STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N  A C T

RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS

Introduced By: Representatives Kennedy, Azzinaro, Ackerman, and McNamara

Date Introduced: February 08, 2023

Referred To: House Corporations
(RI Airport Corporation)

It is enacted by the General Assembly as follows:

SECTION 1. Sections 1-2-1, 1-2-2, 1-2-3, 1-2-15 and 1-2-16 of the General Laws in Chapter 1-2 entitled "Airports and Landing Fields" are hereby amended to read as follows:

1-2-1. Powers of the director of the Rhode Island airport corporation.

(a) The director has supervision over the state airport at Warwick and any other airports constructed or operated by the state. The director shall enforce the provisions of this chapter. Furthermore, the director is authorized to promulgate rules and regulations for the safe and efficient operation of airports, airport facilities, and grounds.

(b) As used in this chapter:

(1) "Airport corporation" means the Rhode Island airport corporation.

(2) "Director", "President and CEO" means the executive director of the Rhode Island airport corporation.


The director is authorized to confer with persons versed in aviation; to cooperate with the various United States government agencies interested in aviation; and to employ and discharge, at his or her pleasure, engineers, architects, and other assistants as he or she may deem advisable and fix their compensation within the amounts appropriated for their compensation,
subject, however, to the approval of the director of administration.

1-2-3. Acquisition of land.

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

(b) No airport, landing field, or any runway or approach zone shall be enlarged or extended in any city or town unless the assistant director president and CEO for airports, or his or her successor or other person or officer exercising his or her functions, filed in the office of the city or town clerk of the city or town in which the expansion is proposed a plan drawn to scale showing the existing airport and runways, which must have been included in the federal aviation administration approved master plan documents; the planned extensions or lengthening of the existing runways; any and all public highways crossed by the extensions; and lots and parcels of land within a one-mile distance of the proposed extensions; together with a delineation of any approach zone required by the extension and an identification of every parcel of land that requires a taking in order to accomplish the extension together with a brief statement describing the work to be undertaken in extending the runway. The plan and statement shall be filed at least twelve (12) months before any physical construction work begins on any extension of runway or airport expansion.

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

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

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

1-2-15. Leasing for purposes of national defense.
The airport corporation may lease to the United States government or agencies of the United States government, when the lease concerns matters of national defense or aviation safety or convenience, any portion of any airport or landing field or any of the buildings or structures on the airport or landing field for a period or periods not to exceed fifty (50) years; the lease to be executed by the president and CEO containing any reasonable conditions, rules, restrictions and regulations as the president and CEO for airports deems suitable or necessary and be approved as to substance by the director of administration and as to form by the attorney general.


The president and CEO is directed to issue operating procedures and directives requiring that aircraft utilizing Rhode Island T.F. Green International Airport, to the greatest extent possible, commensurate with passenger safety and federal law and regulation, minimize the use of reverse engine thrust employed to slow an aircraft as it lands.

SECTION 2. Sections 1-4-2, 1-4-3.1, 1-4-4, 1-4-6, 1-4-7, 1-4-8, 1-4-9, 1-4-10, 1-4-10.2, 1-4-10.3, 1-4-11, 1-4-12, 1-4-13, 1-4-14, 1-4-15 and 1-4-18 of the General Laws in Chapter 1-4 entitled "Uniform Aeronautical Regulatory Act" are hereby amended to read as follows:

1-4-2. Definitions.

When used in this chapter:

(1) “Aeronautics” means transportation by aircraft, air instruction, the operation, repair, or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, landing fields, or other air navigation facilities.

(2) “Aircraft” means any contrivance now known or invented, used, or designed for navigation of, or flight in, the air, except a parachute or other contrivance designed for air navigation but used primarily as safety equipment.

(3) “Air instruction” means the imparting of aeronautical information by any aviation instructor or in any air school or flying club.

(4) “Airport” means any area of land, water, or both, which is used or is made available for the landing and take off of aircraft, and which provides facilities for the shelter, supply, and repair of aircraft and which, as to size, design, surface, marking, equipment, and management meets the minimum requirements established from time to time by the president and CEO.

