 tons/year for 2017, which falls below the EPA requirement for state air quality agencies to monitor airports that emit at least 1.0 tons/year.¹⁰

While the proposed committee could recommend actions that could affect the County's contribution to addressing climate change and community resilience, such as actions addressing noise, soil, and air pollution, there is no certainty that these actions would be implemented as the committee would not have regulatory authority. Therefore, OLO anticipates Bill 24-23 will have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹¹ OLO does not offer recommendations or amendments as Bill 24-23 is likely to have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Montgomery County Airpark Home Page, "About the Airpark", Accessed 5/8/23.](#)

² [Federal Aviation Administration, "Airport Categories", Accessed 5/8/23.](#)

³ [Office of Legislative Oversight, "The Montgomery County Airpark: Regulatory Framework and Community Impacts", January 25, 2022.](#)

⁴ Ibid.

⁵ [Montgomery County Council, "Staff Introduction Report for Expedited Bill 24-23", May 2, 2023.](#)

⁶ Ibid.

⁷ [Office of Legislative Oversight, "The Montgomery County Airpark: Regulatory Framework and Community Impacts", January 25, 2022.](#)

⁸ [Center for Disease Control, "What are U.S. Standards for Lead Levels?", Accessed 5/15/23.](#)

⁹ [Journal of Global Health Reports, "Health: An Essential Component of National Resilience", Barnea, R., et. al., August 17, 2020.](#)

¹⁰ See page 68 for letter from the Maryland Department of the Environment, [Office of Legislative Oversight, "The Montgomery County Airpark: Regulatory Framework and Community Impacts", January 25, 2022.](#)

¹¹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

PAMELA E. QUEEN
Legislative District 14
Montgomery County

Economic Matters Committee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Greetings, Council President Glass, Members of the Transportation and Environment Committee, and all Councilmembers:

I am reaching out to you in support of Bill 24-23, Airpark Community Advisory Committee - Established, which is sponsored by Councilmember Luedtke. As a representative of Legislative District 14, which includes the community impacted by the Montgomery County Airpark (MCA), I have had constituents contact my office regarding their concerns about the MCA. One of the concerns raised by constituents was their lack of ability to provide public input regarding the functions of the MCA. Bill 24-23 would establish an Airpark Community Advisory Committee, which would provide our constituents with a designated avenue to communicate the impact functions of the MCA are having on their lives and the greater community.

By providing a regular, public, and open forum for residents to voice their concerns, the Airpark Community Advisory Committee will allow key stakeholders and users of the MCA to work with the community on solutions to community concerns, such as mitigating noise disruptions. Regarding noise disruptions, complaints from the community have increased in the past years. In 2019, the MCA collaborated with the Federal Aviation Administration to establish an online portal to provide a place for members of the community to submit aircraft noise complaints. According to the [2022 report](#) prepared by this Council's Office of Legislative Oversight, the complaints gathered by the online portal have increased from 27 complaints in 2019 to 2,835 complaints in 2022. Establishing the Airpark Community Advisory Committee to work toward addressing these complaints falls into alignment with the recommendations made in the [2022 report](#) commissioned by Montgomery County and the MCA. Additionally, having a community advisory committee is commonplace for small airports in other regions throughout the U.S.

As a fellow representative for Montgomery County residents, I ask that you look favorably upon Bill 24-23. After hearing numerous concerns from constituents and working with both my federal and county counterparts, we believe this is the best course of action to address the concerns of our constituents.

Cordially,

A handwritten signature in cursive script that reads "Pamela E. Queen".

Pamela E. Queen

Written Testimony for the Montgomery County Council
Regarding Bill Number 24-23
Reinstate the Airpark Advisory Committee
Lead Sponsor – Dawn Ludtke
Co-Sponsor- Council President Glass

I'm writing today as a 25-year resident of East Village, a community of Montgomery Village, approximately 2.2 miles from the Airpark. Before 2018, there was virtually no plane traffic over our home and we only heard or saw aircraft when driving toward the airpark or when my family visited one of the local businesses much closer to the Airpark. Since that time, flight paths have evolved to be directly over our home; and flights, especially those that are touch-and-go's, have increased dramatically. It is all day- and night- long. Many flights are quite low, loud, and have decreased the pleasure I received from gardening and enjoying our neighborhood. Additionally, we understand most planes use leaded gas and we can't help but wonder if we should be eating the vegetables we are growing. More recently, there is also jet traffic- and we seem to be more in the flight plan of our larger commercial airports. When walking the dog at night, it's not unusual to be able to see the lights from 5-6 planes in the sky- as well as hear some. I'm awakened by the noise of aircraft in the middle of many nights as well as before dawn.

