

**P. Pitts Dockman Statement before Local Government Hearing
March 26, 2008**

I wish to thank Representative Saylor for arranging this program and also thank you, the committee members, for coming to Chanceford Township and your interest in the current status of Aviation within our township.

Since adoption of Act 164 in 1984, our nation and state have seen dramatic changes. However, what has not changed are the bedrock principles behind any Municipal Planning or Zoning Ordinance. Denial, of any individual's right to use owned property as they see fit, is acceptable only if a greater public good with respect to health, safety, and general welfare is achieved by denying such right. To improve the health, safety, and general welfare of all Pennsylvanians, Act 164 rewrote existing Aviation regulations. This legislative intent can be seen in both the statute and the regulations promulgated shortly after the Act became law.

Specifically:

Section 5303(e) Limitation of powers (1) reads in part "No license shall be issued unless the department is satisfied that fair consideration has been given to the interest of the communities in or near which the proposed airport is to be located".

Chapter 471.3 Airport Licensing (e) Transfer of License. "A license issued under this chapter is not transferable unless prior written approval is granted by the Bureau. If the Bureau does provide written approvals for the transfer of a license, the new licensee shall pay the initial license and inspection fees, and the landing area shall meet current licensing criteria."

At this point it is important to note the authority to operate an airport on a specific land mass rests in the license issued by the Bureau to an individual (person) and NOT within the land itself. Thru this mechanism the legislature sought to improve public safety. If a grandfathered licensee did not bring his operation up to current regulated standards then upon his death airport activities would stop at that site.

Representative Saylor, I have reviewed your bill # 2159 and fully support your effort to put the community back into the health, safety, and general welfare equation when it comes to aviation. Pennsylvania does need an efficient system of public airports which actually serve the public and that system of public airports needs to be protected. At great expense townships of PA are being required by the Supreme Court decision in the Baublitz case to adopt Airport Hazard Zoning ordinances for what amounts to playgrounds for the few citizens that can afford a plane. To put it another way, the only way the public can enter a privately owned public airport is if they fly in via plane. Your modification to the definition of airport to exclude "privately owned public airports that do not provide regularly scheduled commercial flight operations on at least two days per week" seems to be a proper balance. This removes a subdivision having to support a private business with public tax dollars.

Shortly after my wife and I purchased our farm in 1987, we met with Mr. Gromolowicz at the Bureau of Aviation when its offices were near the Harrisburg Airport. During that conversation we were assured the license issued to Levere Baublitz would never be transferred because the landing area did not conform with Criteria A requirements. He explained that as a grandfathered operation Mr. Baublitz could continue to operate his airport in its current state but upon his death the Bureau would not issue a new license. Thus since 1984, as he was legally entitled to, Mr. Baublitz continued to operate his airport. Since 1984 the Bureau of Aviation, having no enforcement power over grandfathered airports, prepared annual Master Inspection reports listing the same hazards at the Baublitz Airport. Public safety had to wait for over fifteen years.

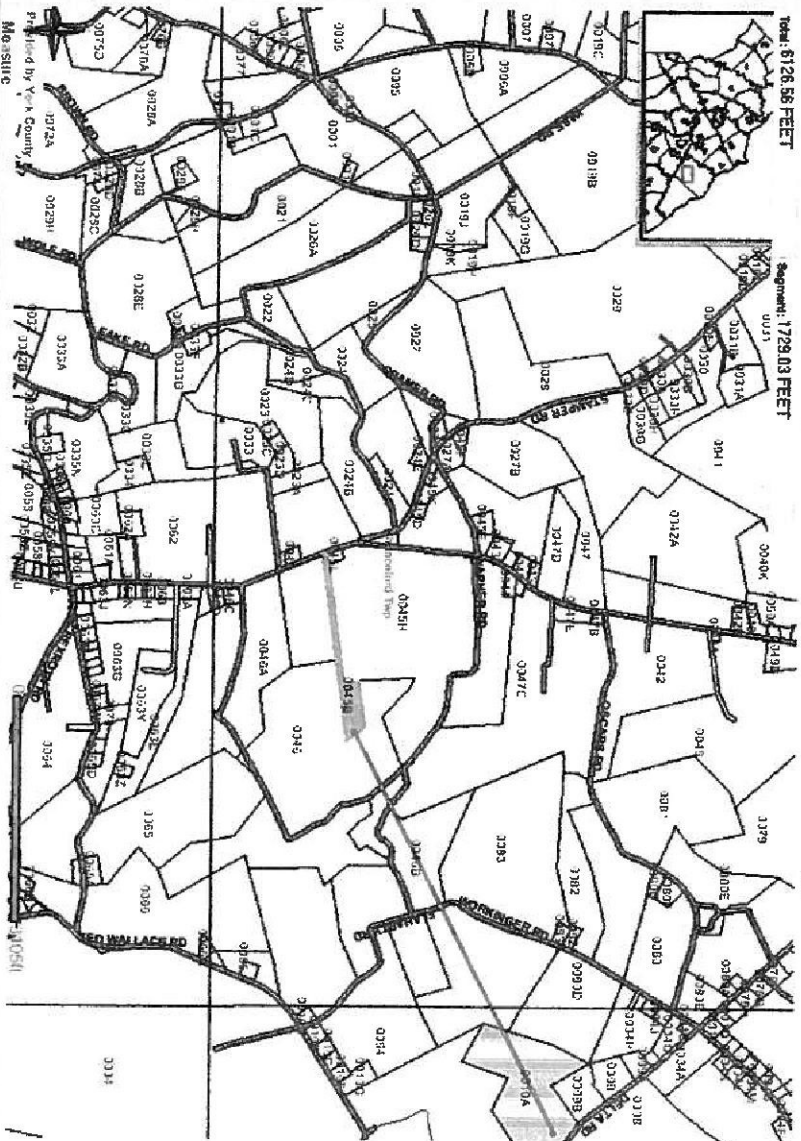
I do not understand why but the Bureau of Aviation has abandoned its mission to protect Pennsylvanians. Today as is evident by what has transpired with Baublitz Airport, the Bureau sees its mission solely to protect and promote aviation.