(5) “Air school” means any person engaged in giving, offering to give, or advertising, representing, or holding himself or herself out as giving, with or without compensation or other award, instruction in aeronautics — in flying, in ground subjects, or in both.

(6) “Aviation instructor” means any individual engaged in giving, or offering to give,
instruction in aeronautics — in flying, in ground subjects, or in both — either with or without compensation or other reward, without advertising his or her occupation, without calling his or her facilities “air school” or any equivalent term, and without employing or using other instructors.

(7) “Certificated aircraft” means any aircraft for which an aircraft certificate other than a registration certificate has been issued by the government of the United States.

(8) “Chief aeronautics inspector” or “aeronautics inspector” means an employee of the Rhode Island airport corporation, as defined in the Rhode Island airport corporation personnel job description manual, who is charged by the director to enforce the provisions of this chapter.

(9) “Civil aircraft” means any aircraft other than a public aircraft.

(10) “Dealer in aircraft” or “aircraft dealer” means any person who engages in a business, a substantial part of which consists of the manufacture, selling, or exchanging of aircraft and who is registered as a dealer with the federal government.

(11) “Director” means the executive director of the Rhode Island airport corporation.

(12) “Deputy director” means the deputy director of the Rhode Island airport corporation.

(13) “Flying club” means any person (other than an individual) who, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction, pleasure, or both.

(14) “Landing field” means any area of land, water, or both, which is used or is made available for the landing and take off of aircraft, which may or may not provide facilities for the shelter, supply, and repair of aircraft, and which, as to size, design, surface, marking, equipment, and management meets the minimum requirements established from time to time by the director president and CEO.

(15) “Military aircraft” means public aircraft operated in the service of the United States army, air force, national guard, navy, marine corps or coast guard.

(16) “Operator” means a person who operates or is in actual physical control of an aircraft.

(17) “Owner” means the legal title holder or any person, firm, copartnership, association, or corporation having the lawful possession or control of an aircraft under a written sale agreement.

(18) “Person” means any individual, or any corporation or other association of individuals.

(19) “Political subdivision” means any city or town or any other public corporation, authority, or district, or any combination of two (2) or more, which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports.

(20) “President and CEO” means the president and chief executive officer of the Rhode
Island airport corporation.

(20)(21) “Public aircraft” means an aircraft used exclusively in the governmental service.

1-4-3.1. Notification and reporting of aircraft accidents.

The operator of an aircraft involved in an accident or incident as defined in 49 CFR 830 shall immediately notify the chief aeronautics inspector Rhode Island airport corporation operations department. This notification shall be in addition to any duty to notify and provide a report to the National Transportation Safety Board under 49 CFR 830. Furthermore, the operator shall file with the chief aeronautics inspector Rhode Island airport corporation operations department a copy of any report filed with the National Transportation Safety Board, which shall be a public record.

1-4-4. Federal registration required.

No flight of civil aircraft, other than a foreign aircraft, is made or authorized to be made within this state unless the aircraft is possessed of valid aircraft registration and airworthiness or experimental certificates issued by the government of the United States, nor in violation of any term, specification, or limitation of those certificates. These restrictions do not apply to model aircraft operated in accordance with any regulations that the director president and CEO may prescribe, or to a nonpassenger-carrying flight solely for inspection or test purposes authorized by the director president and CEO or by the proper federal authority made without that certificate.

1-4-6. State registration of federal certificates.

(a) All owners and operators, or owners or operators, of all aircraft, and dealers in aircraft, based or primarily used in the state of Rhode Island shall register the federal certificates of their aircraft and dealer registration as the director president and CEO may by regulation prescribe. An aircraft shall be deemed to be based or primarily used in the state when in the normal course of its use, according to airport records, it leaves from and returns to or remains at one or more points within the state more often or longer than at any other single location outside of the state. Nonresidents may operate noncommercially within this state as an owner and operator, or owner or operator, or as a dealer, without that registration for not more than ninety (90) days in any calendar year. To operate commercially intrastate, nonresidents shall register.

