

## CHAPTER 121

( HB 282 )

AN ACT relating to airports.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 183.090 is amended to read as follows:

- (1) The cabinet shall cause all **general aviation** airport facilities in the state to be inspected to determine the safety and adequacy of such facilities. No person shall operate any aircraft from **a general aviation** airport declared unfit by the cabinet.
- (2) In determining whether it shall issue a certificate of approval ~~or license~~ for the use or operation of **a general aviation** airport, the cabinet shall take into consideration its location, size, layout, safety of operations, the relationship of the airport to a comprehensive plan for statewide and nationwide development, whether the adjoining area is free from obstructions based on a proper glide ratio, the nature of the terrain, the nature of the uses to which the airport will be put, and the possibilities for future development.
- (3) The cabinet is empowered to temporarily or permanently revoke any certificate of approval ~~or license~~ issued by it when it shall determine that **a general aviation** airport ~~for other navigation facility~~ is not being maintained or used in accordance with the provisions of this chapter and the **administrative** ~~rules and regulations promulgated in accordance with it pursuant thereto~~.

➔Section 2. KRS 183.861 is amended to read as follows:

- (1) There is hereby created and established within the cabinet, a commission to be known as the "Kentucky Airport Zoning Commission" which, notwithstanding the provisions of KRS Chapters 100 and 147, shall be empowered to issue orders, rules, and regulations pertaining to use of land within and around the facilities identified in subsection (2) of this section as will promote the public interest and protect and encourage the proper use of the airports and their facilities.
- (2) The commission shall have jurisdiction over land use issues around the following facilities **in the Commonwealth**:
  - (a) All military airports ~~in the Commonwealth~~;
  - (b) All public-use **facilities of the following types**:
    1. Airports; ~~and~~
    2. Heliports; ~~and~~
    3. **Seaplane** ~~seaplanes~~ bases ~~in the Commonwealth~~; and
  - (c) All ~~state licensed~~ private-use airports which have a paved runway in excess of two thousand nine hundred (2,900) feet.

➔Section 3. KRS 183.011 is amended to read as follows:

- (1) "Aeronautics" means the science and art of flight and includes but is not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.
- (2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.
- (3) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport within this state.
- (4) ~~"Air navigation facility" means any facility other than one owned or controlled by the United States, used in, available for use in, or designed for use in, aid of air navigation, including airports, rights, interests, or easements in the navigable air space, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage~~

~~or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.~~

- ~~(5)}~~ "Airport" means any area, of land or water, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights-of-way, whether theretofore or hereinafter established.
- ~~(5){(6)}~~ "Airport board," "airboard," or "board" means a board established as provided in this chapter and any airport board or airboard created pursuant to the provisions of KRS Chapter 183 as it existed prior to the enactment of 1960 Ky. Acts ch. 179 shall be deemed to have been established pursuant to this chapter with all of the powers, functions, and duties as herein prescribed.
- ~~(6){(7)}~~ "Airport facilities" includes land, buildings, equipment, runways, and other improvements and appurtenances necessary for the establishment and maintenance of airports.
- ~~(7){(8)}~~ "Airport hazard" means any structure, object, or natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off.
- ~~(8){(9)}~~ "Certificate" means a certificate issued by the cabinet.
- ~~(9){(10)}~~ "Civil aircraft" means any aircraft other than a public aircraft.
- ~~(10){(11)}~~ "Charter operator" means all persons who transport or seek to transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points.
- ~~(11){(12)}~~ "Commercial airport" means an airport certified by the Federal Aviation Administration in accordance with 14 C.F.R. ~~pt.~~~~{Part}~~ 139.
- ~~(12){(13)}~~ "Common carrier" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the Commonwealth of Kentucky.
- ~~(13){(14)}~~ "Commuter air carrier" means a common carrier of persons or property in intrastate commerce for hire or compensation by air, operating under federal aviation regulation (FAR) Part 135 or other appropriate parts or regulations and who operates or seeks to operate on regular schedules with multi-engine aircraft between two (2) or more fixed airport termini or over fixed routes only within the Commonwealth of Kentucky and publishes flight schedules which specify the times, days of week, and places between which such flights are performed.
- ~~(14){(15)}~~ "Development" and "airport development" mean:
- (a) Any work involved in planning, designing, constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport buildings and the removal, lowering, relocation, and marking and lighting of airport hazards; and
  - (b) Any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any required work or to remove, mitigate, prevent, or limit the establishment of airport hazards and expenses incident to the carrying out of the provisions of this chapter.
- ~~(15){(16)}~~ ***"General aviation airport" means any public-use airport that:***
- (a) Does not have scheduled passenger service; or***
  - (b) Is not inspected and certified by the Federal Aviation Administration (FAA) for commercial or scheduled air service in accordance with 14 C.F.R. pt. 139.***
- ~~(16)~~ "Navigable air space" means air space above the minimum altitudes of flight prescribed by the regulations of the Federal Aviation Administration or cabinet consistent therewith, and includes the air space necessary for normal landing or take off of aircraft.
- ~~(17)~~ "Operate," as pertains to an unmanned aircraft, means the actions taken by an operator of an unmanned aircraft. "Operate" refers only to the actions of an operator on the ground and is not intended to regulate an unmanned aircraft flying in navigable airspace.
- ~~(18)~~ "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this state, or upon any airport within this state. Any person who causes or authorizes the operation of

aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state.

- (19) "Operator" means a person operating or flying an unmanned aircraft.
- (20) "Overhead line" means any cable, pipeline, wire, or similar substance of any kind or description.
- (21) "Permit" means a permit issued by the cabinet.
- (22) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of the state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.
- (23) "Public airport" means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned.
- (24) "Public use airport" means any airport in the state airport plan open for use by the general public, not including a private airport used primarily for the benefit of the owner.
- (25) "State airport plan" means the plan of the cabinet for the development of public and certain private airports for the benefit of the people of this state.
- (26) "State airway" means a route in the navigable air space over the lands or waters of this state, designated by the cabinet as a route suitable for air navigation.
- (27) "Structure" means any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.
- (28) "Tree" includes objects of natural growth.
- (29) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.
- (30) "Unmanned aircraft facility map" means a map that may be developed by a commercial airport to display the airport facility's airspace overlaid with latitude and longitude rectangular gridlines, or any other commercially available system, that reflects the areas where it is unsafe to operate an unmanned aircraft without authorization by the commercial airport operator on property owned by a commercial airport and in specific areas consistent with obstructions to navigation under 14 C.F.R. ~~pt. Part~~ 77.

**Signed by Governor March 26, 2019.**