I support the establishment of this community committee to assist in influencing reasonable adjustments in the operation of the Airpark.

Reasons establishing the Airpark Advisory Committee Is Needed

- Although the Airpark has held several community sessions over the past 1 ½ years, there have been no favorable results in response to community comments and requests; continued expansions do not reflect community impacts or desires
- Continued growth of the number of flights per day
- No apparent regulation of the time of day of flights. Flights are basically 24-7; a small airpark should have community friendly hours
- Increased number of training companies, several offering deals for 1-day training and flight
- The pollutants generated by the Airpark are out of alignment with the progress being made through the County Climate Action Plan initiatives through county transportation (green hydrogen microgrid/buses). Is the Airpark's non-inclusion a recognition the Airpark is a polluting entertainment for a few and not needed transportation most citizens will use?

Slight Amendments Suggested Regarding Membership

Because the stated purpose is to "advise the County Executive, County Council, and the Revenue Authority regarding the community impacts of Montgomery County Airpark operations," I recommend at least 80% of the members be from the various communities near the Airpark affected by the noise and pollution rather than the current 50%. First, there are numerous communities within Montgomery Village, within East Village probably being the most affected by the Airpark. It seems reasonable to specify East Village and several of the other most affected. Secondly, I question the inclusion of a representative from the Montgomery County Economic Development Corporation (whose mission is growth) as well as two business owners from "the county" (too broad; I could see if they were located within a mile of the

Airpark). Finally, I don't clearly see how a flying school representative could represent "the community impacts," though one could be useful as a non-voting member.

Thank you for your consideration of my thoughts and support of this bill.

Barbara Fischer

Dear Council Members,

My written testimony is intended to voice my support for Bill 24-23 to establish an Airpark Community Advisory Committee. It's my belief that the Committee would benefit the Airpark business, residents located near the Airpark, Montgomery County Residents at large, and Montgomery County Councilmembers, as follows:

- The Airpark business would benefit from the Committee because community concerns could be channeled through the Committee and dealt with in a meaningful and methodical way, rather than constantly receiving a barrage of complaints and suggestions from every venue possible. I'm also convinced there are some simple, no-cost, low-impact solutions to residential safety concerns that simply have not been given serious consideration by Airpark management, and the Committee would provide opportunities to learn about these solutions. The Airpark might also be able to obtain direct feedback from customers that rely on their services regarding what might be missing, and what services should remain a priority. When changes to Airpark operations are being considered, the Committee could provide strategic benefits to Airpark management by allowing them to obtain preliminary feedback from affected parties within the community before significant resources are committed.
- Residents within the immediate flight pattern surrounding the Airpark could realize improved confidence that everything possible is being done to ensure their safety and could communicate possible solutions to Airpark management where that confidence does not currently exist. Potential solutions to quality-of-life issues affected by the Airpark, e.g., noise created by a small percentage of Airpark users, might also be discussed with Airpark management to identify possible remedies. Awareness of Airpark future business and operational plans that could potentially affect property values would also be a major benefit to residents if the Committee is established.
- Montgomery County residents that use the Airpark, whether pilots, students, passengers, flight logistical support businesses, or businesses that rely on Airpark services, will have a clear path to communicate desired services and capabilities which they can benefit from, e.g., desired flights and destinations, employments goals, pilot and other flight-related training, etc. It's not clear how desired services could currently be communicated to Airpark management so they can be evaluated and included in planning and operations budgets when appropriate.
- The Committee would generate critical data necessary for Councilmember use in planning and to serve as a basis for decision making, which does not currently exist. Councilmembers will also benefit because they will be able to demonstrate in a tangible way that they are being responsive to the concerns of their constituents and be able to cite the Committee as a clear example if ever challenged.