(b) Subject to the limitations of subsections (d) and (f), every person who operates an aircraft shall register the federal aircraft certificate of that aircraft with the chief aeronautics inspector Rhode Island airport corporation during each period in which the aircraft is operated within this state in accordance with subsection (a). The annual fee for each registration, and for each registration renewal, is as follows: Aircraft weighing less than two thousand (2,000) pounds, thirty dollars ($30.00); two thousand and one (2,001) to three thousand (3,000) pounds, sixty dollars ($60.00); three thousand and one (3,001) to four thousand five hundred (4,500) pounds, one
hundred ten dollars ($110); four thousand five hundred and one (4,501) to twelve thousand five hundred (12,500) pounds, one hundred sixty dollars ($160); over twelve thousand five hundred pounds (12,500), two hundred fifty dollars ($250). For the purpose of the annual fee, the weight considered will be the gross weight as published by the manufacturer. Every person who is a dealer in aircraft shall register his or her federal dealer’s aircraft registration certificate with the chief aeronautics inspector, Rhode Island airport corporation. The annual fee for registration of each federal dealer’s aircraft registration certificate is fifty dollars ($50.00) and for each aircraft in the possession operated solely for the purpose of sale or demonstration is twenty-five dollars ($25.00).

Any person who engages in a business, a substantial portion of which consists of the manufacturing, selling, or exchanging of aircraft, and who does not have a federal dealer’s certificate shall register all aircraft owned by the person and operated within the state with the chief aeronautics inspector, Rhode Island airport corporation and pay the annual fee for that aircraft provided for in this subsection and is not eligible to pay the limited fee of twenty-five dollars ($25.00) for all aircraft operated solely for the purpose of sale or demonstration.

(c) All fees are in lieu of all personal property taxes on aircraft authorized by any law or ordinance. Registration certificates issued after expiration of the first six (6) months of the annual registration period, as prescribed by the director, president and CEO, are issued at the rate of fifty percent (50%) of the annual fee.

(d) All fees are paid to the tax administrator of this state and delivery of the person’s receipt to the chief aeronautics inspector, Rhode Island airport corporation is a prerequisite to registration under this section.

(e) Possession of the appropriate effective federal certificate, permit, rating or license relating to ownership and airworthiness of the aircraft, and the payment of the appropriate fee as set forth in this section are the only requisites for registration of an aircraft, or a dealer in aircraft.

(f) Aircraft registration fees shall be reimbursed to persons who surrender their certificates before the date of expiration in accordance with the following schedule:

(1) Before the first six (6) months of the period, fifty percent (50%) of the fee;
(2) Before the first nine (9) months of the period, twenty-five percent (25%).

(g) The provisions of this section shall not apply to:

(1) An aircraft owned by, and used exclusively in the service of, any government, including the government of the United States or of any state of the United States, or political subdivision thereof, which is not engaged in carrying persons or property for commercial purposes;
(2) An aircraft registered under the laws of a foreign country;
(3) An aircraft owned by a nonresident and based in another state; or
(4) An aircraft engaged principally in federally certified scheduled airline operation.

1-4-7. Carrying and posting of license and certificate — Evidence of nonissuance.

A required pilot’s license, permit, or certificate shall be kept in the personal possession of the pilot while the pilot is operating an aircraft within this state. Required aircraft certificates shall be carried in the aircraft at all times and shall be conspicuously posted in clear view of passengers.

A pilot’s license, permit, or certificate and aircraft certificates shall be presented for inspection upon the demand of any passenger, any peace officer of this state, any authorized official or employee of the director, president and CEO, or the board, or any official, manager, or person in charge of any airport or landing field in this state upon which the pilot lands, or upon the reasonable request of any other person. In any criminal prosecution under any of the provisions of this chapter, a defendant who relies upon a license, permit, or certificate of any kind shall have the burden of proving that he or she is the possessor of a proper license, permit, or certificate. The fact of nonissuance of a license, permit, or certificate may be evidenced by a certificate signed by the official having power of issuance, or his or her deputy, under seal of office, stating that he or she has made diligent search in the records of his or her office and that from the records it appears that no license, permit, or certificate was issued.

1-4-8. Duties of director, president and CEO.

