THE SECRETARY OF TRANSPORTATION
WASHINGTON D.C. 20590

July 22, 2003

The Honorable Christopher Cox
U.S. House of Representatives
Washington, DC 20515

Dear ~~Congressman Cox~~ CHRIS:

Thank you for your letter of June 19 regarding the reuse of the former Marine Corps Air Station El Toro (El Toro). As I assured you in our recent phone call, the Department of Transportation (DOT), including the Federal Aviation Administration (FAA), does not intend to intercede in the El Toro reuse process.

The Department of the Navy is responsible for the disposition of its bases, including El Toro, in accordance with the Defense Base Realignment and Closure Act of 1990, and subsequent amendment. On April 23, 2002, the Navy issued its record of decision, which states that the Navy will dispose of the property "in a manner consistent with state and local land use plans, using the lawful authorities available to the [Navy] for disposal." It is within the Navy's discretion to so dispose of the property, and DOT was not and is not now in a position to make a contrary decision.

DOT was an active participant in the Navy's base closure and environmental review process for El Toro. Our traditional view favoring reuse of military airfields for civilian aviation to provide additional system capacity in this country was and still is clear. Our actions during the process to facilitate a civilian airport at El Toro are consistent with our goals of safe and efficient use of airspace and aviation facilities. That view, however, stands with the view that decisions regarding development of civilian airports rest with local authorities. In this case, the voters of Orange County passed Measure W that favors non-aviation use of the El Toro air station. Our jurisdiction and historical exercise of our authority does not extend so far as to overrule the Navy's authority under the base closure statute as owner of the property or the decisions of local governments regarding use of that property.

DOT continues to be strongly interested in the navigation and communication facilities currently located on El Toro because they are a necessary and integral part of the national airspace system. I have been assured that FAA's commitment to work with local officials to explore options for continued operation and alternative locations for that equipment rests not on a potential airport at El Toro but on the critical need for working equipment for the safety and efficiency of the regional and national aviation system.

As you know, the city of Los Angeles submitted a memorandum to DOT requesting intervention in the Navy's base closure process and proposed development of the property as a civilian airport. The city also asked DOT to seek special legislation that would convey ownership of the property to DOT for ultimate transfer to a local airport operating authority. We have no plans to interrupt the Navy's process. In fact, we have returned the city's memorandum twice, most recently with a recommendation to discuss issues of ownership and transfer with the Navy.

At this point in the process, there is no appropriate mechanism for DOT to revisit the Navy's decision to dispose of El Toro. We will continue, however, to seek ways to enhance existing safety and increase capacity in the airspace of that region. Please feel free to call me if you have additional questions regarding the disposition of El Toro air station.

Sincerely yours,

Norman Y. Mineta