Because of these clear benefits to the mentioned stakeholders, it seems reasonable that the proposed Bill to establish the Committee should be supported by all Councilmembers.

Respectfully,

Carl Pocratsky



6/12/2023

Dear County Council Members:

My name is Catherine Wallenmeyer, a resident of Montgomery County for 23 plus years. I live approximately 4 miles from Montgomery County Airpark and have seen our communities' negatively impacted from the unprecedented growth of flight school training activities and charter jets at Montgomery County Airpark. I am writing to urge you to pass Bill 24-23 to reinstate an airport advisory council within our County. The presence of an Airport Council plays a crucial role in facilitating effective communication and collaboration between the airport authorities, MCRA, pilots and the community.

The Airport Council serves as a platform for key stakeholders to come together and discuss matters related to airport operations, development plans, environmental impacts, and community concerns. It provides an avenue for dialogue, allowing for transparent decision making processes and an opportunity for public input.

By reinstating the Airport Council, we can ensure that the interests and concerns of both the aviation industry and the local community are properly addressed. This collaborative approach fosters a more comprehensive understanding of challenges and opportunities associated with airport operations.

In addition, the Airport Council can actively engage with the community, environmental agencies, etc., to ensure sustainable practices within the aviation industry. This collaboration can lead to the adoption and support of greener technologies, reduced carbon emissions and mitigated environmental impacts to the communities surrounding the airport. There has to be a path forward to eliminate the impacts and risks of lead poisoning the use of leaded fuel sold at the airport poses to the community. Over 100K gallons of leaded fuel were sold at the airport in one year.

Overall, reinstating the Airport Council demonstrates a commitment to effective governance, transparency, and community engagement. It is a valuable mechanism to address the needs of the aviation sector while safeguarding the interests of our local community.

I respectfully request your consideration to reinstate an Airport Council to foster the collaboration for all stakeholders involved.

Thank you,

Catherine Wallenmeyer

Gaithersburg, MD resident

I live off Brink Road in Germantown. The approach path to Airpark Runway 14 is behind my house. Multiple aircraft use this approach, and multiple other aircraft cut across over or close to my house and my neighborhood on their way to the approach path. I've lived here for over 30 years, and have noticed a large increase in piston-engine, turboprop, and private jet traffic since 2020. I've spent 30 years working to make my yard a pleasant place to be and am now driven inside. To reduce the noise I have to keep all my windows shut especially during nice weather when air traffic is heaviest. I use a white noise machine too, but it's not enough to drown out the noise.

I obey the law and pay my taxes like other residents of Montgomery County, and expect the same protections to apply to me as to other residents. Montgomery County has an excellent noise ordinance but Airpark traffic is exempted – they are allowed to create noise on a daily basis that exceeds County regulations as part of their business. If I made that much noise, or any other business in Montgomery County made that much noise, action would be taken by the County to stop it – but the Airpark is free to create as much noise as they wish.

As much of a problem this is for me, my situation is not as bad as that of the thousands of residents who live under the Airpark's training pattern. These residents are subjected to constant flight noise, including takeoffs and landings throughout the day and sometimes the night – every day of the year, since the Airpark never closes.

In addition to noise, piston engine aircraft use leaded fuel and their emissions are toxic, especially to children. The Airpark's training pattern exposes thousands of residents in the developments under the pattern to toxic lead emissions, endangering the health of children and adults living within 1.5 miles of the Airpark – as many as 10,000 people, using the MCRA's own estimation. Other jurisdictions across the country have taken action to address this danger. The County should be addressing this serious health threat but has not taken any action to stop the Airpark from using leaded gas or even to notify the families most at risk. A carefully worded notice has appeared on the MCA website that downplays the danger involved, citing outdated metrics for blood lead levels in children and not mentioning the recent Congressional report on lead emissions, which clearly states that there is NO SAFE LEVEL of lead contamination in children.

