

## **Amendments To Open Access to Vertiports Act**

**Summary:** Relating to the promotion of the development of public-use vertiports; establishing policy of state; defining “public-use vertiport” and “vertiport”; providing for applicability of article; establishing requirements for vertiport design and performance characteristics and vertiport layout plans; prohibiting political subdivisions from exercising zoning and land use authority to grant ~~or permit exclusive rights to vertiport owners or operators; requiring political subdivisions to use zoning and land use authority to promote reasonable access to advanced air mobility operators and public vertiports within their jurisdiction~~ an exclusive right to own, operate, or provide services at public-use vertiport; protecting the rights of private property owners to develop private-use vertiports; providing for harmonization of article with federal law.

### **Policy.**

It is the policy of this state to promote the development of a network of vertiports that will:

- (i) provide equitable access to public-use vertiports to citizens of this state who may benefit from advanced air mobility operations for cargo and passenger service; and
- (ii) protect the rights of private property owners to develop private-use vertiports.

The state seeks to avoid any vertiport monopolization or discrimination, by:

- (i) Funding the planning for and construction of public-use vertiports, with any funding appropriated by the Legislature;
- (ii) encouraging local zoning and other land use authorities to ensure an adequate number and a varied location of public-use vertiports to serve citizens throughout the state; and
- (iii) promoting competition and ~~equity of access at~~ equal access to public-use vertiports by prohibiting the grant of an exclusive right to ~~own, operate, or provide services at one or more vertiport owners and operators or to vertiport operators at one or more vertiports~~ public-use vertiports, unless a temporary grant of an exclusive right is necessary to expand advanced air mobility operations into a new market.

### **Definitions.**

For purposes of this article:

- (i) “public-use vertiport” means a vertiport that is directly available for use by the general public and is not subject to or intended to be subject to discretionary access by a private party.
- (ii) “vertiport” means infrastructure or a system with supporting services and equipment intended for landing, ground-handling, and take-off of crewed or uncrewed vertical take-off and landing (VTOL) aircraft.

### **Applicability.**

This article applies to any public-use vertiport that is available ~~for public-use by~~ to any advanced air mobility operator authorized by the U.S. Department of Transportation or Federal Aviation Administration to engage in passenger and/or cargo services in scheduled or non-scheduled service in or affecting interstate commerce.

This article does not apply to a vertiport that is subject to exclusive discretionary access by a private party.

### **Vertiport safety.**

(a) *Vertiport Design.* – Each vertiport subject to this article shall comply with any Federal Aviation Administration published rule or advisory circular containing standards for vertiport design and performance characteristics.

(b) *Vertiport Layout Plan.* – Each vertiport subject to this article shall submit a vertiport layout plan to the administrator of the Federal Aviation Administration in the form and manner determined by the administrator, and no operations may be conducted at the vertiport until such layout plan is approved.

### **Exclusionary and discriminatory zoning prohibited.**

A political subdivision of this state ~~shall not exercise its:~~

- (i) may not, for a public-use vertiport, exercise the political subdivision's zoning and land use authority to grant or permit an exclusive right to one or more vertiport owners or operators; and
- (ii) shall use ~~such~~ the political subdivision's zoning and land use authority to promote reasonable access to advanced air mobility operators at public-use vertiports within the jurisdiction of the subdivision.

### **Harmonization.**

The provisions of this article are intended to supplement any provision of federal law pertaining related to the design, construction, operations, or maintenance of a vertiport designed or constructed with a grant under 49 U.S.C. § 47101 et seq., ~~and any~~ Any provision of this article found in conflict with or otherwise preempted by federal law ~~shall be~~ is null and void, without invalidating any other provision of this article.