



AMENDMENT NO. _____ Calendar No. _____

Purpose: To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 1586

AMENDMENT N^o 3465

To imp By Inhofe rtain

To: H.R. 1586

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Page(s)

GPO: 2009 45-603 (2009)

AMENDMENT intended to be proposed by Mr. INHOFE

Viz:

- 1 After title VII, insert the following:
- 2 **TITLE VIII—ACCESS TO**
- 3 **GENERAL AVIATION AIRPORTS**
- 4 **SEC. 801. SHORT TITLE.**
- 5 This title may be cited as the “Community Airport
- 6 Access and Protection Act of 2010”.

1 **SEC. 802. AGREEMENTS GRANTING THROUGH-THE-FENCE**
2 **ACCESS TO GENERAL AVIATION AIRPORTS.**

3 (a) IN GENERAL.—Section 47107 is amended by
4 adding at the end the following:

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

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

19 “(2) THROUGH THE FENCE AGREEMENTS.—

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

