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HOUSE BILL NO. 1252

Offered January 20, 2012

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 5.1 a section numbered 5.1-25.5 and by adding a section numbered 15.2-2293.2, relating to the construction of structures affecting navigable airspace.*

Patron—Knight

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 5.1 a section numbered 5.1-25.5 and by adding a section numbered 15.2-2293.2 as follows:

§ 5.1-25.5. Technical airspace review.

Within 10 business days of receiving a request from the governing body of a locality, the Board shall issue a written technical airspace review regarding the potential effects upon navigable airspace within the Commonwealth of a structure proposed to be constructed in the locality. The review shall offer advisory, nonbinding recommendations to the locality and shall not be considered an official permit or an approval or disapproval of any local building permit or application. The review may include potential approach procedures; planned instrument approach procedures as depicted in the applicable Airport Layout Plans approved by the Federal Aviation Administration (FAA) or the Commonwealth; and planned or adopted minimum en route altitudes as published by the FAA. This section shall not affect any requirement of §§ 5.1-25.1 through 5.1-25.4.

§ 15.2-2293.2. Structures affecting navigable airspace.

A. Each political subdivision of the Commonwealth shall, by zoning ordinance, other relevant ordinance, or action protect any airspace, airway, or airport in its jurisdiction from any decrease in aviation safety or harm to aviation infrastructure caused by the construction of any structure.

B. The governing body of any locality, before approving a permit for the construction of a structure that does not require a permit under § 5.1-25.1 but stands (i) 200 feet or more above ground elevation or (ii) within 20,000 feet of the nearest point of a licensed public-use airport runway, shall obtain and consider a technical airspace review pursuant to § 5.1-25.5.

INTRODUCED

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