It shall be the duty of the director, president and CEO to foster aeronautics within this state in accordance with the provisions of this chapter and for that purpose the director, president and CEO shall:

(1) Encourage the establishment of airports and other air navigation facilities;

(2) Make recommendations to the governor and the general assembly as to necessary legislation or action;

(3) Study the possibilities for the development of air commerce and the aeronautical industry and trade within the state and collect and disseminate information relative to the development; and

(4) Advise with the Federal Aviation Administration and other agencies of the federal government and with state authorities in carrying forward any research and development work the tends to increase and improve aeronautics within this state.

1-4-9. Jurisdiction of director, president and CEO.

(a) Except as otherwise specifically provided in this chapter, the director, president and CEO has supervision over aeronautics within the state, including:

(1) The establishment, location, maintenance, operation, and use of airports, landing fields, air markings, air beacons, and other air navigation facilities; and
(2) The establishment, operation, management, and equipment, of all air schools, flying clubs, and other persons giving air instruction.

(b) All proposed airports, landing fields, and other air navigation facilities, shall be first approved by the director president and CEO before they are used or operated. A political subdivision or person proposing to establish, alter, activate, or deactivate an airport or landing field shall make application to the chief aeronautics inspector Rhode Island airport corporation, with a copy to the director president and CEO, for a certificate of approval of the site selected and the general purpose or purposes for which the airport or landing field is to be established to insure that it shall conform to minimum standards or safety and shall serve public interest. A political subdivision or officer or employee, or any person shall not operate an airport, landing field, or other air navigation facility for which a certificate of approval has not been issued by the director president and CEO.

c) The director president and CEO shall establish by rules and regulations, in accordance with chapter 35 of title 42, guidelines for making application for a certificate of approval, criteria for determining whether to issue a certificate of approval, and fees for processing the applications and each renewal of certificates of approval.

1-4-10. Rules and regulations.

The director president and CEO shall adopt and promulgate, and may amend or repeal, rules and regulations establishing minimum standards with which all air navigation facilities, air schools, and flying clubs must comply, and shall adopt and enforce, and may amend or repeal rules, regulations, and orders, to safeguard from accident and to protect the safety of persons operating or using aircraft and persons and property on the ground, and to develop and promote aeronautics within this state. No rule or regulation of the director president and CEO shall apply to airports, landing fields, air beacons or other air navigation facilities owned or operated within this state by the federal government. In order to avoid the danger of accident incident to confusion arising from conflicting rules, regulations, and orders governing aeronautics, the rules, regulations, and orders of the director president and CEO shall be kept in conformity as nearly as may be with the federal legislation, rules, regulations, and orders on aeronautics, and shall not be inconsistent with paramount federal legislation, rules, regulations, and orders on the subject.

1-4-10.2. Prohibitions.

It shall be unlawful:

(1) For any person to operate or authorize the operation of any civil aircraft which does not possess a valid identification mark assigned by the federal government.

(2) For any resident to own or authorize the operation of any civil aircraft owned by him
or her which does not have a currently effective Rhode Island state registration certificate, and for
which the aircraft operating fee, if required, has not been paid.

(3) For any nonresident to own or authorize the operation of any civil aircraft owned by
him or her and located in Rhode Island for more than ninety (90) days cumulatively during a
registration year, which does not have a currently effective Rhode Island state registration
certificate, and for which the aircraft operating fee, if required, has not been paid.

(4) For any person to own or to operate an aircraft which fails to display the currently
effective registration decal or other identifier as required by regulations adopted under § 1-4-10 by
the director president and CEO.

(5) For any person to operate or authorize the operation of any civil aircraft in air commerce
within the state which does not have a currently effective airworthiness certificate and a state
registration certificate and having paid the aircraft operating fee, if required.

(6) For any person to operate or permit operation of aircraft on or from any airport for
compensation or hire, unless the area is registered with the department.

(7) For any person to operate or authorize the operation of aircraft in violation of any other
rule or regulation, or in violation of the terms of any certificate, issued under the authority of this
chapter.

