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HOUSE BILL NO. 2499

Offered January 23, 1995

A BILL to amend and reenact § 5.1-7 of the Code of Virginia, to amend the Code of Virginia by adding in Title 5.1 a chapter numbered 8.2, consisting of sections numbered 5.1-88.7 through 5.1-88.10, and to repeal § 5.1-8 of the Code of Virginia, relating to licensing and operating airports and landing areas, financial responsibility of certain airport owners and operators, and permits for operation and expansion of commercial airports or landing fields.

Patrons—Hargrove; Senator: Quayle

Referred to Committee on Roads and Internal Navigation

Be it enacted by the General Assembly of Virginia:

1. That § 5.1-7 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 5.1 a Chapter numbered 8.2, consisting of sections numbered 5.1-88.7 through 5.1-88.10 as follows:

§ 5.1-7. Licensing of airports and landing areas.

Except as provided in § 5.1-7.2, every person, before operating an airport or landing area or expanding or physically altering a runway, shall first secure from the Department a license. The application therefor shall be made on the form prescribed and furnished by the Department and shall be accompanied by a fee not exceeding \$100.

Such license shall be issued for a period not to exceed seven years, and shall be renewed every seven years. Before issuing such license, the Department shall require the holder of such license to furnish proof of financial responsibility prescribed in Chapter 8.2 of this title.

It shall be unlawful for any person to operate any airport or landing area which is open to the general public for the landing or departure of any aircraft until a license therefor shall be issued by the Department.

Before issuing such license for the establishment of a new airport, the Department shall investigate the location of such airport or landing area with the relation to its proximity to and its runway orientation in relation to any other airport or landing area and shall provide for the safety of civil aircraft alighting thereon or departing therefrom. If the proposed airport or landing area shall be so situated as to endanger aircraft using the same or any other airport or landing area in close proximity, and if proper provisions have not been made in all other respects for the safety of aircraft alighting thereon or departing therefrom, the license shall not be granted. To be licensed, an airport required to be licensed under § 5.1-7.2 must meet this criterion and any applicable requirement provided for in regulation promulgated under this section, but no others.

The Board may, by regulation, adopt any other requirements for licensure that are related to the safety of civil aircraft using such airport or landing area, including developing various classifications of licenses.

In addition to the above safety requirements, before a license is initially issued, the Department shall consider the reviews and comments of appropriate state agencies coordinated by the Department of Environmental Quality, and shall cause a public hearing to be held concerning the economic, social and environmental effects of the location or runway orientation of the airport or landing area if the facility is listed in the Virginia Air Transportation System Plan; however, such coordinated review by the Department of Environmental Quality shall not exceed ninety days after the Department has requested review by the Department of Environmental Quality. The public hearing required by the section shall be conducted by the Department of Environmental Quality in the jurisdiction in which the airport or landing areas is located, after publication of notice of the hearing in a newspaper of general circulation in such jurisdiction at least ten days in advance of such hearing.

Any license issued shall describe the number of runways, the length and orientation of each runway and/or, if appropriate, the landing area.

If a runway is to be extended or new runways are to be added, a revised license shall be applied for from the Department. If the airport or landing area is listed in the Virginia Air Transportation System Plan, the Department shall consider the reviews and comments of appropriate state agencies, coordinated by the Department of Environmental Quality, and shall cause a public hearing to be held concerning the economic, social and environmental effects of such changes to the license.

Whenever a public hearing is called for herein, if there has been a public hearing associated with the development of any environmental documents to comply with the receipt of federal funds, the Department and the Department of Environmental Quality may rely on such document or hearing in

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60 carrying out their respective duties set out in this section.

61 If an airport or landing area cannot meet the requirements for licensure that have been adopted by
62 the Department, or having met those requirements cannot maintain compliance, the Department may
63 issue conditional licenses to allow time for the airport or landing areas to take steps to meet those
64 requirements or may revoke any license issued, if requirements for licensure are not met or cannot be
65 met.

