

111TH CONGRESS
2^D SESSION

H. R. 4815

To amend title 49, United States Code, to allow through-the-fence access to general aviation airports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2010

Mr. GRAVES (for himself, Mr. BOSWELL, Mr. EHLERS, and Mr. PETRI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to allow through-the-fence access to general aviation airports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Airport
5 Access and Protection Act of 2010”.

1 **SEC. 2. AGREEMENTS GRANTING THROUGH-THE-FENCE AC-**
2 **CESS TO GENERAL AVIATION AIRPORTS.**

3 (a) IN GENERAL.—Section 47107 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(t) AGREEMENTS GRANTING THROUGH-THE-FENCE
7 ACCESS TO GENERAL AVIATION AIRPORTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a
9 sponsor of a general aviation airport shall not be
10 considered to be in violation of this subtitle, or to be
11 in violation of a grant assurance made under this
12 section or under any other provision of law as a con-
13 dition for the receipt of Federal financial assistance
14 for airport development, solely because the sponsor
15 enters into an agreement that grants to a person
16 that owns real property adjacent to the airport, in-
17 cluding any residential, nonresidential, or commer-
18 cial property, access for aircraft located on that
19 property to the airfield of the airport.

20 “(2) THROUGH THE FENCE AGREEMENTS.—

21 “(A) IN GENERAL.—An agreement de-
22 scribed in paragraph (1) between an airport
23 sponsor and a property owner shall be a written
24 agreement that prescribes the rights, respon-
25 sibilities, charges, duration, and other terms de-
26 termined necessary to establish and manage the

1 airport sponsor’s relationship with the property
2 owner.

3 “(B) TERMS AND CONDITIONS.—An agree-
4 ment described in paragraph (1) between an
5 airport sponsor and a property owner shall re-
6 quire the property owner, at minimum—

7 “(i) to pay airport access charges that
8 are not less than those charged to tenants
9 and operators on-airport making similar
10 use of the airport;

11 “(ii) to bear the cost of building and
12 maintaining the infrastructure necessary to
13 provide aircraft located on the property ad-
14 jacent to the airport access to the airfield
15 of the airport; and

16 “(iii) to operate and maintain the
17 property, and conduct any construction ac-
18 tivities on the property, at no cost to the
19 airport and in a manner that—

20 “(I) is consistent with sub-
21 sections (a)(7) and (a)(9);

22 “(II) does not alter the airport,
23 including the facilities of the airport;

1 “(III) does not adversely affect
2 the safety, utility, or efficiency of the
3 airport;

4 “(IV) is compatible with the nor-
5 mal operations of the airport; and

6 “(V) is consistent with the air-
7 port’s role in the National Plan of In-
8 tegrated Airport Systems.

9 “(3) GENERAL AVIATION AIRPORT DEFINED.—

10 In this subsection, the term ‘general aviation air-
11 port’ means a public airport that is located in a
12 State and that, as determined by the Secretary of
13 Transportation—

14 “(A) does not have scheduled service; or

15 “(B) has scheduled service with less than
16 2,500 passenger boardings each year.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall apply to an agreement between an airport
19 sponsor and a property owner entered into before, on, or
20 after the date of enactment of this Act.

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