(8) For any person to operate or attempt to operate an aircraft on the ground, on the public
waters, or in the air while under the influence of intoxicating liquor or of any controlled drug which
affects a person’s ability to operate an aircraft in a safe manner or while having 4/100 percent or
more by weight alcohol in his or her blood.

(9) For any owner or operator of an aircraft having knowledge of an aircraft accident or
aircraft incident to fail to report facts concerning the accident or incident to the department or a law
enforcement officer within seven (7) days of the occurrence of the event, unless incapacitated by
death or injury.

(10) For any person to touch any part of aircraft wreckage at an aircraft accident scene,
except for rescue of persons and/or classified materials, without specific approval of the federal or
state official responsible for the accident scene.

(11) For any person to operate any ground vehicle which is unrelated to aircraft operations
or servicing, or airport operations and maintenance, within the boundaries of any public airport
without the express consent of the airport manager. This subsection does not prohibit the operation
of a ground vehicle upon a road laid out in the airport to provide access to or egress from the airport.

(12) For any person to make or cause to be made an intentional false light, signal, or report
of an aircraft accident, or missing aircraft, or, in an emergency situation, to use any device or
equipment to initiate or to have others initiate an emergency response by any public or private agency.

1-4-10.3. Abandoned aircraft.

(a) Authority to take. The director, chief aeronautics inspector, aeronautical inspectors, president and CEO or any police officer of the Rhode Island airport corporation, upon discovery of any aircraft or aircraft parts apparently abandoned, or of any aircraft without a currently effective state of Rhode Island or federal registration certificate, whether situated within any public or private airfield open for public use for a period in excess of one year, may take such aircraft or aircraft component into his or her custody and may cause the same to be taken away and stored in some suitable place out of public view.

(b) Lien. All charges necessarily incurred by such custodian in the performance of carrying out the provisions of this chapter shall be a lien upon such aircraft or aircraft component in accordance with § 34-47-1. The custodian or manager of any hangar, airport facility or other place where such aircraft or aircraft component may be stored shall have a lien upon such aircraft or aircraft component for his or her storage charges.

(c) Owner may reclaim. The owner of an aircraft or aircraft component so placed in storage may reclaim the same before any sale by paying the charges incurred.

(d) Sale authorized. If such aircraft or aircraft component shall have been so stored for a period of ninety (90) days, the Rhode Island airport corporation may sell the same, at public auction, for cash or may otherwise dispose of such aircraft or aircraft component. No sale under the provisions herein shall be valid unless the notice required by subsection (e) of this section has been given.

(e) Notice of sale. Notice of such sale shall be given by publishing a notice in a newspaper of state circulation at least fourteen (14) days before the sale. If the last place of abode of the owner of such aircraft or aircraft component is known to, or may be ascertained by, such custodian or manager by the exercise of reasonable diligence, a notice of the time and place of such sale shall be given to said owner by registered mail, at least fourteen (14) days prior to said sale.

(f) Application of proceeds. The balance of the proceeds of sale, if any, after payment of the amount of liens and the reasonable expenses incident to the sale, shall be paid to the owner of such aircraft or aircraft component or his or her legal representative, if claimed at any time within one year from the date of such sale. If such balance shall not be claimed within said period, it shall be paid to the Rhode Island airport corporation.

(g) Exemption from liability. No employee of the Rhode Island airport corporation or any officer empowered to enforce the provisions of §§ 1-4-10.2 — 1-4-14, inclusive, and any other
applicable section of the uniform air regulatory act, shall be liable for any act performed under the provisions of this section.

1-4-11. Posting, notice, and filing of rules, regulations, and orders.

(a) Every general rule, regulation, and order of the director president and CEO shall be posted for public inspection in the main aeronautics office of the director president and CEO at least five (5) days before it becomes effective, and shall be given any further publicity, by advertisement in a newspaper or otherwise, as the director president and CEO deems advisable.

(b) Every order applying only to a particular person or persons named in it shall be mailed to, or served upon, that person or persons.

(c) Every rule, regulation, and order, general or otherwise, adopted by the director president and CEO shall be kept on file with the secretary of state.

1-4-12. Investigations and hearings — Subpoena powers.