The recent aircraft crash in November 2022 has highlighted the safety issues involved when a busy airport is located in the middle of heavily developed neighborhoods. Montgomery County allowed this ill-advised development, and residents are suffering from it. People should not have to fear being injured or having their property damaged by aircraft crashes. In 2014, 6 people died in a terrible jet crash of an Embraer Phenom jet on approach to the Airpark. The crashed jet firebombed a residence, killing a mother, her baby, and her toddler. MCRA used the NTTB verdict of pilot error to absolve the Airpark of blame. Airpark management may not have had anything to do with the pilot error, but the Airpark LOCATION had everything to do with the crash, since the jet crashed while following a path to the Airpark that brought it over a densely developed residential area. The mother and two children would not have died if they did not live close to the Airpark. And concerning the current crash, Montgomery County would not have suffered widespread power outages and an extremely expensive

repair of PEPCO if the pilot had not been trying to fly over dense development and power lines to reach the Airpark.

MCRA argues that crashes are relatively rare, but the potential for deadly crashes is high since there is such congested development affected by increasing Airpark traffic. Is the Airpark willing to guarantee that no resident in the 6 mile complaint radius will be injured or have property damaged by an aircraft crash? How will Airpark and County officials be able to protect citizens from pilot error? Why should residents near the Airpark be forced to live in an increasingly dangerous area due to the Airpark's business goals of increasing traffic, encouraging more flight schools, and trying to draw more private jet traffic to the Airpark? The County owes more to the residents around the Airpark, whose concerns are routinely ignored in favor of Airpark operations. Why should this be the case?

Airpark proponents call the Airpark an economic driver for the County. It's hard to understand how this can be true when MCA operates at a loss and is only able to stay out of the red by getting Federal grants. This puts them under FAA jurisdiction and reduces the ability of the County to protect its citizens. The County and/or State need to legislate to allow more local control of the many safety issues created by the Airpark.

General aviation airports are a nationwide problem. Other local governments across the country have taken action to protect their citizens, and Montgomery County should be doing that as well. Montgomery County, whose motto is "Gardez Bien," is failing in its responsibility to the unfortunate citizens impacted by the operations of Montgomery County Airpark.

Reinstatement of the Airpark Advisory Committee is a critical first step to open communication between MCRA and the community, but it is not enough. The County Council needs to step into the picture as well to provide balanced oversight of Airpark operations and their negative effects on the community.



CLIMATE COALITION
Montgomery County, MD

Montgomery County Council

Legislation: Bill 24-23: Airpark Community Advisory Committee - Established

Organization: Climate Coalition Montgomery County

Position: Favorable with Amendments

Council Hearing: June 13, 2023

Dear Council President Glass and Council Members,

Thank you for this opportunity to testify concerning Bill 24-23: Airpark Community Advisory Committee – Established.

As the climate assessment for this bill notes, it is well known that air travel contributes 3% of all greenhouse gas (GHG) emissions to the atmosphere. This is significant. And while appointment of an advisory board in itself won't affect emissions (or noise, soil, or air pollution either), it is incumbent upon you to ensure that the Advisory Committee members that you appoint will take into account GHGs emissions in their deliberations - not just the effects of airplanes on noise, air pollution, and soils.

By the way, as a member of the Climate Coalition MoCo, I want to note that we have changed our name to underscore the fact that we advocate for action beyond what is in the Climate Action Plan. This bill is an example - while air travel was not in the CAP, our Coalition urges vigilance on the part of everyone in the County – including members of Advisory Councils – to improve our odds of significantly reducing our GHGs and advancing resilience.

I also want to take this opportunity to mention that it has been a year since the Climate Assessment legislation was unanimously passed and signed into law on July 25, 2022, effective Oct. 24, 2022. We have been reviewing OLO's climate assessments, as we did for this bill, and are waiting to see a climate assessment from Planning. We are becoming cognizant of some flaws in the process, and will be proposing to work with you, OLO, and Planning to refine and improve the ability of the 'climate' community to provide input into the assessments to ensure you are fully informed of the effects of your decisions on both emissions of GHGs as well as on community resilience.

Thank you for considering our edits on today's Bill 24-23, as submitted in writing, which include:

1. adding a 9th member representing the local environmental community;
2. adding to the committee's duties to also advise on environmental impacts; and
3. including in the annual report data on fuel use and estimated greenhouse gas emissions from flight operations.

These changes will ensure that Council and the Executive are fully cognizant of the contribution of County operations to climate change emissions and impacts.

