

2021 -- S 0259 AS AMENDED

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LC001422
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS

Introduced By: Senators Sosnowski, and Seveney

Date Introduced: February 10, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 1-2-3 and 1-2-3.1 of the General Laws in Chapter 1-2 entitled
2 "Airports and Landing Fields" are hereby amended to read as follows:

3 **1-2-3. Acquisition of land.**

4 (a) The department of transportation may, with the approval of the governor, and subject
5 to the provisions of chapter 6 of title 37, acquire, by purchase or condemnation, any land or any
6 estate or interest in land, [including airspace](#) within this state that it may deem necessary for a
7 suitable airport or landing field, [or to preserve, maintain, or restore an approach](#), but in no event
8 shall the department obligate the state in excess of the sums appropriated for that purpose. No land
9 or estate in this state owned and used by any railroad company shall be taken by condemnation
10 under this chapter until after a hearing before the public utilities administrator of this state and until
11 the consent of the public utilities administrator to the taking is given.

12 (b) No airport, landing field, or any runway or approach zone shall be enlarged or extended
13 in any city or town unless the assistant director for airports, or his or her successor or other person
14 or officer exercising his or her functions, filed in the office of the city or town clerk of the city or
15 town in which the expansion is proposed a plan drawn to scale showing the existing airport and
16 runways, [which must have been included in the federal aviation administration approved master](#)
17 [plan documents](#); the planned extensions or lengthening of the existing runways; any and all public
18 highways crossed by the extensions; and lots and parcels of land within a one-mile distance of the
19 proposed extensions; together with a delineation of any approach zone required by the extension

1 and an identification of every parcel of land that requiring a taking in order to accomplish the
2 extension together with a brief statement describing the work to be undertaken in extending the
3 runway. The plan and statement shall be filed at least twelve (12) months before any physical
4 construction work begins on any extension of runway or airport expansion.

5 (c) The assistant director for airports shall also, at the time plans are filed with the clerk,
6 file a notice in a newspaper having general circulation in the city and town setting forth that the
7 plan has been filed in the office of the city or town clerk and giving notice to the residents of the
8 city or town of the proposed runway extension or airport expansion.

9 (d) The plan and statement shall be open to public inspection in the office of the city or
10 town. A public hearing shall be held in the city or town at least six (6) months prior to any
11 construction on the proposed runway or airport expansion by the assistant director at the time and
12 place in the city or town set forth in the notice referred to in subsection (c).

13 (e) The governor has the authority in any emergency declared by him or her to authorize
14 the enlargement or extension of any runway notwithstanding any other provision of this chapter.

15 **1-2-3.1. ~~Airport, landing field, and runway defined.~~ Airport, landing field, runway,**
16 **and approach defined.**

17 As used in this chapter:

18 (1) "Airport" or "landing field" means any area of land designed and set aside for the
19 [approach](#), landing and taking off of aircraft and utilized or to be utilized in the interest of the public
20 for those purposes. An airport is publicly owned if the portion used for the landing and taking off
21 of aircraft is owned, operated, controlled, leased to or leased by the United States, or any agency
22 or department of the United States, this state or any other state or any municipality or other political
23 subdivision of this state, or any other state, or any other governmental body, public agency or other
24 public corporation.

25 [\(2\) "Approach, approach zone, approaches" means any airport land, airspace and surfaces](#)
26 [as set forth by the Federal Aviation Administration and Code of Federal Regulations in Title 14](#)
27 [Code of Federal Regulations Part 77- Safe, Efficient Use, and Preservation of the Navigable](#)
28 [Airspace.](#)

29 ~~(2)~~[\(3\)](#) "Runway" means that portion of an airport or landing field designed or set aside for
30 use by aircraft in landing, taking off, or taxiing or moving of aircraft on the ground. A runway shall
31 be construed to include any projection or extension for use as an approach zone, and approaches as
32 set forth in § 1-3-7.

33 SECTION 2. Sections 1-3-2 and 1-3-4 of the General Laws in Chapter 1-3 entitled "Airport
34 Zoning" are hereby amended to read as follows:

1 **1-3-2. Definitions.**

2 As used in this chapter, unless the context otherwise requires:

3 (1) "Airport" means any area of land or water, or both, designed and set aside for the
4 [approach](#), landing and taking off of aircraft and utilized or to be utilized in the interest of the public
5 for those purposes. An airport is "publicly owned" if the portion used for the landing and taking off
6 of aircraft is owned, operated, controlled, leased to or leased by the United States, or any agency
7 or department of the United States, this state, or any other state, or any municipality or other
8 political subdivision of this state, or any other state, or any other governmental body, public agency
9 or other public corporation.

10 (2) "Airport corporation" means the Rhode Island airport corporation.

11 (3) "Airport hazard" means any electronic transmission device or structure, which, as
12 determined by the federal aviation administration, interferes with radio communication between
13 airport and aircraft approaching or leaving the airport, or any structure or tree or use of land which
14 obstructs the airspace required for the flight of aircraft in landing or taking off at any airport or is
15 otherwise hazardous to the landing or taking off of aircraft.

16 (4) "Airport hazard area" means any area of land or water upon which an airport hazard
17 might be established if not prevented as provided in this chapter.

18 (5) "Obstruction" means any tangible, inanimate physical object, natural or artificial,
19 protruding above the surface of the ground.

20 (6) "Person" means any individual, firm, co-partnership, corporation, company,
21 association, joint stock association, or body politic, and includes any trustee, receiver, assignee or
22 other similar representative.

23 (7) "Political subdivision" means any city or town or any other public corporation, authority
24 or district, [department](#), or any combination of two (2) or more, which is currently empowered to
25 adopt, administer and enforce municipal zoning regulations [or to purchase or condemn pursuant to](#)
26 [§ 1-2-3](#).

27 (8) "Structure" means any object constructed or installed by humans, including, but without
28 limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or
29 other structures supporting the object.

30 (9) "Tree" means any object of natural growth.

31 **1-3-4. Airport approach plans.**

32 The airport corporation shall formulate, adopt, and revise, when necessary [for planning](#), an
33 airport airspace plan for each publicly owned airport in the state. Each plan shall indicate the
34 circumstances under which structures and trees are, or would be, airport hazards; the area within

1 which measures for the protection of the airport's navigable airspace, including aerial approaches,
2 should be taken; and what the height limits and other objectives of those measures should be. In
3 adopting or revising any airspace plan, the airport corporation shall consider, among other things,
4 the character of flying operations expected to be conducted at the airport; the traffic pattern and
5 regulations affecting flying operations at the airport; the nature of the terrain; the height of existing
6 structures and trees above the level of the airport; and the possibility of lowering or removing
7 existing obstructions. The airport corporation may obtain and consider the views of the agency of
8 the federal government charged with the fostering of civil aeronautics as to the aerial approaches
9 and other regulated airspace necessary to safe flying operations at the airport.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS

1 This act would add airspace to the land the department of transportation can acquire that is
2 necessary for a suitable airport or to preserve, maintain, or restore an approach. Additionally this
3 act would add the term "Approach, approach zone, approaches" to § 1-2-3.1.

4 This act would take effect upon passage.

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