The director president and CEO has the power to conduct investigations, inquiries, and hearings concerning matters covered by the provisions of this chapter and accidents or injuries incident to the operation of aircraft occurring within this state. The director president and CEO has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, or subpoenas duces tecum, compel the attendance and testimony of witnesses, and the production of papers, books, and documents. If any person fails to comply with any subpoena, subpoena duces tecum, or order issued under authority of this chapter, the director president and CEO may invoke the aid of any superior court in this state. The court may order the person to comply with the requirements of the subpoena, subpoena duces tecum, or order of the director president and CEO, or to give evidence upon the matter in question. Any failure to obey the order of the court is punishable by the court as a contempt of court.

1-4-13. Reports of hearings and investigations as evidence — Testimony by director, deputy director, and aeronautics inspectors. Reports of hearings and investigations as evidence -- Testimony by employees of the Rhode Island airport corporation, president and CEO.

The reports of investigations or hearings, or any part of the reports, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in those investigations or hearings, or in any report, except in the case of criminal or other proceedings instituted by, or on behalf of, the director president and CEO under the provisions of this chapter; nor shall the director, nor the deputy director, nor any aeronautics inspector president and CEO nor any employee of the Rhode Island airport corporation, be required to testify to any facts ascertained in, or information gained by reason of, his or her official capacity. Neither
the director, nor the deputy director, nor any aeronautics inspector for airports, president and CEO, nor any employee of the Rhode Island airport corporation, shall be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft or any navigation facility.

1-4-14. Enforcement — Cooperation of public agencies.

(a) It is the duty of the director, deputy director, aeronautics inspectors, president and CEO, and every state and municipal officer charged with the enforcement of state laws to enforce and assist in the enforcement of this chapter. The director, president and CEO is further authorized in the name of the state to enforce the provisions of this chapter by appropriate proceedings in the superior courts of this state. Other departments and political subdivisions of this state are authorized to cooperate with the director, president and CEO in the development of aeronautics within this state.

(b) The director, deputy director, aeronautics inspectors, president and CEO, and selected employees of the Rhode Island airport corporation to whom such powers may be delegated in the discharge of the duties of their office, have, in any part of the state, the same authority to make arrests for violation of the statutes, laws, rules, and regulations relating to aviation and airport security matters, and to enforce those statutes, laws, rules, and regulations, as regular constituted law enforcement officers in the state.

(c) The director, president and CEO shall issue to each selected employee credentials showing his or her authority to arrest, which credentials shall be carried upon the person of the designated employee while in the performance of his or her duties.

1-4-15. Reasons for orders — Closing of facilities — Inspection powers.

In any case where the director, president and CEO, pursuant to this chapter, issues any order requiring or prohibiting certain things to be done, the director, president and CEO shall set forth his or her reasons for the order and state the requirements to be met before approval is given or the rule, regulation, or order shall be modified or changed. In any case where the director, president and CEO deems the action necessary or proper, the director, president and CEO may order the closing of any airport or landing field, or the cessation of operations of any air school, flying club, air beacon, or other air navigation facility, until the requirements laid down by the director, president and CEO have been fulfilled. To carry out the provisions of this chapter, the director, deputy director, aeronautics inspectors, president and CEO and any officers, state or municipal, charged with the duty of enforcing this chapter, may inspect and examine, at reasonable hours, any premises, the aircraft and the buildings and other structures, where those airports, landing fields, air schools, flying clubs, air beacons, or other air navigation facilities are operated.

1-4-18. Waiver of review by failure to appeal.
If an appeal is not taken from the order of the president and CEO within the fixed period, the party against whom the order was entered shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and that issue shall not be tried in any court in which suit may be instituted for the penalty for failure to comply with the order.

SECTION 3. Section 1-5-1 of the General Laws in Chapter 1-5 entitled "Permanent Noise Monitoring Act — Aircraft Operations Monitoring System" is hereby amended to read as follows:

1-5-1. Establishment and installation of aircraft operations monitoring system.