Thank you.

Karen Metchis, ACQ Climate (Ask the Climate Question!)

Karl Held, The Climate Mobilization MoCo

Bill No. 24-23
Concerning: Airpark Community
Advisory Committee - Established
Revised: 04/15/23 Draft No. 1
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL

FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember
Luedtke Co-Sponsor: Council
President Glass

AN ACT to:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

By adding

Montgomery County Code
Chapter 42. Revenue
Authority Section 42-34A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment. Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 42-34A is added as follows:

1 **42-34A. Airpark Community Advisory Committee.**

2 (a) Committee established. There is an Airpark Community
3 Advisory Committee.

4 (b) Membership.

5 (1) The Committee consists of:

- 6 (A) 9 voting members who are appointed by the
7 County Executive and confirmed by the County Council;
8 (B) 3 non-voting, ex-officio members.
- 9 (2) The 9 voting members include:
10 (A) a representative of the Montgomery Village Foundation;
11 (B) 3 members nominated by other homeowner's
12 associations, civic associations, or community groups;
13 (C) a representative of the Montgomery County
14 Economic Development Corporation;
15 (D) a representative of a flight school operating at
16 the Montgomery County Airpark; and
17 (E) 2 representatives of business owners in the County.
18 (F) **a representative of the local environmental**
community
- 19 (3) The 3 ex-officio members include:
20 (A) a designee of the Revenue Authority;
21 (B) the County Executive, or the Executive's designee; and
22 (c) Terms of the County Council.
- 23 (1) In general. A voting member serves for a 3-year term or until a
24 successor is appointed and confirmed.
- 25 (2) Term limits. A voting member must not be appointed to serve
26 more than 2 full consecutive terms.

- 28 (3) Staggering of initial terms. Of the initial voting
 members:
- 29 (A) 2 members must be appointed to 1-year terms;
30 (B) 3 members must be appointed to 2-year terms; and
31 (C) 3 members must be appointed to 3-year terms.
- 32 (d) Duties. The Committee must:
- 33 (1) advise the County Executive, County Council, and Revenue
34 Authority regarding Montgomery County Airpark operations,
35 community concerns, safety, **environmental impacts**, and
36 community impact; and
- 37 (2) report annually to the County Executive, County Council, and
38 the Revenue Authority regarding:
- 39 (A) data on noise complaints;
40 (B) data on itinerate flight operations;
41 (C) **data on fuel use and estimated greenhouse gas**
 emissions from flight operations;
- 42 (D) data on local flight operations; and
- 43 (E) recommendations of the Committee regarding
44 operations, safety, community impact, and other
45 community concerns.
- 45 (di) _____

46 Meetings; quorum; officers; compensation.

- 47 (1) Meetings.
- 48 (A) The Committee must meet at the call of the
49 Committee chair and at least 4 times annually.
- 50 ~~1~~ The Committee must invite representatives of the
 annually.

51 _____ (2)

52 Federal Aviation Administration and the Maryland
53 Quorum. A majority of the voting members of the Committee Aviation Administration to
54 attend at least 1 constitutes a quorum for the transaction of business.

Committee meeting

(3) Officers. The Committee must elect from among its voting
53 members a chair, vice-chair, and other officers it deems
54 appropriate.

55 (4) Compensation. A member must serve without compensation, but
56 the member may request reimbursement for mileage and
57 dependent care costs at rates established by the County.

58 (f) Staffing. The County Executive must designate a principal office or
59 department identified under Section 1A-201(a)(1) to provide the staff
60 support necessary for the Commission to perform its duties.



EAST VILLAGE HOMES CORPORATION, INC.

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MONTGOMERY VILLAGE, MARYLAND 20886-1000
(301) 948-0110 FAX (301) 990-7071
www.montgomeryvillage.com

Council President
100 Maryland Avenue
Rockville, MD 20850

June 13, 2023

Reference: **Bill 24-23, Airpark Community Advisory Committee – Established**

Dear Council President,

My name is Kevin Linck, President for the East Village Homes Corporation with almost 1,400 members and I am a resident living near the Airpark GAI. East Village is now a *congestive neighborhood* and as such we should be entitled to the *FAA's Fly Neighborly Act*. We would like to request a new noise study to be performed as well as to investigate the low flying aircraft coming from the training school planes. In many cases these planes fly well below 1,000 feet and are flying outside the flight path. The worst of these flights are from the "Touch and Goes" and "Touch and stop" aircraft. East Villagers would like to see these planes to stop these activities. We would like the County Council to take responsibility and oversight for the GAI while providing transparency and an open meeting participation.

