

1 AN ACT relating to airports.

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

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

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

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

- 21 (1) There is hereby created and established within the cabinet, a commission to be  
22 known as the "Kentucky Airport Zoning Commission" which, notwithstanding the  
23 provisions of KRS Chapters 100 and 147, shall be empowered to issue orders, rules,  
24 and regulations pertaining to use of land within and around the facilities identified  
25 in subsection (2) of this section as will promote the public interest and protect and  
26 encourage the proper use of the airports and their facilities.
- 27 (2) The commission shall have jurisdiction over land use issues around the following

1 facilities *in the Commonwealth:*

2 (a) All military airports~~[ in the Commonwealth];~~

3 (b) All public-use *facilities of the following types:*

4 1. Airports;~~[,]~~

5 2. Heliports;~~[,]~~ and

6 3. *Seaplane*~~[seaplanes]~~ bases~~[ in the Commonwealth];~~ and

7 (c) All ~~[state licensed,]~~ private-use airports which have a paved runway in excess  
8 of two thousand nine hundred (2,900) feet.

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

10 (1) "Aeronautics" means the science and art of flight and includes but is not limited to  
11 transportation by aircraft; the operation, construction, repair, or maintenance of  
12 aircraft, aircraft power plants, and accessories, including the repair, packing, and  
13 maintenance of parachutes; the design, establishment, construction, extension,  
14 operation, improvement, repair, or maintenance of airports or other air navigation  
15 facilities; and instruction in flying or ground subjects pertaining thereto.

16 (2) "Aircraft" means any contrivance now known, or hereafter invented, used or  
17 designed for navigation of or flight in the air.

18 (3) "Air navigation" means the operation or navigation of aircraft in the air space over  
19 this state, or upon any airport within this state.

20 ~~(4) "Air navigation facility" means any facility other than one owned or controlled by  
21 the United States, used in, available for use in, or designed for use in, aid of air  
22 navigation, including airports, rights, interests, or easements in the navigable air  
23 space, and any structures, mechanisms, lights, beacons, markers, communicating  
24 systems, or other instruments or devices used or useful as an aid, or constituting an  
25 advantage or convenience, to the safe taking off, navigation, and landing of aircraft,  
26 or the safe and efficient operation or maintenance of an airport, and any  
27 combination of any or all of such facilities.~~

1 ~~(5)~~ "Airport" means any area, of land or water, which is designed for the landing and  
2 take-off of aircraft, whether or not facilities are provided for the shelter, servicing,  
3 or repair of aircraft, or for receiving or discharging passengers or cargo, and all  
4 appurtenant areas used or suitable for airport building or other airport facilities, and  
5 all appurtenant rights-of-way, whether theretofore or hereinafter established.

6 ~~(5)~~~~(6)~~ "Airport board," "airboard," or "board" means a board established as provided  
7 in this chapter and any airport board or airboard created pursuant to the provisions  
8 of KRS Chapter 183 as it existed prior to the enactment of 1960 Ky. Acts ch. 179  
9 shall be deemed to have been established pursuant to this chapter with all of the  
10 powers, functions, and duties as herein prescribed.

11 ~~(6)~~~~(7)~~ "Airport facilities" includes land, buildings, equipment, runways, and other  
12 improvements and appurtenances necessary for the establishment and maintenance  
13 of airports.

14 ~~(7)~~~~(8)~~ "Airport hazard" means any structure, object, or natural growth, or use of land,  
15 which obstructs the air space required for the flight of aircraft in landing or taking  
16 off at any airport or is otherwise hazardous to such landing or taking off.

17 ~~(8)~~~~(9)~~ "Certificate" means a certificate issued by the cabinet.

18 ~~(9)~~~~(10)~~ "Civil aircraft" means any aircraft other than a public aircraft.

19 ~~(10)~~~~(11)~~ "Charter operator" means all persons who transport or seek to transport  
20 persons or property in intrastate commerce for hire on unscheduled service and not  
21 between fixed points.

22 ~~(11)~~~~(12)~~ "Commercial airport" means an airport certified by the Federal Aviation  
23 Administration in accordance with 14 C.F.R. ~~pt.~~~~Part~~ 139.

24 ~~(12)~~~~(13)~~ "Common carrier" shall include all carriers for hire or compensation by air  
25 who operate, or seek to operate, over fixed routes or between fixed termini within  
26 the Commonwealth of Kentucky.

