

.....
(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

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

Mr. GRAVES introduced the following bill; which was referred to the
Committee on _____

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.