Another concern is the recent consultants document with many good conditions to be improved for the airport. We would like to see this firm hired to negotiate and implement the items they have raised in the report for the betterment of Airport operations. We would like to request that the county council create a new master plan for the MC Airpark as the last one is over 20 years old now.

The East Village Homes Corporation Board members would like to offer our services to participate in the process to join the renewed ALC committee. To support and ensure that impacted community members are involved in a meaningful way early and often so that these solutions include our valuable input?

Regards,
Kevin Linck 

EVHC President, on the behalf of the entire EVHC Board members
evhcpres@yahoo.com

CC: All Montgomery County Councilmembers
April Steward, East Village CM
All EVHC Board members

I have lived in my home as an original owner for about 40 years (Hunters Woods). I feel we have to have a community advisory/activist group that deals with the Airpark. It is impossible to get information about the airpark. I submit complaints and I don't get any responses. The constant circling of training flights have gotten out of hand. I used a stopwatch on Friday to time how often the planes fly DIRECTLY over my house. It was between 1-3 minutes. When they are that close together I get maybe 20-30 seconds where I am not hearing noise from the planes. It is sad to live in a house where you are most happy if the weather is bad so the schools are not operating. It is beyond frustrating to see groupons for the schools. If there is such a great need for all these schools they would not be offering groupons and discounts. Why should tax paying residents have to be subjected to noise and LEAD for people taking a lesson for the heck of it The schools making the money are the only people who benefit. I also hear the pilots say what great things they do such as Angel flights. No one is worried about the number of Angle Flights.

I always hear how beneficial the Airpark is to the community. I would like to see a six mile (the measurement the airpark uses when you file a complaint) circle drawn around the airpark and add how much property tax is paid as well as state taxes by the residents. The Airpark on it owns generates really no income. They always talk about the business that surround the airpark. However when I drive through there I would say the VAST MAJORITY of the business have no relationship to the airpark. When the Airpark quotes the number of takeoff and landings that occur now they always say it is less than 30 years ago. One question I have is how many schools were based at the airpark 30 years ago. There is no respect for the residents by the air schools. On Easter Sunday this year, when I had family over, we had to go inside because the constant noise made it impossible to keep talking outside. It is hard to have people over for a cookout on the weekends due to the constant noise. I think a great measurement would be not the number of takeoff and landings but how much time is spent in the air circling the same neighborhoods. We had a young mother and her two children die in my neighborhood (Hunters Woods) and nothing changed. My question to you is what will it take to make changes and listen to the residents.

Testimony before the Montgomery County Council
June 13,2023

Good Afternoon,

My name is Nancy Shenk and I wanted to thank you for allowing me the opportunity to speak with you regarding passage of Bill 24-23 to create an Airpark Community Advisory Committee. And a special thank you to those members of the Council that voted to bring this bill before the entire County Council for consideration.

I have lived about 3 miles “as the crow flies” from the Montgomery County Airpark for the past 47 years and was an original member of the previous Airpark Liaison Committee.

A bit of background.... Back in the 1940’s the Congressional Airport was located on Rt. 355 near the intersection with Twinbrook Pkwy. in Rockville ...basically across the street from where the new Wegman’s complex is being built. In the early 1950’s the County recognized that development was moving out towards Rockville and decided that the airport needed to be relocated. Property in the upcounty area was mostly farmland and provided an opportunity for the Airpark to be built in its current location. (Just as an aside... Many of us who are natives of Montgomery County, and old enough, remember spending many hours at the roller rink with live organ music that took over one of the abandoned airplane hangers in Rockville.)

The recreational pilots flying out of the new Montgomery County airpark appreciated the wide open spaces over which to fly and had little to no restrictions.