27 ~~(13)~~~~(14)~~ "Commuter air carrier" means a common carrier of persons or property in

1 intrastate commerce for hire or compensation by air, operating under federal  
2 aviation regulation (FAR) Part 135 or other appropriate parts or regulations and  
3 who operates or seeks to operate on regular schedules with multi-engine aircraft  
4 between two (2) or more fixed airport termini or over fixed routes only within the  
5 Commonwealth of Kentucky and publishes flight schedules which specify the  
6 times, days of week, and places between which such flights are performed.

7 ~~(14)~~~~(15)~~ "Development" and "airport development" mean:

8 (a) Any work involved in planning, designing, constructing, improving, or  
9 repairing a public airport or portion thereof, including the construction,  
10 alteration, and repair of airport buildings and the removal, lowering,  
11 relocation, and marking and lighting of airport hazards; and

12 (b) Any acquisition of land, or any interest therein, or of any easement through or  
13 other interest in air space which is necessary to permit any required work or to  
14 remove, mitigate, prevent, or limit the establishment of airport hazards and  
15 expenses incident to the carrying out of the provisions of this chapter.

16 ~~(15)~~~~(16)~~ **"General aviation airport" means any public-use airport that:**

17 **(a) Does not have scheduled passenger service; or**

18 **(b) Is not inspected and certified by the Federal Aviation Administration (FAA)**

19 **for commercial or scheduled air service in accordance with 14 C.F.R. pt.**

20 **139.**

21 **(16)** "Navigable air space" means air space above the minimum altitudes of flight  
22 prescribed by the regulations of the Federal Aviation Administration or cabinet  
23 consistent therewith, and includes the air space necessary for normal landing or take  
24 off of aircraft.

25 (17) "Operate," as pertains to an unmanned aircraft, means the actions taken by an  
26 operator of an unmanned aircraft. "Operate" refers only to the actions of an operator  
27 on the ground and is not intended to regulate an unmanned aircraft flying in

1 navigable airspace.

2 (18) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of  
3 aircraft in the air space over this state, or upon any airport within this state. Any  
4 person who causes or authorizes the operation of aircraft, whether with or without  
5 the right of legal control as owner, lessee, or otherwise of the aircraft, shall be  
6 deemed to be engaged in the operation of aircraft within the meaning of the statutes  
7 of this state.

8 (19) "Operator" means a person operating or flying an unmanned aircraft.

9 (20) "Overhead line" means any cable, pipeline, wire, or similar substance of any kind or  
10 description.

11 (21) "Permit" means a permit issued by the cabinet.

12 (22) "Public aircraft" means an aircraft used exclusively in the service of any  
13 government or of any political subdivision thereof, including the government of the  
14 state, territory, or possession of the United States, or the District of Columbia, but  
15 not including any government-owned aircraft engaged in carrying persons or  
16 property for commercial purposes.

17 (23) "Public airport" means any airport which is used or to be used for public purposes  
18 under the control of a public agency, the landing area of which is publicly owned.

19 (24) "Public use airport" means any airport in the state airport plan open for use by the  
20 general public, not including a private airport used primarily for the benefit of the  
21 owner.

22 (25) "State airport plan" means the plan of the cabinet for the development of public and  
23 certain private airports for the benefit of the people of this state.

24 (26) "State airway" means a route in the navigable air space over the lands or waters of  
25 this state, designated by the cabinet as a route suitable for air navigation.

26 (27) "Structure" means any object constructed or installed by man, including but not  
27 limited to buildings, towers, smokestacks, and overhead transmission lines.

- 1 (28) "Tree" includes objects of natural growth.
- 2 (29) "Unmanned aircraft" means an aircraft operated without the possibility of direct  
3 human intervention from within or on the aircraft.
- 4 (30) "Unmanned aircraft facility map" means a map that may be developed by a  
5 commercial airport to display the airport facility's airspace overlaid with latitude  
6 and longitude rectangular gridlines, or any other commercially available system,  
7 that reflects the areas where it is unsafe to operate an unmanned aircraft without  
8 authorization by the commercial airport operator on property owned by a  
9 commercial airport and in specific areas consistent with obstructions to navigation  
10 under 14 C.F.R. ~~pt.~~Part 77.