(a) The Rhode Island airport corporation is authorized and directed to coordinate with the federal aviation administration to complete a memorandum of agreement between the Rhode Island airport corporation and the federal aviation administration (FAA) to provide for the continuing acquisition of air traffic control radar records related to the operation of civil aircraft at Rhode Island T.F. Green International Airport.

(b) The Rhode Island airport corporation is authorized and directed to install an aircraft operations monitoring system (AOMS) that shall be capable of providing detailed and summary information related to the operation of aircraft at and in the vicinity of Rhode Island T.F. Green International Airport. The AOMS shall be capable of plotting and displaying over area mapping the ground-projected flight tracks and related altitudes of aircraft that use the airport. The system shall be capable of displaying flight tracks of individually identified aircraft based on time and location of operation. The system shall have the capability to produce data files in both digital and hard copy format.

(c) The AOMS shall further be capable of producing summary reports that shall, at a minimum:

(1) Relate aircraft location data derived from air traffic control radar with individual activity events, based on time and location within the airport environs;

(2) Produce summary reports that disclose the use of runways by type of operation (landings or takeoffs), time of day, aircraft user group, and any other groupings that may from time to time become desirable at the option of the system user; and

(3) Disclose the activity levels by aircraft types, including, but not limited to, operations by Part 36 stage, operations by jet and propeller-powered aircraft, by air carrier or private operators, all presented by periods of time selected by the system operator.

(d) The AOMS reports shall be capable of expansion to provide additional data relating to flight track or corridor utilization, air traffic fix usage, and other information that may become desirable as a result of noise abatement and land use compatibility planning.

(e) The AOMS shall be procured and in effect by June 30, 1999. Provided, that if the Rhode
Island airport corporation is unable to complete a memorandum of agreement with the FAA as provided for in subsection (a) of this section by June 30, 1999, and the inability is not due to inaction by the corporation, then the director, president and CEO of the corporation may request the general assembly to extend the June 30, 1999 date as appropriate.

SECTION 4. Section 42-28.6-1 of the General Laws in Chapter 42-28.6 entitled "Law Enforcement Officers’ Bill of Rights" is hereby amended to read as follows:

42-28.6-1. Definitions — Payment of legal fees.

As used in this chapter, the following words have the meanings indicated:

1. "Law enforcement officer" means any permanently employed city or town police officer, state police officer, permanent law enforcement officer of the department of environmental management, or those employees of the airport corporation of Rhode Island who have been granted the authority to arrest by the director, president and CEO of said corporation. However this shall not include the chief of police and/or the highest ranking sworn officer of any of the departments including the director and deputy director, president and CEO of the airport corporation of Rhode Island.

2(i) “Hearing committee” means a committee which is authorized to hold a hearing on a complaint against a law enforcement officer and which consists of three (3) active or retired law enforcement officers from within the state of Rhode Island, other than chiefs of police, who have had no part in the investigation or interrogation of the law enforcement officer. The committee shall be composed of three (3) members; one member selected by the chief or the highest ranking officer of the law enforcement agency, one member selected by the aggrieved law enforcement officer and the third member shall be selected by the other two (2) members. In the event that the other two (2) members are unable to agree within five (5) days, then either member will make application to the presiding justice of the superior court and the presiding justice shall appoint the third member who shall be an active law enforcement officer. Upon written application by a majority of the hearing committee, the presiding justice, in his or her discretion, may also appoint legal counsel to assist the hearing committee.

(ii) The law enforcement agency and the law enforcement officer under investigation shall each be responsible to pay fifty percent (50%) of the legal fee of the appointed legal counsel for the hearing committee; provided, however, that on motion made by either party, the presiding justice shall have the authority to make a different disposition as to what each party is required to pay toward the appointed legal counsel’s legal fee.

3. “Hearing” means any meeting in the course of an investigatory proceeding, other than an interrogation at which no testimony is taken under oath, conducted by a hearing committee for
the purpose of taking or adducing testimony or receiving evidence.

SECTION 5. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS

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1. This act would designate the appropriate authority on air space issues as the president and CEO of the Rhode Island airport corporation and would align certain job titles with their proper responsibilities relative to aeronautics.

2. This act would take effect upon passage.