However, over the years, the county approved residential, educational and religious institutions, light industrial, government installations and retail development that now exists around the airpark and literally up to the end of the runway. Basically taking over all of the wide open spaces over which pilots used to fly.

And the traffic at the Airpark has changed as well. No longer are there only recreational pilots.... The Airpark has become the home to several flight schools, a charter jet service, helicopters, and many other companies serving the metropolitan area.

The incredible increase of flights has disrupted the community with noise, dangerously low flying aircraft and other health and safety risks.

And unfortunately, the community of residents, recreational pilots, businesses and other stakeholders do not have the opportunity to work with each other and the Revenue Authority to openly and productively open up lines of communication... Having the ability to discuss the issues and negotiate changes that would allow all parties to work cooperatively with transparency. I believe that confirmation of Bill 24-23 would allow this to happen.

Many communities across the country have made progress in this area working with the local airport and the FAA....we in Montgomery County can do the same.

I would, however, make a couple of minor recommendations to the original bill, which I have attached to my testimony for your consideration.

It is my belief that it is the local government’s responsibility to represent the communities they serve and to take seriously their concerns for their safety, well being and quality of life.

I am more than happy to further discuss these issues with you.

I thank you for your time and consideration.

Nancy Shenk, Goshen Estates....

Amendments to Bill 23-24

Bill Specifics:

Voting Members:

-A representative of the **East Village of Montgomery Village** (This community in Montgomery Village is the most impacted by the Airpark and should have a specific seat at the table)

-**4, not 3** community members. Should **not** have to be nominated by homeowner's associations, civic associations or community groups. Many people impacted by the operations at the Airpark do not live in communities represented by homeowner's associations.

- **Delete** representation of the Economic Development Corporation. I don't believe that they should be considered a stakeholder in regards to the concerns of the airpark community.

-Business owners on the committee should **specifically be those involved with the airpark**,
Not from the county as a whole

As a resident of Goshen, I am deeply concerned about the ongoing nuisance of the constant overhead flights through Airpark airport. The noise pollution is incessant, and as a parent, I am concerned about the leaded jet fuels/emissions contaminating our air, soil, and water. In addition, with multiple high profile crashes in the recent past, every resident here can attest to the low flights and disregard for safety exhibited by the pilots on a regular, not rare, basis.

Our elected politicians need to step in on our behalf and regulate the unchecked number of flights that have turned this once peaceful neighborhood into much less of a desirable one. We are concerned about the reasons why this constant activity is permitted, and the benefits of this arrangement with the airport and involved flight schools. Those of us who are residents in the flight area are feeling no such benefits.

We pay very high property taxes in this county, and should accordingly be entitled to live in a peaceful community that works for us as we do for it. Thank you for your time.

Nila Brantley

Bill 24-23, Airpark Community Advisory Committee - Established

Hi, my name is Shaizad Mohammed. I've been a resident of Montgomery County for the last 12 years.

One year ago, my wife and I became Mill Creek Town community members by purchasing our first home. While we understood there was an airport nearby, we were unaware of the extensive flight school activities at the airpark.

This is problematic because my wife and I purchased the home to work from home most days of the week. We hear small propeller aircraft flying overhead for 8-12 hours a day, and it's maddening so much that we're reinsulating our ceiling and walls and adding soundproof windows in our master and guest room, which is over \$14K in renovations. The airport training exercises are costing residents more than just peace and quiet.

If we can't find a solution to lessen the noise, we'll be forced to move in the coming years. I see this as a long-term issue as the older generation begins to move out and the new generations move in. It's not something new home buyers want to deal with, considering the increasingly expensive price of homes. The county is profiting from the residents and the airport; a compromise must exist..

Questions and Remedy:

1. What is the status of the FAA noise survey?
2. Is the county prepared to reimburse residents for soundproofing?
3. Apart from the survey, I propose that training planes operate five days a week from 8 a.m. to 5 p.m. and from 8 a.m. to noon on Saturdays, with no exercises on Sundays and holidays.

Thank you,


Shaizad Mohammed



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

June 22, 2023

To: Members of the T&E Committee

From: Councilmember Dawn Luedtke 

Subject: Proposed amendments to Bill 24-23, Airpark Community Advisory Committee - Established

Council President Glass and Councilmembers Balcombe and Stewart:

Thank you for your focus on the Montgomery County Airpark, including your productive February 13 discussion of the Office of Legislative Oversight's report detailing the facility's community impacts.

