

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 183.011 is amended to read as follows:

- 21 (1) "Aeronautics" means the science and art of flight and including, but not limited to  
22 transportation by aircraft; the operation, construction, repair, or maintenance of  
23 aircraft, aircraft power plants, and accessories, including the repair, packing, and  
24 maintenance of parachutes; the design, establishment, construction, extension,  
25 operation, improvement, repair, or maintenance of airports or other air navigation  
26 facilities; and instruction in flying or ground subjects pertaining thereto;
- 27 (2) "Aircraft" means any contrivance now known, or hereafter invented, used or

- 1           designed for navigation of or flight in the air;
- 2       (3) "Air navigation" means the operation or navigation of aircraft in the air space over  
3           this state, or upon any airport within this state;
- 4       (4) "Air navigation facility" means any facility other than one owned or controlled by  
5           the United States, used in, available for use in, or designed for use in, aid of air  
6           navigation, including airports, rights, interests, or easements in the navigable air  
7           space, and any structures, mechanisms, lights, beacons, markers, communicating  
8           systems, or other instruments or devices used or useful as an aid, or constituting an  
9           advantage or convenience, to the safe taking off, navigation, and landing of aircraft,  
10          or the safe and efficient operation or maintenance of an airport, and any  
11          combination of any or all of such facilities;
- 12       (5) "Airport" means any area, of land or water, which is designed for the landing and  
13          take-off of aircraft, whether or not facilities are provided for the shelter, servicing,  
14          or repair of aircraft, or for receiving or discharging passengers or cargo, and all  
15          appurtenant areas used or suitable for airport building or other airport facilities, and  
16          all appurtenant rights-of-way, whether theretofore or hereinafter established;
- 17       (6) "Airport board," "airboard," or "board" means a board established as provided in  
18          this chapter and any airport board or airboard created pursuant to the provisions of  
19          KRS Chapter 183 as it existed prior to the enactment of 1960 Ky. Acts ch. 179 shall  
20          be deemed to have been established pursuant to this chapter with all of the powers,  
21          functions, and duties as herein prescribed;
- 22       (7) "Airport facilities" includes land, buildings, equipment, runways, and other  
23          improvements and appurtenances necessary for the establishment and maintenance  
24          of airports;
- 25       (8) "Airport hazard" means any structure, object, or natural growth, or use of land,  
26          which obstructs the air space required for the flight of aircraft in landing or taking  
27          off at any airport or is otherwise hazardous to such landing or taking off;

- 1 (9) "Certificate" means a certificate issued by the cabinet;
- 2 (10) "Civil aircraft" means any aircraft other than a public aircraft;
- 3 (11) "Charter operator" means all persons who transport or seek to transport persons or  
4 property in intrastate commerce for hire on unscheduled service and not between  
5 fixed points;
- 6 (12) "Common carrier" shall include all carriers for hire or compensation by air who  
7 operate, or seek to operate, over fixed routes or between fixed termini within the  
8 Commonwealth of Kentucky;
- 9 (13) "Commuter air carrier" means a common carrier of persons or property in intrastate  
10 commerce for hire or compensation by air, operating under federal aviation  
11 regulation (FAR) Part 135 or other appropriate parts or regulations and who  
12 operates or seeks to operate on regular schedules with multi-engine aircraft between  
13 two (2) or more fixed airport termini or over fixed routes only within the  
14 Commonwealth of Kentucky and publishes flight schedules which specify the  
15 times, days of week, and places between which such flights are performed;
- 16 (14) "Development" and "airport development" mean:
- 17 (a) Any work involved in planning, designing, constructing, improving, or  
18 repairing a public airport or portion thereof, including the construction,  
19 alteration, and repair of airport buildings and the removal, lowering,  
20 relocation, and marking and lighting of airport hazards; and
- 21 (b) Any acquisition of land, or any interest therein, or of any easement through or  
22 other interest in air space which is necessary to permit any required work or to  
23 remove, mitigate, prevent, or limit the establishment of airport hazards and  
24 expenses incident to the carrying out of the provisions of this chapter;
- 25 (15) **"General aviation airport" means any public-use airport that:**
- 26 **(a) Does not have scheduled passenger service; or**
- 27 **(b) Is not inspected and certified by the Federal Aviation Administration (FAA)**

1 *for commercial or scheduled air service in accordance with 14 C.F.R. Part*

2 *139.*

3 (16) "Navigable air space" means air space above the minimum altitudes of flight  
4 prescribed by the regulations of the Federal Aviation Administration or cabinet  
5 consistent therewith, and includes the air space necessary for normal landing or take  
6 off of aircraft;

7 (17)~~(16)~~ "Operation of aircraft" or "operate aircraft" means the use, navigation, or  
8 piloting of aircraft in the air space over this state, or upon any airport within this  
9 state. Any person who causes or authorizes the operation of aircraft, whether with or  
10 without the right of legal control as owner, lessee, or otherwise of the aircraft, shall  
11 be deemed to be engaged in the operation of aircraft within the meaning of the  
12 statutes of this state;

13 (18)~~(17)~~ "Overhead line" means any cable, pipeline, wire, or similar substance of any  
14 kind or description;

15 (19)~~(18)~~ "Permit" means a permit issued by the cabinet;

16 (20)~~(19)~~ "Public aircraft" means an aircraft used exclusively in the service of any  
17 government or of any political subdivision thereof, including the government of the  
18 state, territory, or possession of the United States, or the District of Columbia, but  
19 not including any government-owned aircraft engaged in carrying persons or  
20 property for commercial purposes;

21 (21)~~(20)~~ "Public airport" means any airport which is used or to be used for public  
22 purposes under the control of a public agency, the landing area of which is publicly  
23 owned;

24 (22)~~(21)~~ "Public use airport" means any airport in the state airport plan open for use by  
25 the general public, not including a private airport used primarily for the benefit of  
26 the owner;

27 (23)~~(22)~~ "State airport plan" means the plan of the cabinet for the development of

- 1 public and certain private airports for the benefit of the people of this state;
- 2 ~~(24)~~~~(23)~~ "State airway" means a route in the navigable air space over the lands or
- 3 waters of this state, designated by the cabinet as a route suitable for air navigation;
- 4 ~~(25)~~~~(24)~~ "Structure" means any object constructed or installed by man, including, but
- 5 not limited to, buildings, towers, smokestacks, and overhead transmission lines; and
- 6 ~~(26)~~~~(25)~~ "Tree" includes objects of natural growth.