Since you will be going to the airport shortly the following map from the York County GIS system should help orient you. As you can see the Red Lion Area Chanceford Elementary School (in blue at the end of the red line) is clearly within the approach path to the Airport and about 6000 feet away. I hope even today an application for a new airport would be denied because of its proximity to an elementary school.

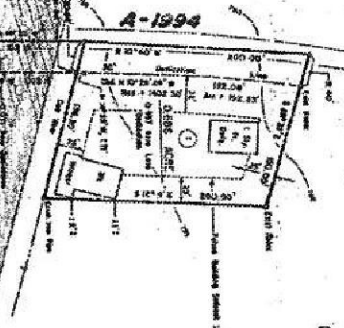
2160000045390000
 CHAUNCEY AND AUDITION PROPERTIES LLP
 3154 WARRIOR RD

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 Clear/Cover Status: R
 Limit: 66000
 Building: 20220
 Total: 86230
 Current: BRUNELIZ LORETTA H
 Sale Price Index: 139600 on 11/16/2007
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 Homeowner's Address:
 Homeowner's Name:
 Homeowner's Code:
 Farmstead Code:
 Map Parcel Report New Search

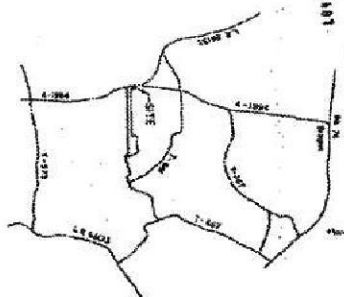
Search Results: 1 records found
 Select a name and then click the button above
 13970 WARRIOR RD



SITE DATA
 USE OF LAND - LOT 1 RESIDENTIAL, LOT 2 AM STRIP
 ZONING - AGRICULTURAL
 GRID REFERENCE - 33 V 24
 TAX MAP - P.M. PARCEL - 48 B
 NO. OF LOTS - 1
 TOTAL AREA - 882 ACRES
 NO GRID RESTRICTIONS ON PROTECTIVE-COMMITMENTS APPROVED



LOCATION MAP



RECOMMENDED FOR APPROVAL BY
 TOWNSHIP PLANNING COMMISSION: *[Signature]*

APPROVED BY TOWNSHIP
 SUPERVISORS: *[Signature]*

OWNER - SUBDIVIDER: *[Signature]*

REVIEWED BY YORK COUNTY
 PLANNING COMMISSION: *[Signature]*

DATE: 11/1/87

NO. 1294 P. 1

THIS SUBDIVISION PLAN IS TO BE RECORDED IN THE PUBLIC RECORDS OF YORK COUNTY, PENNSYLVANIA, IN THE NAME OF THE REGISTRAR OF DEEDS, AND THIS PLAN SHALL BE VALID AND EFFECTIVE AS TO THE RIGHTS OF THE PARTIES TO THE SAME FROM THE DATE OF RECORDATION.

On this and any other day, I, the undersigned, being duly sworn, certify that the above and foregoing plat, map, plan or subdivision of land is a true and correct copy of the original as shown to me by the owner of the same, and that the same conforms to the requirements of the laws of the State of Pennsylvania in that behalf made, and that the same is in accordance with the laws of the State of Pennsylvania in that behalf made, and that the same is in accordance with the laws of the State of Pennsylvania in that behalf made, and that the same is in accordance with the laws of the State of Pennsylvania in that behalf made.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of York, Pennsylvania, at York, Pennsylvania, this 11th day of November, 1987.

OWNER - SUBDIVIDER
 LEVERE W BAUBLITZ
 REC. NO. 2
 BROOKLYN, PA.

ACRES Dockman

9.57

8.95

1.86

Airport (excluding lot)

Primary Surface 250 R @ 0.8

EAA FAR 77.13 500H @ 10R 59.64

FINAL PLAN
LEVERE W BAUBLITZ

CHANGEROOD TOWNSHIP
 YORK CO., PENNSA.
 APRIL 6, 1987

JOSEPH W. SWAN, R.S.
 STEWARTSTOWN, PA.



1/2 AC. RIGHT OF WAY
 IN FOOT RIGHT OF WAY
 BOOK 1299 PAGE 2634

Warner Road

013187