As you know, I believe we should establish a County Committee to provide a regular public forum for stakeholders to discuss Airpark matters and make recommendations to the proper regulatory authorities, including the FAA. Bill 24-23, Airpark Community Advisory Committee - Established creates this Committee and I look forward to the T&E Committee's upcoming worksession on this legislation.

Following in-depth discussions with stakeholders and the June 13 public hearing, I am proposing amendments to the bill to incorporate feedback from residents near the Airpark and the Montgomery County Revenue Authority (MCRA), which operates the Airpark.

These amendments will strengthen the membership of the Committee, provide the opportunity for all perspectives to be represented on the Committee, ensure important information about Airpark operations is included in the Committee's annual report, and address administrative concerns expressed by MCRA CEO Keith Miller. Please do not hesitate to contact me or my Chief of Staff Aaron Kraut with any questions.

Amendment #1 - Membership – Residents

Amend lines 10-13 as follows.

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(2) The 8 voting members include:

(A) a representative of the Montgomery Village Foundation;

(B) 3 members [[nominated by other homeowner's associations, civic associations, or community groups]] who reside within a 3-mile radius of the Airpark, including:

(i) at least one member who resides east of the Airpark; and

(ii) at least one member who resides west of the Airpark;

Residents and the MCRA have asked for this change to ensure Committee-proposed recommendations about flight path or procedure changes are vetted by representatives of communities that are most impacted and on both sides of the facility - as some potential improvements may have distinct impacts on specific neighborhoods. This residential membership criteria is similar to the requirements of the former Airpark Liaison Committee.

Amendment #2 - Membership – Pilots and Business Owners/Operators

Amend lines 10-18 as follows.

(2) The 8 voting members include:

* * *

(E) 2 [[representatives of business owners in the County]] members who:

(i) are pilots who use the Airpark;

(ii) represent owners or operators of businesses, other than flight schools, located at the Airpark; or

(iii) represent owners or operators of aviation-related businesses, other than flight schools, located within a 3-mile radius of the Airpark.

Stakeholders have asked for more specific language to ensure pilots and users of the Airpark other than those representing flight schools have a seat at the table. We also heard this view expressed at the June 13 public hearing.

I feel it remains important to maintain the member spot dedicated to a flight school representative as proposed in the original bill. This flight school representative will have the opportunity to provide the balance of perspectives that's important to the ultimate success of any Committee recommendations.

Amendment #3 - Annual Reporting Requirements

Amend lines 32-42 as follows.

(d) Duties. The Committee must:

* * *

(2) report annually to the County Executive, County Council, and the Revenue Authority regarding:

(A) data on noise complaints;

(B) data on itinerate flight operations;

(C) data on local flight operations, including "touch-and-go" operations; [[and]]

(D) recommendations of the Committee regarding operations, safety, community impact, and other community concerns; and

(E) facility improvement plans or recommended changes to the Airport Layout Plan.

The additions of data on "touch-and-go" operations and facility improvement plans are key pieces of information we should ensure are part of the Committee's annual report and that are likely to be discussed at Committee meetings. The reference to "touch-and-go" operations is particularly important because these operations increase the frequency of aircraft activity over the community.

Amendment #4 – Revenue Authority – Funding and Legal Obligations

After line 61, insert the following.

(e) This Section must not be construed to:

(1) impose any funding obligation on the Revenue Authority;

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(2) prevent the Revenue Authority from meeting a state or federal grant requirement; or

(3) affect the authority or obligation of the Revenue Authority to comply with state and federal law.

Given MCRA CEO Keith Miller's concerns about administration of the Committee, I believe it's important to make explicit that County Government and not MCRA will manage, fund, and compensate members in the same way County Government administers other County Boards, Committees, and Commissions.

Thank you for considering these amendments and I look forward to the June 29 worksession.

Cc: All Councilmembers
Christine Wellons, Senior Legislative Attorney

Bill 24-23, Airpark Community Advisory Committee – Established

Amendments by Councilmember Luedtke

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