66 Any party aggrieved by the granting or refusal to grant any such license shall have a right of appeal
67 to the circuit court of the jurisdiction where the airport or landing area is to be located, which appeal
68 shall be filed in accordance with the Administrative Process Act, Chapter 1.1:1 of Title 9 of the Code of
69 Virginia.

70 All airports or landing areas that hold licenses or permits shall be issued new licenses, without
71 charge, on or before October 1, 1995, describing the number, length and orientation of the runway or
72 runways or, if appropriate, the landing area, which shall be valid for up to seven years. The length of
73 the new license term may be staggered so that all licenses will not become renewable at the same time.
74 If any airport landing area does not meet the current requirements for licensure, a new license may be
75 issued.

76 CHAPTER 8.2.

77 Financial Responsibility of Owners of Airports and Landing Areas

78 Required to be Licensed.

79 § 5.1-88.7. Proof of financial responsibility to be furnished for licensed airports or landing areas.

80 No airport or landing area shall be licensed by the Department unless and until the applicant
81 thereof furnishes proof of financial responsibility at least in the amounts required by this chapter.

82 § 5.1-88.8. What constitutes proof of financial responsibility.

83 The following shall constitute proof of financial responsibility as required by §5.1-88.7:

84 1. The issuance, by an insurance company licensed to write such insurance in the Commonwealth, of
85 a policy of bodily injury and property damage liability insurance or a policy or policies written
86 pursuant to Chapter 48 (§ 38.2-4800 et seq.) of Title 38.2, which provides coverage with respect to each
87 airport or landing area in the amount of one million dollars because of bodily injury to or death of the
88 person in any one accident, and to a limit of \$500,000 because of injury to or destruction of property of
89 others in any one accident; or a single limit policy in the sum of \$1,500,000 covering bodily injury and
90 property damage liability in any one accident; or

91 2. The execution of a bond by the licensee and by a surety company authorized to transact business
92 in this Commonwealth conditioned for payment in amounts and under the same circumstances as would
93 be required in a policy of bodily injury liability and property damage liability insurance, as required by
94 the provisions of subdivision A 1 of this section; or

95 3. The delivery to the Department of one million dollars cash or in securities such as fiduciaries may
96 invest in as provided by §§ 26-40.01 through 26-44. Such money or securities so delivered to the
97 Department shall be placed by it in the custody of the State Treasurer and shall be subject to execution
98 to satisfy any judgment within the limits on amounts required by this chapter for personal injury and
99 property damage liability insurance.

100 § 5.1-88.9. Certain sections of Code incorporated by reference; definitions.

101 The provisions of § 46.1-424, §§46.2-447 through 46.2-452, §§ 46.2-456 through 46.2-458, and
102 §§ 46.2-461, and 46.2-463 shall apply to all policies of insurance or other evidence of financial
103 responsibility hereunder except that whenever the word "Commissioner" appears in any of said sections
104 it shall be taken to mean the Director of the Department of aviation; and whenever the word
105 "Department" or "Department of Motor Vehicles" appears, it shall also be taken to mean the
106 Department of Aviation and "vehicle" or "motor vehicle" shall be taken to mean "aircraft."

107 § 5.1-88.10. Cancellation of insurance or corporate surety bond.

108 No policy of insurance or corporate surety bond issued pursuant to this chapter may be canceled or
109 terminated, except for nonpayment of premiums, until at least thirty days after notice of cancellation or
110 termination of said policy of insurance or corporate surety bond has been filed in the Office of the
111 Department, except that a subsequent policy or corporate surety bond procured and certified to the
112 Department shall on the effective date thereof terminate the insurance or corporate surety bond
113 previously in effect with respect to any aircraft designated in both policies or corporate surety bonds. If
114 a policy is canceled for nonpayment of premiums, notice of cancellation shall be filed in the Office of
115 the Department.

116 2. That § 5.1-8 of the Code of Virginia is repealed.

117 3. That the provisions of this act shall become effective on October 1, 1995